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



Our Ref: A.1142/1349

Date: 3 December 2015



NOTICE OF MEETING

Meeting: **Planning Committee**Date: **Friday 11 December 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 of 13/11/2015** (*Pages 1 - 18*)
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Outline Application: Proposed Commercial/Retail-Led Development, Mixed Use Development, Associated Works and Demolition of Existing Buildings at Riverside Business Park, Buxton Road, Bakewell (NP/DDD/0415/0340 P.4822 421111/369121 30/11/2015/KW/CF)** (*Pages 19 - 44*)
Site Plan

7. **Full Application: Demolition of Former Mill Buildings, Associated Structures and Other Buildings and Erection of 72-Bed Hotel Development Incorporating Ground Floor Floorspace with Flexibility to be used for Class A3 and Class D2 Uses, Improvements to Existing Site Access, Parking and Landscaping and other Associated Works at, Riverside Business Park, Buxton Road, Bakewell (NP/DDD/0415/0339, P.4822, 421118/369156, 29/04/2015/KW/CF) (Pages 45 - 72)**
Site Plan
8. **Assessment Under The Habitats Regulations - Ballidon Quarry (APB)- Habitat Regulations Assessment In Relation to Two Parallel Planning Applications Which Seek to Amend the Current Extraction Boundary and Provide for an Enhanced Restoration Scheme (NP/DDD/0715/0618 & NP/DDD/0715/0619) (Pages 73 - 82)**
Appendix 1

Appendix 2
9. **(A) Full Application for Revision to Quarry Development Scheme Within Current Planning Consent Boundary and Provision of Enhanced Restoration Scheme, Ballidon Quarry (NP/DDD/0715/0619, M3893, 31/07/2015, 420192/354944, APB) and (B) Variation of Conditions (2, 11, 38, 39) Contained in Planning Consent NP/DDD/0214/0210 Relating to Permitted Scheme of Working and Provide Enhanced Restoration Scheme, Ballidon Quarry (NP/DDD/0715/0619, M3893, 31/07/2015, 420192/354944, APB) and (NP/DDD/0715/0618, M3893, 31/07/2015, 420192/354944, APB) (Pages 83 - 126)**
Site Plan 1

Site Plan 2
10. **Full Application - Change of Use of Camping Barn to Agricultural Workers Dwelling at Butterlands Barn, Greenhill Lane, Alstonefield (NP/SM/0815/0806, P10789, 412565/356666, 29/11/2015/ALN/CF) (Pages 127 - 142)**
Appendix 1

Site Plan
11. **Full Application - Change of Use of Barn/Former Blacksmith's Workshop to Dwellinghouse, The Barn, Back Lane, Alstonefield (NP/SM/0615/0548 P.2561 412978/365506 30/11/2015/CF) (Pages 143 - 160)**
Appendix 1

Site Plan
12. **Full Application - Conversion of Barn to Local Needs Dwelling Adjacent to the B5056, Winster (NP/DDD/0815/0796, P.691, 424118/359436, 24/11/2015/KW/CF/BT) (Pages 161 - 182)**
Appendix 1

Site Plan
13. **Full Application - Retrospective Planning Application for a Lean-To Agricultural Barn for Small Beef Cattle Herd, Mixon Mines Farm, Onecote (NP/SM/0915/0896, P.663, CF/29/11/2015) (Pages 183 - 192)**
Site Plan

14. **Full Application - Proposed Conversion of Former House to Form Accessible Holiday Let Accommodation, Smelters Cottage, Hathersage (NP/DDD/0915/0913, P6103, 424783 / 381751, 23/11/2015/AM) (Pages 193 - 204)**
Site Plan
15. **Full Application - Demolition of Farmhouse and Erection of Replacement Dwellinghouse; Demolition and Rebuilding of Stables to Form Additional Living Accommodation; Erection of Stable Buildings and Garaging at Bleaklow Farm, Hassop (NP/DDD/1115/1053, P4718, 421762 373510, 06/11/15/KW) (Pages 205 - 218)**
Site Plan
16. **Full Application - Erection of Steel Fabrication Workshop on Previously Developed Land, Pittlemere Lane, Tideswell Moor, Tideswell (NP/DDD/0915/0888, P.6009, 414620 / 378500, 26/11/2015/AM) (Pages 219 - 226)**
Site Plan
17. **Full Application - Demolition of Existing Shed and Replacement with Single Storey Office Block at Main Road, Hassop Road, Calver (NP/DDD/0815/0782, P.9612, 423888 / 376403, 18/11/2015/AM) (Pages 227 - 234)**
Site Plan
18. **Full Application - Change of Use of a Single Dwelling to Part Dwelling and Part Holiday Let Accommodation at 6 New Road, Eyam (NP/DDD/0915/0843, P.5648, 422205 / 376403, 18/11/2015/AM) (Pages 235 - 242)**
Site Plan
19. **Head of Law Report (A.1536/AMC) (Pages 243 - 244)**
20. **Local Government Ombudsman Complaint (C.355/JRS) (Pages 245 - 246)**

Duration of Meeting

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

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

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

Agendas and reports

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

Background Papers

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

Public Participation and Other Representations from third parties

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

Written Representations

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

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

To: Members of Planning Committee:

Chair: Mr P Ancell
Vice Chair: Cllr D Birkinshaw

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

Other invited Members: (May speak but not vote)

Cllr Mrs L C Roberts	Cllr A McCloy
Cllr C Furness	

Constituent Authorities
Secretary of State for the Environment
Natural England

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



MINUTES

Meeting: **Planning Committee**

Date: Friday 13 November 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 Mrs C Howe, Cllr H Laws, Ms S McGuire,
Cllr J Macrae, Cllr Mrs K Potter and Cllr Mrs J A Twigg

Cllr A McCloy and Cllr Mrs L C Roberts attended to observe and speak but not vote.

Apologies for absence: Cllr C Carr.

135/15 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 9 October 2015 were approved as a correct record. The meeting noted the following updates from the Director of Planning:

- Minute 123/15 – Most of Old Moor Quarry was in the area covered by Derbyshire County Council (DCC), which is dealing with a ROMP for the permission in its administrative area. The Director of Planning advised that the Senior Minerals Planner is liaising with DCC to try to adopt a consistent approach, but this work was not yet completed so it was not possible to bring a report on the ROMP determination to Committee this month.
- Minute 125/15 – amended plans and additional details had been received but as they missed the deadline for the November meeting, the required report would be brought to the meeting on 11 December.

136/15 URGENT BUSINESS

There was no urgent business to consider.

137/15 MEMBERS DECLARATIONS OF INTEREST

Item 6

Cllr P Brady, Cllr D Chapman, Mr R Helliwell and Cllr Mrs J Twigg each declared a personal interest as a customer of the applicant.

Item 8

- Cllr Mrs N Hawkins declared a personal interest as she knew one of the speakers
- Cllr D Chapman declared a personal interest as he knew the applicant

Item 12

- Cllr D Chapman and Cllr Mrs J Twigg each declared a personal interest as they knew the applicant
- The Director of Planning declared a non-prejudicial interest as he had previously worked as consultant for the applicant, but had not been involved in this proposal in any way

Item 13

- Cllr Mrs J Twigg declared a personal interest as she knew the applicant

Items 14 & 15

- Cllr Mrs K Potter declared that she supports the use of photo voltaic cells. She would leave the room during consideration of the item and take no part in the voting
- Mr R Helliwell declared a personal interest as a Member of the Peak District National Park Authority
- Cllr D Chapman stated that he had received an email from Sir Richard Fitzherbert

Item 16

- The Chair acknowledged that all Members knew the applicant
- Cllr P Brady declared a prejudicial interest as the applicant. He would leave the room during consideration of the application and take no part in the voting

Item 20

- Cllr Mrs J Twigg declared a personal interest as she and her husband had used the agent in building their house

138/15 PUBLIC PARTICIPATION

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

139/15 FULL APPLICATION - MAJOR DEVELOPMENT - CHANGE OF USE OF LAND AND CONSTRUCTION OF BUILDING FOR USE AS BUILDERS AND PLUMBERS MERCHANTS, ALTERATIONS TO VEHICULAR ACCESS, PROVISION OF CAR PARKING FACILITIES, EXTERNAL STORAGE OF BUILDING STOCKS AND RELATED ANCILLARY ITEMS, FENCING AND LANDSCAPING OF SITE, LAND ADJACENT TO TIDESWELL INDUSTRIAL PARK, WHITECROSS ROAD, TIDESWELL

Members had visited the site on the previous day.

The officer recommended an additional condition requiring a photographic record of the field barns prior to demolition and stated that the proposed 2m wide belt of tree planting would be increased to 5m. The officer reported that the applicant was interested in using solar panels, the installation of which would be agreed with officers. Members proposed further amendments to conditions to control the location of outside storage and ensure that the designated parking area would not be used for storage. An area specifically for HGV parking was proposed. Members sought reassurance that the use of the site would be restricted to building and plumbing sales only, with the final wording of the condition to be agreed by the Chair/Vice Chair.

On the basis of the above additions and amendments, Members moved, seconded and voted in favour of the recommendation.

RESOLVED:

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

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with specified amended plans with the 12 degree roof pitch option, with the limitation of storage to the site only and not encroaching upon designated parking areas which will include specific HGV parking.**
- 3. Prior submission of full landscaping details with full implementation and maintenance thereafter of the submitted landscaping scheme with all the hard landscaping completed before the building is brought into use and all tree planting completed by the end of the first available planting season following the substantial completion of the building. The belt of trees is to be 5m wide.**
- 4. Excess excavated spoil to be disposed of via a licensed waste operator.**
- 5. The use of the site to be restricted to a building and plumbing supply merchants only with retail sales to visiting members of the public remaining ancillary to the primary use as a wholesale building and plumbing supply depot.**
- 6. The concrete block work walling to be rendered and finished with a dry dashed finish in limestone chippings before being brought into use.**
- 7. The pedestrian doors, roller shutter doors and all cladding to the roof and walls shall be pre-coloured dark blue with a matt finish to BS Ref 18B29.**
- 8. Prior submission for written approval of the details and finish of the proposed security fencing.**
- 9. No flood or other lighting of the site other than in accordance with a detailed scheme submitted for prior written approval by the Authority.**
- 10. Prior submission of a scheme of environmental management of the building.**

11. **Highway conditions and footnotes covering provision of visibility spays, extension of footway, prior parking provision, construction parking plan, setting back of gates from highway and work permits within the highway.**
12. **Carry out the ecological mitigation (provision of nest boxes).**
13. **Footnotes regarding possible contact with bats or nesting birds on site during construction/demolition works.**
14. **Submission of the details of the means of sustainable drainage system for surface water disposal.**
15. **That a photographic record be made of the field barns prior to their demolition.**

140/15 FULL APPLICATION - ERECTION OF AN AFFORDABLE DWELLING TO MEET A LOCAL NEED AT GREEN FARM, ALDWARK

This application had been deferred at the Planning Committee of 9 October 2015 in accordance with Standing Orders, which state:

1.48:

- (1) Where following consideration of any matter a Committee or a Sub-Committee is proposing to make a decision which would be a departure from Policy and/or the Officer recommendation (other than minor acceptable exceptions), final determination of the matter shall be deferred until the next meeting of the Committee or Sub-Committee. During the deferment, the relevant officers will prepare a further report for the Committee or Sub-Committee on their provisional views for consideration at the next meeting. The officers' report will cover:
 - i. the policy implications e.g. whether the decision is a major departure from the development plan or other key policy
 - ii. the budget implications
 - iii. a risk assessment
 - iv. an assessment of the robustness of the provisional reasons, including recommendations on any conditions
- (2) The Senior Manager advising a Committee or Sub-Committee shall, through the Chair of the meeting, inform the meeting either before or immediately after a vote is taken that this Standing Order applies to that decision and that only a recommendation to a future meeting of the Committee or Sub-Committee can be made at that time.

The officer stated that the Authority's Policy Team did not agree with the term "acceptable exception" in the concluding paragraph of the report and considered that approval of the application would be a departure from the Authority's Planning Policy.

The Director of Planning noted that all applications approved contrary to policy were logged and monitored through the Annual Monitoring Report to inform any future review of policy.

Amended plans had been submitted showing the single chimney centrally placed on the roof of the proposed dwelling. The officer updated the wording of condition 2 by replacing the word “amended” with “submitted”. He confirmed that Aldwark is not a named settlement in the Authority’s Core Strategy Development Plan, therefore should the affordable dwelling become available in the future, suitable occupants would be sought from neighbouring settlements/parishes in a cascade process. The officer stated that the proposed dwelling would have a separate curtilage and not be tied to the farm.

The recommendation with the amended wording in condition 2 was moved, seconded, voted upon and carried.

RESOLVED:

That the revised application be APPROVED subject to prior entry into a s.106 legal agreement that would maintain the proposed house as an affordable house to meet local need in perpetuity naming the applicant as the intended first occupant and subject to the following conditions/modifications:

- 1. The development hereby permitted shall be commenced within two years of the date of the permission.**
- 2. The development hereby permitted shall not be carried out otherwise in complete accordance with submitted elevation plans and the submitted block plans subject to the following conditions:**
- 3. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the National Park Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:**
 - (i) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works**
 - (ii) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.**
- 4. No development shall take place until a landscaping scheme has been submitted to and agreed in writing by the National Park Authority. The submitted scheme shall include: (i) details of all trees to be retained and protection for those trees during the construction phase of the proposed development; (ii) precise details of all hard and soft landscaping including details of any seeding or planting, surfacing materials and boundary treatments; (iii) precise details of the provision and undergrounding of services; and (iv) precise details of parking provision within the site curtilage. Thereafter, the proposed development shall be carried out in complete accordance with the approved landscaping scheme, which shall be completed prior to the first occupation of the dwelling hereby permitted.**

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

141/15 FULL APPLICATION - CHANGE OF USE OF CAMPING BARN TO AGRICULTURAL WORKER'S DWELLING AT BUTTERLANDS BARN, GREENHILL LANE, ALSTONEFIELD

Members had visited the site on the previous day.

The officer acknowledged the need for an agricultural worker's dwelling on the farm but stated it would be more appropriately situated within the existing farm building complex. An ecological survey was required to assess the presence of any newt and bat habitats and their potential disturbance by any development work. However, such a survey could not be undertaken until the period between March and September 2016.

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

- Cllr Mrs G Heath, County Councillor and Supporter

The officer stated that the requirements for ecological surveys had changed since the camping barn was approved in 1997. He confirmed that the building and the curtilage would be enlarged under the current proposals.

A motion to defer pending a further site visit within the month was moved. The officer advised the meeting that a deferral would give the applicant the right to appeal against non-determination and there would still be the need for an ecological survey. The motion was seconded on the basis that Members wanted to assess the viability of other barns on the farm.

The officer said that he would contact the agent to arrange a site visit.

The motion was voted upon and carried.

RESOLVED:

That the item be DEFERRED pending a site visit to assess the viability of alternative ways to meet the identified need for an agricultural worker's dwelling.

142/15 FULL APPLICATION - CHANGE OF USE OF BARN/FORMER BLACKSMITH'S WORKSHOP TO DWELLINGHOUSE, THE BARN, BACK LANE, ALSTONEFIELD

Members had visited the site on the previous day.

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

- Ms M Turley, Applicant

Officers advised that the applicant did not meet the criteria for local needs occupation and that any decision to approve the proposals would therefore have to be deferred to the next meeting of the Planning Committee under Standing Order 1.48.

A motion to defer was moved and seconded, voted upon and carried with one abstention.

RESOLVED:

That under Standing Order 1.48, a further report setting out policy issues and conditions be brought to the next meeting of the Planning Committee for final determination with a recommendation for approval subject to a section 106 agreement which would make the applicant the first occupant of a one-bedroom affordable home.

143/15 FULL APPLICATION - PROPOSED HOLIDAY BARN CONVERSION, MANEGE, STABLING AND IMPLEMENT SHED INCLUDING CHANGE OF USE OF LAND AND BUILDINGS AND RETROSPECTIVE CONSENT FOR CREATION OF TWO TURNOUT YARDS AT WILLOW FARM, BUTTERTON

Members had visited the site on the previous day.

The applicant had submitted amended plans omitting the proposed implement shed between the dwelling house and Barn 1 and relocating the manège to the south of Barn 2, which already had permission for use as holiday accommodation. The application also sought to regularise the unauthorised creation of two turn-out yards which affected a public right of way.

Members requested an additional condition to control external lighting.

The wording of Condition 4 was amended to replace the word "refuse" with "take no action" and Condition 6 was clarified by adding "and all field shelters".

The recommendation to approve the application with these additional/amended conditions was moved, seconded, voted upon and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. **3 year implementation time limit.**

- 2. Adopt amended plans.**
- 3. Work shall not commence on any of the stabling hereby approved or the manege until a diversion order to the public right of way known as 'Butterton no.17' has been approved re-routing the footpath to the route shown on the approved plans and the new footpath has been provided on the diverted route.**
- 4. Turnout areas to be removed and land restored to its former levels and condition within 3 months of the date of failure to meet the requirement set out in (i) below:**
 - (i) if within 9 months of the date of this decision Staffordshire County Council take no action to make a footpath diversion order of Butterton Footpath no. 17 to the route shown on the approved block plan and the new route is not provided in accordance with the approved order.**
- 5. The development hereby approved shall be used only in connection with ancillary equestrian use in association with the domestic use of Willow Farm or in connection with occupiers of the two approved holiday cottages on site. The facilities shall not be used as commercial livery or as a riding school.**
- 6. Existing wooden stables and all field shelters to be completely removed from the site within 4 weeks of either stable block hereby approved being first brought into use.**
- 7. Holiday occupancy condition on barn conversion.**
- 8. Stables to be removed when no longer required for the keeping of horses.**
- 9. First 5m of access track rear of the public highway to be surfaced with an appropriate hard surface before the development hereby approved is first brought into use.**
- 10. Manure to be stored in areas shown on approved plans and to be managed in accordance with details received in letter from agent dated 12 October 2015.**
- 11. Adopt submitted landscaping scheme for planting to south of manege. Landscaping scheme for additional planting to south of turnout areas to be submitted and agreed.**
- 12. Minor Design Details.**
- 13. External lighting.**

As there were no speakers for Item 11, the Chair moved to Item 12. In accordance with the Authority's Standing Orders, the meeting voted to continue its business beyond 3 hours.

144/15 FULL APPLICATION - PROPOSED AGRICULTURAL UNIT AT TOWN END FARM, MAIN STREET, CHELMORTON

Members had visited the site on the previous day.

The Director of Planning stated that he had once acted as the applicant's planning consultant on a different application.

Cllr Mrs N Hawkins left the room prior to the officer's introduction.

The officer reported that although an agricultural appraisal was required and had been requested, it had not been forthcoming. Amended plans had been submitted which sought to address the concerns raised by officers regarding the design of the building.

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

- Mr J Devereux, Applicant

Cllr Mrs N Hawkins rejoined the meeting after the representation and took no part in the debate or voting.

A motion to defer a decision until an agricultural appraisal had been submitted was moved but not seconded. A motion to refuse the application was moved and seconded on the basis of the lack of an agricultural appraisal and the wider landscape impact.

The motion for refusal was voted upon and carried with one abstention.

RESOLVED:

That the application be REFUSED in the absence of an agricultural appraisal and because of the impact of the proposed building on the wider landscape and the setting of the nearby listed building.

The committee adjourned for lunch at 1.27pm and reconvened at 1.50pm.

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr D Chapman, Cllr Mrs N Hawkins, Mr R Helliwell, Cllr Mrs C Howe, Cllr H Laws, Mrs S McGuire, Cllr J Macrae, Cllr Mrs K Potter

Cllr A McCloy and Cllr Mrs L Roberts attended to observe and speak but not vote

The Chair brought forward items with speakers.

145/15 FULL APPLICATION - CHANGE OF USE FROM AN UNUSED COMMERCIAL GARAGE TO A DOMESTIC DWELLING AT THE GARAGE AND PREMISES, WHESTON BANK, TIDESWELL

Members had visited the site on the previous day.

The officer reported that the applicant had not taken officers' advice to withdraw the current application and submit a revised application for the redevelopment of the site for local needs affordable housing or market housing supported by a viability appraisal.

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

- Mr G Newton, Applicant

The recommendation of refusal was moved, seconded, voted upon and carried with 3 abstentions.

RESOLVED:

That the application be REFUSED for the following reasons.

1. **The proposal does not achieve a high standard of design and it fails to take the opportunities available for achieving enhancement via removal of the building. Retaining the building combined with the treatments to the building and site will not achieve conservation or enhancement and would in fact detract from the character and appearance of the Conservation Area and its National Park setting and also cause amenity issues with the neighbouring property Honeysuckle House. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policies GSP1, GSP2, GSP3, L3, Local Plan Policies LC4, LC5 the Authority's SPD the 'Design Guide' and the NPPF.**
2. **Whilst it is accepted that the existing employment use can be released, the proposed conversion does not adequately demonstrate why the site could not be redeveloped for Local Needs Affordable Housing and the scheme itself is not considered to achieve an enhancement. Consequently the proposed unrestricted dwelling is not considered to be required for the conservation or enhancement of the site. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policies E1, HC1, GSP2, Local Plan Policy LH1 and the NPPF.**
3. **The application does not include adequate information to enable the impact on trees to be considered; it is therefore contrary to Local Plan Policy LC20. As this may have implications for protected species it is also contrary to Local Plan Policy LC17 and Core Strategy Policy L2.**

146/15 FULL APPLICATION - DEMOLITION OF EXISTING DWELLING AND PROPOSED REPLACEMENT DWELLING AT HILLCREST, SHERWOOD ROAD, TIDESWELL (NP/DDD/0315/0150, P.6398, 415072 / 375434, 24/10/2015/AM)

Members had visited the site on the previous day.

The officer recommended the addition of a condition to address ecological concerns as detailed in the report submitted by the agent. Members queried the need for obscure glazing.

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

- Ms A Beare, Agent

A motion to approve the application subject to the removal of a requirement to install obscure glazing to the first floor bedroom windows on the north elevation and with the addition of conditions to address ecological concerns was moved, seconded, voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions.

1. **Statutory 3 year time limit for implementation.**
2. **Development not to be carried out otherwise than in accordance with specified amended plans, subject to the omission of the obscure glazing in the first floor bedroom windows on the north elevation.**
3. **Removal of permitted development rights for external alterations and extensions.**
4. **Prior approval of detailed scheme of landscaping (including any new planting, earth mounding, re-seeding, walls, gates and hard standing) to be implemented as part of the development.**
5. **Prior approval of details of foul sewerage.**
6. **Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, roof materials, windows and door design and finish and rainwater goods.**
7. **Require fixed windows for first floor windows on the northern gable and fixed and obscure glazing for the ground floor windows on the southern gable.**
8. **Prior approval of space within the site for accommodation, storage of plant, materials and parking for site operative's vehicles during construction works.**
9. **Prior approval of bin storage space.**
10. **Parking and turning areas to be laid and constructed prior to occupation and maintained available for use in perpetuity.**
11. **Ecological stipulations as set out in the ecological survey report.**

147/15 FULL APPLICATION - DEMOLITION OF BUNGALOW AND CONSTRUCTION OF REPLACEMENT DWELLING AT HIGH PASTURE, CURBAR HILL, CURBAR

The officer advised that the applicant had been informed via pre-application planning advice of the extreme sensitivity of the site and that the proposals were not compliant with policy LH5.

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

- Mr D Oulsnam, Agent

The recommendation for refusal was moved, seconded, voted upon and carried with one abstention.

RESOLVED:

That the application be REFUSED for the following reason.

1. **The proposed development would have an adverse visual impact and harm the scenic beauty of the National Park's landscape and the setting of the Curbar Conservation Area contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4, LC5 and LH5 and the National Planning Policy Framework.**

Following consideration of this item, Cllr Mrs K Potter left the meeting at 2.40pm.

148/15 HOUSEHOLDER APPLICATION - REPLACEMENT ROOF AND EXTENSION, WOODLAND VIEW, TIDESWELL LANE, EYAM

The officer explained the condition reducing the number of roof lights at the rear of the property.

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

- Mr A Mew, Applicant

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

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. **Statutory 3 year period to commence development.**
2. **Completion in accordance with the revised plans.**
3. **Rooflights to rear roof slope to be reduced from 4 to 2.**

149/15 FULL APPLICATION - DEMOLITION, RE-BUILD, ALTERATION AND EXTENSION AT WITHAMLEY HOUSE, BRADFELD

The officer explained that following the 2007 permission to extend the farmhouse, the applicant had rebuilt all the walls following the collapse of some during construction. This effectively negated the permission as the work constituted a replacement dwelling.

Two objections had been received saying that the proposal was not like the original building and also objecting to a retrospective application.

Officers explained the reasoning for the condition withdrawing permitted development rights as the site was in a prominent location.

The recommendation for approval was moved and seconded subject to the deletion from condition 6 that rainwater goods should be black. Members also proposed an additional condition to manage sustainability of the building.

Cllr H Laws left the meeting at 3pm, prior to the vote.

The motion including the amended condition and additional condition was voted upon and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions.

- 1. Development to be carried out in accordance with specified amended plans.**
- 2. Prior approval of detailed scheme of landscaping (including new planting, earth mounding, re-seeding, walls, gates and hardstanding) to be implemented as part of the development.**
- 3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the replacement dwelling shall be carried out and no extensions or porches shall be erected on the site without the National Park Authority's prior written consent.**
- 4. Details of window materials to be submitted and approved. All window and door frames shall be recessed a minimum of 100mm from the external face of the wall.**
- 5. Doors to be constructed of timber.**
- 6. 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.**
- 7. Parking and turning areas to be laid and constructed prior to occupation and maintained in perpetuity.**
- 8. All pipework, other than rainwater goods, shall be completely internal within the building.**
- 9. Prior submission and agreement of a scheme of environmental management for the development.**

Following consideration of this item, Cllr Mrs N Hawkins and Cllr J Macrae left the meeting.

150/15 FULL APPLICATION - CHANGE OF USE OF UNITS 1 AND 2 FROM CAFÉ/CRAFT SCULPTURE WORKSHOP TO MICROBREWERY (USE CLASS B2). RETAINING CAR PARKING AND EXTERNAL ELEMENTS (INCLUDING ELEVATIONS) AS EXISTING AT ROOKES POTTERY, MILL LANE, HARTINGTON

Following the officer's introduction, the recommendation of approval was moved, seconded, voted on and carried.

RESOLVED:

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

- 1. Statutory time limit**
- 2. To be carried out in accordance with the submitted plans**
- 3. Restrict use to microbrewery within B2 Use Class (General Industrial)**
- 4. Noise restriction at boundary of site**
- 5. Odour limit at boundary of site**
- 6. Restrict times of opening and deliveries**
- 7. Retain existing parking and manoeuvring space**

151/15 FULL APPLICATION - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF REPLACEMENT DWELLING, INCLUDING NEW SITE ACCESS AT THE TREES, INTAKE LANE, BAKEWELL

Following the officer's introduction, the recommendation of approval was moved, seconded, voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. 3 year implementation time limit**
- 2. In accordance with the submitted plans and amended plan no. PO5 Rev D.**
- 3. The replacement dwelling shall be set into the sloping ground levels, with the finished ground floor level set at the same level as the existing bungalow. Prior to the commencement of the replacement dwelling works, plans to a minimum scale of 1:100 shall be submitted and agreed in writing by the Authority showing the finished ground levels of the replacement dwelling, showing the dwelling excavated into the existing sloping ground levels adjacent to the replacement dwelling footprint. Once agreed, the scheme shall be carried out in accordance with the approved details.**
- 4. Existing bungalow and other existing structures, to be removed from the site prior to the commencement of the replacement dwelling works.**
- 5. Submit and agree any details of spoil removal arising from the dwelling demolition and excavation works.**

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the replacement dwelling shall be carried out and no extensions, porches, ancillary buildings, solar panels, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.
7. Prior to the installation of any external lighting, full details of the precise design and specifications of the lighting, or source of illumination including its location, and luminosity, shall be submitted to and approved in writing by the National Park Authority. The lighting or any other source of illumination shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.
8. Submit and agree comprehensive hard and soft landscaping scheme.
9. Restrict domestic curtilage to area edged green on plan no. 1/P.7707.
10. Details of a scheme of appropriate Environmental Management measures, including details of the position and specification of 'built in' solar panels, shall be submitted to and approved in writing by the Authority. The agreed Environmental Management facilities shall then be installed in accordance with a timetable that has been submitted to and agreed in writing by the Authority.
11. Stonework to be in natural limestone interspersed with natural gritstone. Sample panel to be agreed.
12. Roofs to be clad in natural blue slate.
13. Central first floor window in North-East Elevation to be reduced in width to 1.1m to match the width of the ground floor window beneath.
14. The external corners of the replacement dwelling shall be provided with dressed natural gritstone quoins, where shown on the approved elevational plan. The quoins shall be 450mm in length x 300mm deep.
15. Recess all door and window frames a minimum of 100mm (4inches) from the external face of the wall.
16. The full length arched opening in the North-East Elevation shall be provided with natural gritstone voussoirs to the depth shown on the approved elevational drawing.
17. All window openings shall be provided with natural gritstone lintels and sills, and all door openings shall be provided with natural gritstone lintels where shown on the approved elevational plans.

18. The external doors and window frames shall be of timber construction or narrow-section powder-coated aluminium. Prior to the installation of the doors and door and window frames, full details of their precise design, including any glazing bar detail and external finish/treatment, shall be submitted to and approved by the Authority. The scheme shall then be carried out in accordance with the approved details and the external finish of the timberwork shall be permanently so maintained.
19. Submit and agree hard-surfacing details in respect of the access and access drive.
20. 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.
21. Submit and agree details of disposal of foul and surface waters.
22. Minor design details.
23. Submit and agree details of construction compound to be installed prior to commencement of the construction of replacement dwelling
24. Vehicle parking and manoeuvring spaces to be provided prior to the occupation of the replacement dwelling and maintained free from obstruction thereafter.
25. Prior to occupation of the replacement dwelling, adequate bin storage and a bin dwell area for us on refuse collection days shall be provided within the site curtilage clear of all access and parking and turning provision and maintained free from obstruction thereafter.

152/15 FULL APPLICATION - INSTALLATION OF SOLAR ARRAY, PEAK DISTRICT NATIONAL PARK AUTHORITY, ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/1015/0932, P.2760, 421961 / 369440, 30/10/2015/CF)

Following the officer's introduction, the recommendation of approval was moved, seconded, voted upon and carried.

RESOLVED:

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

1. Statutory three year time limit.
2. The solar array shall be installed in complete accordance with the amended plans and specifications.
3. The solar array shall be removed as soon as reasonably practicable when no longer needed.

153/15 LISTED BUILDING APPLICATION - INSTALLATION OF SOLAR ARRAY, PEAK DISTRICT NATIONAL PARK AUTHORITY, ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/1015/0933, P.2760, 421961 / 369440, 30/10/2015/CF)

Following the officer's introduction, the recommendation of approval was moved, seconded, voted upon and carried.

RESOLVED:

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

- 1. Statutory three year time limit.**
- 2. The solar array shall be installed in complete accordance with the amended plans and specifications.**
- 3. The solar array shall be removed as soon as reasonably practicable when no longer needed.**

154/15 HOUSEHOLDER APPLICATION: SINGLE STOREY REAR EXTENSION TO ADES CROFT (FORMERLY KNOWN AS KEEPER'S CROFT), LOWER SMITHY LANE, TADDINGTON (NP/DDD/0915/0826 P.3518 414284/371126 30/10/2015/CF)

Cllr P Brady left the room and took no part in the debate or voting.

The officer stated that the current application would use up remaining permitted development rights on the property. Members were advised that the render would weather to a less stark colour.

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

RESOLVED:

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

- 1. Three year time limit for commencement**
- 2. The development shall not be carried out other than in complete accordance with the amended plans received by the Authority on 2 November 2015.**
- 3. The external facing materials for the roof and the walls (including external finishes), the door and window frames (including recess, sectional detail and external finish) and the rain water goods (including profile and external finish) shall match the design details of the those used in the construction of the existing house unless otherwise agreed in writing by the Authority.**

155/15 MAKING OF BRADWELL NEIGHBOURHOOD PLAN

The recommendation was moved, voted upon and carried.

RESOLVED:

- (i) That Members confirm the making of the Bradwell Neighbourhood Development Plan 2015 – 2030 as part of the Peak District National Park Authority's development plan for the designated Neighbourhood Area.**

156/15 HEAD OF LAW REPORT

The Director of Planning explained that the appeal relating to the clay pigeon shooting near Chunal was in relation to an enforcement notice, which was still in place as the planning permission which the Committee had resolved to approve was subject to a section 106 legal agreement that had not yet been signed

The Director also explained that the withdrawn appeal at New Pilhough Quarry was a welcome move as officers have been in discussion with the operators about this quarry and Stanton Moor Quarry and officers had advised over many months that this appeal should be withdrawn as it had little prospect of success.

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

RESOLVED:

That the report be received.

The meeting ended at 4.00 pm

6. OUTLINE APPLICATION: PROPOSED COMMERCIAL/RETAIL-LED DEVELOPMENT, MIXED USE DEVELOPMENT, ASSOCIATED WORKS AND DEMOLITION OF EXISTING BUILDINGS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, (NP/DDD/0415/0340 P.4822 421111/369121 30/11/2015/KW/CF)

APPLICANT: RIVERSIDE BUSINESS PARK LIMITED

Site and Surroundings

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

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

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

The site is currently accessed from the A6 via a narrow stone bridge unsuitable for HGVs, and from Holme Lane, which itself is frequently used for informal parking on its northern side, resulting in significant sections of the lane being of single vehicle width. This makes Holme Lane awkward for use by heavy goods vehicles serving the various businesses operating from the RBP. The eastern end of Holme Lane serves 6 residential properties and a business premises. At the western end of Holme Lane, the access to the RBP reverts to a single-width tarmacked track, which passes immediately alongside the front gardens of a row of 26 terraced and semi-detached properties at Lumford, whose main vehicular access is also via Holme Lane.

Proposal

The application seeks outline planning permission for a foodstore of 1579m² (GIA) alongside a terrace of commercial units with a floor area of up to 2847m² (GIA) for a flexible mix of uses including A1 retail, A3 café and restaurants, B1 business (including light industry, research and development, and offices), B2 general industry, B8 storage and distribution, and D2 assembly and leisure.

Associated works include a car park that would provide 173 spaces, with 25 of these spaces allocated for use by the proposed hotel (the subject of a separate application, which is the next item on this agenda), landscaping and demolition of existing buildings. It is intended that vehicular access would be via a new bridge access from the A6, which already has the benefit of

planning permission and the permission has been commenced so it is extant.

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

This application is also supported by a Design and Access Statement; Extended phase 1 habitat report; Economic Benefits Assessment; Flood Risk Assessment; Heritage Impact Assessment; Archaeological desk-based assessment; Phase 1 geo-environmental site investigation; Statement of community involvement; Transport assessment; Framework construction management plan and a Planning and Retail Statement incorporating a sequential assessment and retail impact assessment.

It should also be noted that a parallel full planning application has been submitted for demolition of former mill buildings, associated structures and other buildings and permission for Class C1 (Hotel) development incorporating ground floor floorspace with flexibility to be used for Class A3 and Class D2 uses, improvements to existing site access, parking, landscaping and other associated works at Riverside Business Park. That application is the subject of the following report on this agenda.

The amended plans that have now been received for the hotel show that it would have 72 bedrooms and would be operated by Premier Inn. The hotel would be located at the eastern end of the site adjacent to the car parking and the end of the terrace of commercial units proposed in this application. However, the applicant considers both this application and the hotel application should be considered on a 'stand alone' basis.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. In the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, it cannot be demonstrated that exceptional circumstances exist which demonstrate that granting planning permission for major development in the National Park is in the public interest, contrary to policy GSP1 of the Core Strategy and national planning policies in the Framework.**
- 2. In the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, there is insufficient justification to grant permission for proposals that do not constitute the comprehensive redevelopment of the Riverside Business Park predominantly for employment uses, contrary to saved Local Plan policy LB7.**
- 3. In the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, there is insufficient justification to grant permission for over 2600m² of floorspace for a mixture of town centre uses outside of Bakewell's town centre, contrary to saved Local Plan policy LB9 and policy HC5 of the Core Strategy.**

4. In the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, it cannot be demonstrated that the proposed development would be provided with a safe and suitable access, contrary to saved Local Plan policy LT18 and national planning policies in the Framework.
5. By virtue of the size and scale of the proposed development, and the range of town centre uses proposed on the site, granting planning permission for the current application would have a significant and adverse impact upon the viability and vitality of Bakewell Central Shopping Area by creating a quasi-town centre environment that would compete directly with the existing town centre. These impacts would be exacerbated by the cumulative impacts of the food store proposed in this application and the foodstore already granted planning permission on an adjacent site. Therefore, the proposal is contrary to the specific policies in the Framework relating to retail development and town centres, and acceptance of the proposals would not be in the public interest, contrary to the provisions of paragraph 116 of the Framework.

Key Issues

- Whether, having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park, with particular reference to: whether the proposals represent enabling development; the impact of the out of town location of the site and the subsequent creation of a third medium order foodstore in Bakewell; and the effect of the proposals on the site and its surroundings.
- Whether the proposals are acceptable in planning terms with regards to (i) Flood Risk Issues; (ii) Ecology; (iii) Archaeology and Heritage Assets; (iv) Highway Issues; (v) Site Contamination; (vi) Impact on Amenity of Local Residents; (vii) Environmental Management; (viii) Community Involvement; and (ix) Planning Obligations.

Relevant Planning History Relating to the Riverside Business Park Site

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

1989	Planning permission granted for new access road from A6 and bridge over River Wye to serve industrial estate.
1994	Planning permission renewed for access road and bridge to serve the industrial site based on 1989 consent.
2002	Planning permission renewed for access and bridge over River Wye to serve the industrial estate based on 1994 consent.
2004	Listed building consents granted for construction of flood defence walls (not implemented).
2004	Submission of an application for outline planning permission for redevelopment of the

- site. The application proposed a mixed use redevelopment including demolitions, conversion and new build to provide employment and residential uses.
- 2005 The Authority's Planning Committee resolved to defer determination of the 2004 application for the redevelopment of the site requiring more information about enabling development; potential for more affordable housing; a flood risk assessment; and provision of interpretative facilities relating to the archaeological and historic buildings and features on the site.
- 2005 Temporary consent granted for change of use of Unit 16 to allow textiles / embroidery mail order and teaching business including storage and ancillary retail sales.
- 2005 Planning permission granted for new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit. A planning condition was attached stating that:
- “There shall be no increase in industrial building floorspace on the Riverside business park without the prior provision of a vehicular access on to Buxton Road, which is capable of use by heavy goods vehicles. In the event of no new access being provided, a plan shall be submitted for approval and implementation showing demolition of buildings to permit replacement by the development hereby approved.”*
- 2006 The Authority's Planning Committee resolved to defer determination of the 2004 application for redevelopment of the site to enable further information regarding the enabling development to be obtained and reported back to the next meeting and, in addition, the potential for affordable housing, a flood-risk assessment and the provision of interpretive facilities relating to the archaeological and historic buildings features on the site.
- 2006 Temporary consent granted for retention of timber store for Pinelog.
- 2007 Submission of environmental impact assessment to support the 2008 Masterplan – Revision 18 submitted in 2008
- 2008 Planning permission renewed for creation of access road and bridge over river to provide access to W Fearnough LTD (Riverside Business Park) based on the 2002 consent.
- 2008 Submission of amended plans (Masterplan - Revision 18) to support the 2004 application for redevelopment of the site.
- 2009 Planning permission granted for installation of new solar panels on roof of Unit 11.
- 2010 Planning permission refused for the 2004 application for redevelopment of the site by the Authority's Planning Committee. The application was determined on the basis of the Masterplan (Revision18) and refused for the following reasons:
- The proposed development, as shown on Masterplan 18, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
 - The loss of employment space and the level of affordable housing shown on Masterplan 18 were considered to conflict with the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.

- The submitted details were held not to provide sufficient information to demonstrate that the development and proposed phasing would secure the long term sustainability, vitality and viability of the business park and fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas.

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

2011 Planning permission for what was effectively a resubmission of the 2004 planning application proposing demolition of existing buildings to provide a mixed use employment (Class B1/B2 and B8/residential development (new Build and conversion), car parking and associated works. This application was refused by the Authority's Planning Committee for the following reasons:

- The proposed development, as shown on Masterplan 22, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
- The loss of employment space and the level, form and location of affordable housing shown on Masterplan 22 would not meet the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.
- The cumulative loss of employment space and the proposed phasing would not secure the long term sustainability, or vitality and viability of the business park and the submitted details otherwise fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas and Local Plan policy LB7.

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

2012 Planning permission granted for a variation to the 2005 permission granted for a new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit to allow a gym to operate from part of one of the two new units allowed by this permission. This building (Building K) now accommodates a gym, a cash carry and Thornbridge Brewery, who also occupy the whole of the second new unit allowed by this permission.

2013 Planning permission granted for the installation of two bulk malt handling silos adjacent to the unit occupied by Thornbridge Brewery.

2014 Planning permission and Listed Building Consent granted for the erection of a closed circuit security camera mast/camera installation to provide surveillance of vehicles entering and leaving the Business Park.

2015 Submission of parallel application proposing demolition of former mill buildings, associated structures and other buildings and seeking full planning permission for hotel

(C1) development incorporating ground floor floorspace with flexibility to be used for café (A3) and gym (D2), improvements to existing site access, parking, landscaping and other associated works.

- 2015 Submission of environmental impact assessment to support the current application. An expedited consultation exercise was carried out by the Authority that was used to inform the Authority's formal screening opinion. The responses to this consultation exercise supported the Authority's view that the proposed development was not EIA development. The Authority subsequently confirmed in April 2015 that an EIA was not required.

Other Relevant Planning History

- 2015 Full planning permission granted for the erection of a medium order/discount foodstore (Aldi) on the former Cintride factory site adjacent to the A6 immediately across the river from the RBP site to the south-west. This approval was granted on the basis that the creation of a second medium order/discount foodstore would not adversely impact upon the viability and vitality of the commercial properties operating in Bakewell Town Centre, including the existing medium order foodstore in the centre of the town (Bakewell Co-op).

Consultation Response

External Consultees

County Council (Highway Authority) – The Highway Authority requested that further information be sought from the applicant to clarify a wide range of issues arising from the original submission, which has since been submitted. At the time of writing, the Highways Authority's further comments on the current proposals have not yet been received and will be reported orally at the meeting.

County Council (Local Lead Flood Authority) – Raise concerns relating to the potential for surface water run off and the adequacy of information relating to a sustainable drainage system for the site.

District Council (Environmental Health Officer) – No objections subject to: (i) a pre-commencement condition requiring submission and agreement on a land remediation scheme taking into account the site's previous use for industrial purposes and the risk of contamination being present; (ii) submission and agreement on noise and odour reports and details of external lighting schemes; and (iii) restriction on times of deliveries and waste collection to Monday to Fridays 08:00 to 18:00; and Saturdays 09:00 to 13:00.

Environment Agency – No objections subject to a number of detailed conditions relating to flood risk, flood defence, biodiversity, land remediation, contamination and safeguarding the River Wye. The Environment Agency also comment that a s.106 legal agreement may be required to address the Agency's requirements relating to flood defence.

Historic England – No overriding objections to the amended proposals subject to a pre-commencement condition requiring a scheme of archaeological work in line with paragraph 141 (built heritage and remains of less-than-national importance) and paragraph 132 (remains of national importance) in the National Planning Policy Framework. However, Historic England also suggest the Authority may wish to consider securing the preservation of nationally important archaeological remains through a section 106 legal agreement, rather than a planning condition.

Natural England – No objections subject to an assessment of impacts on protected species and the National Park should be undertaken by the Authority's Ecologist and landscape specialists. Additionally, the scheme may also provide opportunities to incorporate features into the design, which are beneficial to wildlife.

Town Council - Object to the proposal primarily because the application appears contrary to saved Local Plan Policy LB7. The Town Council also raise the following concerns:

- Highway issues; traffic generation vehicle access road safety.
- Noise and disturbance resulting from use including proposed hours of operation.
- Effect on listed buildings and conservation area.
- Ensuring equal access to buildings/sites (e.g. for people with disabilities).
- The applicant requests 'flexibility' within the development mix. It is felt that, if approved, this could result in the establishment of a secondary retail core in Bakewell which may threaten the vitality of the existing town centre. Such flexibility could, for example, lead to the development of 'fast food' outlets that the Town Council believes would be of detriment to the town.
- The Town Council feels that the construction of the access bridge from the A6 should be the first part of Phase 1.
- Every effort should be made to mitigate any effect on the residents of Holme Lane.

Civic Society - Bakewell and District Civic Society welcome the prospect of upgrading the site, which is in parts unsightly and substantially under-used but make the following additional comments on the proposals:

- Any retail development included in the proposals should not, in their view, detract from the retail function of the town centre, which should remain the principle focus of shopping in the town although it may complement it.
- A new supermarket on the site, in addition to the Cintride site (Aldi), would probably constitute over-provision and prove detrimental to the town centre's retail functions.
- The riverside site should remain predominantly commercial/industrial in character, as it is the only significant area in Bakewell allocated for this purpose, in the interests of the future economy and employment prospects of the area.
- Ideally, a new bridge into the site from the A6, suitable for heavy vehicles, should be provided before the development commences, as the access from Holme Lane, via Lumford, is substandard.
- Welcome the suggestion of a new, medium-to-large hotel being included in the development on the footprint of the original mill, as something that has long been needed in Bakewell.
- Welcome the suggestion that renewable energy facilities should be incorporated into the developments and suggest that hydro power should be considered, as well as photo-voltaic solar power.
- Would like to see a clear and attractive pedestrian route through the site included in the

development proposals, which would form part of a route along the Wye valley linking Bakewell with Ashford.

- Welcome the proposed conservation of elements of historic industrial interest on the site and suggest the inclusion of an interpretation facility to enhance this. This could be linked with the information already provided at the Old House Museum.
- The lake at Lumford had long provided a distinctive and attractive feature of the site but has become overgrown with shrub and lost its identity. It would be good to see this restored, if not as a water feature, which would be preferred, then as an open grassed area.

13 individual letters of support have been received. Two of these are from businesses that operate from the Riverside Business Park, one of these being Thornbridge Brewery. These two businesses state that the applications should be supported for the following reasons:

- The proposed scheme will ensure the redevelopment of this large run-down Brownfield land that is currently an eyesore on the approach to Bakewell.
- With regard to the supermarket proposals, it should be noted that Aldi and Waitrose in Buxton are located across the road from each other and are not in direct competition.
- They will provide funding for a new bridge and relieve traffic along Holme lane to the business park.
- The new bridge will allow Thornbridge Brewery to significantly develop their business and create jobs accordingly. It is understood that a similar situation exists at Pinelog, Bakewell Pudding Shop and others. It is understood that approximately 600 jobs could be protected or created on the Riverside Business Park site.
- A proposed foodstore on the Cintride site next to Riverside Business Park would do great damage to the potential to fund the bridge and investment at Riverside as it is unlikely that Bakewell can support two new food stores. This would mean long-term damage to Bakewell, its economy and this part of the Peak District National Park.
- The retail business within the business park will enhance the vibrance of the town in general.
- Further development at Riverside could also have significant potential for renewable energy opportunities for the site and the locality.

A petition of support for the hotel proposal signed by 39 employees of Pinelog on the Riverside Business Park site has also been received. This makes the same points as those referred to in the above individual letters of representation.

The other individual letters of support received include the following representations:

- With regard to the supermarket proposals, it should be noted that Aldi and Waitrose in Buxton are located across the road from each other and are not in direct competition.
- A successful development at the Riverside Business park allowing a proper bridge access and relieving traffic along Holme Lane, can only be good for Bakewell.
- Support the redevelopment of this large run-down Brownfield land that is currently an eyesore on the approach to Bakewell.

Individual letters of objection

28 individual letters of objection have been received. 15 of these individual letters are from Lumford residents and other properties along Holme Lane. These letters raise the following concerns:

- The proposals seem totally out of keeping with Bakewell. They are closer to development associated with Chesterfield or Stockport. They are at best generic and do not reflect the special character of the Peak Park.
- The building of the bridge in advance of any further development is crucial.
- The application details state that there is not any grant funding for the proposed bridge access. This statement needs to be verified.
- The current cost of the bridge is estimated to be £1million. This seems to be a great deal more expensive than the previous application, even allowing for inflation. This cost needs to be verified.
- There is already sufficient increase in floorspace on the Riverside site, which should trigger the building of the bridge first, as required by policy LB7.
- The construction of a supermarket without the prior construction of a bridge will require access along Holme Lane/Lumford. If the supermarket were constructed prior to the bridge and the applicant subsequently takes a position that the bridge cannot be constructed, how could the Authority resolve this.
- This development will create a second town centre for Bakewell, and will be in completion with shops in Bakewell town centre.
- Adverse impact on the vitality of the town centre, similar to that at Ashbourne, when a similar out of town development was built.
- The site should remain in industrial usage only, supplying the need for small businesses to earn a living and keep workers in Bakewell. This proposal would displace existing businesses.
- The access lane along Lumford is not built to accommodate the amount of vehicles created, including construction vehicles.
- The increase vehicular use of the Holme Lane and Lumford access roads will be detrimental to existing residential users and visitors.
- Traffic to the business park at present tends to be concentrated in the morning between 7am – 9am and late afternoon between 4pm – 6pm; however the retail uses and proposed hotel would change this pattern to around the clock.
- The saved Peak park policy LB7 states that if there is an increase of floor space of Lumford Mill Business Park that a bridge must be built, however this application is not dependent on a bridge being built and the developers have publicly stated that no bridge will be built unless the hotel proposal and the development in the accompanying application completed.

- The new bridge will never be built while ever the developer considers that the Holme Lane/Lumford access is an option.

Letters of strong objection have also been submitted from the Lumford and Holme Lane Residents Association. These letters reiterate many of the points made in the individual letters of objection from residents on Lumford and Holme Lane, but also make the following points:

- This site is now the single best industrial employment space in Bakewell. The primary issue, and an issue now close to 30+ years old, is one of deficient accessibility. The hotel scheme offers no solutions to the access problems it only offers to exacerbate them. Furthermore, it is another step in the gradual erosion of industrial employment space to other users, but still with no bridge.
- No supermarket operator has given a statement of intent or signed an agreement to occupy the intended A1 foodstore.
- Every element of the application has to be viewed through the current Holme Lane/Lumford access arrangements. Without the long awaited bridge, which would only happen in the event of a supermarket tenancy being secured, all heavy traffic/construction traffic to and from the site will have to use the Holme Lane/Lumford access.
- The existing access along Lumford is 3.5m wide with no separate pavement, and well below the minimum highway standards for residential (5.5m) and industrial (7.3m). The proposed passing bays increase the width to 5.25m at limited points, still below residential and well below normal industrial standards. The passing of a lorry and car in the vicinity of the passing places would be tight. Residents are therefore concerned that the increase in traffic created by the hotel would lead to a further increase in disruption and an increased chance of personal injury.
- Given the potential impact on long established town centre accommodation providers and due to the site's out of centre location, surely an impact assessment should be conducted to measure the potential effects of such development.
- Under NPPF edge of centre developments should be based on being "well connected" with the existing centre. The proposed development falls well outside the distances for retail and office developments.
- A number of the smaller businesses on the Riverside site have already been given notice to vacate the site. This is contrary to the explicit wish expressed by the Authority's committee when considering previous proposals at Riverside in relation to what they would like to see in regard to the regeneration of the site.

The remaining individual letters of objection include 10 from other Bakewell residents and make the same points as those referred to by the residents along Holme Lane and Lumford, noted above. The remaining letter of objection is from a charitable organisation concerned that they will be forced out of their existing offices unless they can find alternative low-rent accommodation close-by they may be forced to leave Bakewell entirely. Another concern raised is the risk of flooding as the site lies so close to the River Wye.

Relevant Policy Context

Major Development in a National Park

The current proposals are considered to comprise 'major development' because the current

application seeks permission for commercial buildings with a floor area of significantly more than 1,000 m² as well as the complexity of the planning considerations in this case and the significant public interest in the re-development of Riverside Business Park and the provision of a new road bridge to the site. GSP1(D) in the Authority's Core Strategy says in securing National Park purposes major development should not take place within the Peak District National Park. Major development will only be permitted following rigorous consideration of the criteria in national policy.

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

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

These tests and the provisions of Paragraph 116 are supported by the provisions of the preceding paragraph, Paragraph 115 of the Framework, which states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are also important considerations in a National Park. Paragraph 14 of the Framework also cross refers to the English national parks and the broads: UK government vision and circular 2010 which provides further policy guidance on development in National Parks.

Site Specific Policy

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

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

LB7(b) goes on to say acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building. This approach is carried forward in the emerging Development Plan Document, which states the Riverside Business Park is an example of where premises could be improved and policy would allow for a mix of uses provided a significant element of business use is retained.

LB7 is supported by Policy E1 (D) of the Core Strategy, which seeks to safeguard existing buildings, land and premises in employment uses particularly where these are high quality and in

a suitable location. E1(D) goes on to say where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses. This approach is consistent with national policies in the Framework, which seek to promote economic growth in rural areas in order to create jobs and prosperity but support the re-use of employment sites where they are no longer required.

Retail

Policy DS1(F) of the Core Strategy outlines the spatial strategy for Bakewell, which includes protection of the range and integrity of the Central Shopping Area and safeguarding employment site and promote the take-up and enhancement of under-used employment sites. Accordingly, Policy HC5 (A) seeks to direct the location of new town centre uses including retail development to the Bakewell Central Shopping Area and this type of development should be of an appropriate scale to serve the needs of the local community and the settlement's visitor capacity. HC5 (B) states that significant out of centre retail development will not be permitted.

Saved Local Plan policy LB9 also states that retail development will not be permitted outside the Central Shopping Area, except for individual shop units of a scale appropriate to serve the needs of nearby residents. This approach is taken forward in the emerging Development Plan Document and in Planning Practice Guidance note 'Ensuring the Vitality of Town Centres'. This confirms that the 'sequential test' seeks to deliver the Government's 'town centre first' policy by placing existing town centres foremost in plan making and decision taking.

National policy applying to proposals involving retail development is set out at paragraphs 23-27 of the Framework. Paragraph 24 confirms that local authorities should apply a 'sequential test' to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 26 refers to impact assessments for particular types of out-of-centre retail development and where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the vitality and viability of a town centre, it should be refused.

Wider Policy Context

Policy GSP2 of the Core Strategy builds upon the provisions of GSP1 in respects of major development in the National Park. Policy GSP1 says where a proposal for major development can demonstrate a significant net benefit; every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured.

GSP2 says opportunities should be taken to enhance the valued characteristics of the National Park and specific opportunities should be taken to remove undesirable features or buildings. Policy L1 of the Core Strategy relates directly to enhancement of landscape character, and cross refers to the Authority's Landscape Strategy and Action Plan. Policy L3 of the Core Strategy sets out specific criteria relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Policy GSP3 of the Core Strategy refers to development management principles and criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities.

Other relevant policies in the Core Strategy include policy CC1 relating to environmental management measures, CC5 relating to flood risk and the presumption against development which increases flood risk, and policy T1 which aims to reduce the need to travel by unsustainable means.

Other saved Local Plan policies that are relevant to the current proposals include policies LC16, LC17 and LC18, which refer to the protection of archaeological features; site features or species of wildlife, geological or geomorphological importance; and safeguarding nature conservation interests respectively. All seek to avoid unnecessary damage and to ensure enhancement where possible. Saved Local Plan policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy.

LT10 states that in new development, parking must be of a very limited nature or accompanied by on-street waiting restrictions. LT18 seeks to ensure that the highest standard of design and material is achieved in transport infrastructure to conserve the valued character of the area. LC24 requires that development on land believed to be contaminated will be permitted provided that an accredited risk assessment is agreed.

The relationship between these policies in the Development Plan and national planning policies in the Framework has also been considered and it is concluded that they are consistent because the Framework promotes sustainable development sensitive to the locally distinctive character of its setting and places great weight on the conservation of the scenic beauty of the National Park, its wildlife, and its heritage assets

Assessment

Principle of Development

The current proposals are considered to be major development not only in terms of the floor area of the foodstore and the commercial units proposed in this application, but also in terms of the complexity of the planning issues raised by the current proposals including the wider public interest in re-development of the site and a potential departure from Development Plan policies. In terms of a potential departure, the out of town location proposed for the foodstore and adjacent units that are also intended for a mix of town centre uses means that the proposals at Riverside Business Park have the potential to impact upon the vitality and viability of Bakewell town centre, contrary to the strategic provisions of the Development Plan.

Bakewell is the largest settlement in the National Park and acts as an important service centre for a wide rural area. It serves the shopping needs of its residents and those living in outlying areas. As such, policies including saved Local Plan policy LB9 and Core Strategy policies DS1 and HC5 aim to safeguard and secure its viability and vitality. The strategic intent of these policies to direct retail development to the core of the town and avoid the spread of significant retail activity to the fringes of the town. The current proposals for a foodstore of 1579m² (GIA) alongside a terrace of commercial units with a floor area of up to 2847m² (GIA) for a flexible mix of uses including town centre uses including shops and cafes out of the town centre conflicts with these policies. Moreover, the current proposals, and the proposals in the parallel application for a hotel adjacent to the proposals in this application, are not predominantly for industrial/business use (Use Classes B1 and B2) as anticipated by saved Local Plan policy LB7(A).

Saved Local Plan policy LB7(a) says comprehensive redevelopment, predominantly for industrial/business use (Use Classes B1 and B2) will be permitted on some 5 hectares at Riverside Business Park. The strategic intent of this policy is to safeguard Riverside Business Park as one of the most important employment sites in Bakewell and the National Park, by ensuring that its redevelopment includes a substantial element of business use and to promote its enhancement of what is considered to be an under-used employment site. Consequently, the development proposed in this application cannot be deemed to be consistent, in principle, with policy LB7(a). Moreover, noting policies should not be read in isolation, the development proposed cannot be deemed to be consistent, in principle, with LB9 and HC5(a) which explicitly

seek to safeguard the vitality and viability of Bakewell's town centre.

A further conflict with the site specific policy LB7(a) arises from a conclusion that the proposals would not result in the comprehensive redevelopment of all of the 5ha of the site and would only comprise the redevelopment of around half of the Business Park that would not necessarily facilitate the provision of a new access bridge that would otherwise support the future viability of the site. In this respect, there are no development proposals for the comprehensive redevelopment of the 'western half' of the site, only indicative plans for further development of industrial units are included in this application.

Furthermore, LB7 (b) says acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building. The proposals in the current application would not be on a minor part of the site, would not include the conversion of the existing mill building, and would not include housing or tourist accommodation. It is therefore considered that the current application proposes a departure from saved Local Plan policies LB7(a) and LB7(b) and is not a 'plan-led' development when assessed against these site specific policies.

Therefore, the proposals constitute such a substantial departure from the Development Plan. The proposals are considered to be a major development within the terms of Core Strategy policy GSP1 and paragraph 116 of the Framework. Both Core Strategy policy GSP1 and Paragraph 116 of the Framework state that in securing National Park purposes major development should not take place within the National Park other than in exceptional circumstances and where it can be demonstrated they are in the public interest. In these respects, the Framework and policy GSP1 state that major development might be permitted exceptionally following rigorous consideration of a number of tests in paragraph 116 of the Framework, which require an assessment of the need for the development, the cost of and scope for developing elsewhere and any detrimental effect of the environment and the landscape. These tests are examined as part of the analysis of this application that follows below.

Exceptional Circumstances

Notwithstanding the applicant's case that the current proposals are 'policy compliant', it is also stated that the redevelopment of the site as proposed is required to fund the new road bridge that would provide a safe and suitable access to the site and thereby promote the viability of the Business Park. In these respects, the applicant argues that there are exceptional circumstances that warrant granting planning permission and it can be demonstrated that the provision of the new road bridge would be in the wider public interest because of the local employment generated by the businesses on the Business Park.

A viability appraisal has been submitted by the applicant to support this argument and seeks to demonstrate that the development proposed in this application would be enabling development that would facilitate the provision of the new road bridge across the River Wye. However, an independent viability and impact assessment has been commissioned by the Authority and concludes: *"Having regard to the analysis completed, the scheme as proposed is not viable due in part to the high cost of providing the bridge and access to the A6"*. This is based on the applicant's own costings for the bridge. This assessment also indicates that there may be other ways of producing a scheme that includes a food store that would be sufficiently viable to fund the new road bridge if the cost of the bridge was more typical of this type of infrastructure.

Therefore, it cannot be demonstrated exceptional circumstances exist that would justify granting planning permission for major development in the National Park contrary to policy GSP1 of the Core Strategy and national planning policies in the Framework. Equally, in the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable

scheme to fund a new road bridge over the River Wye to the site, there is insufficient justification to grant permission for proposals that do not constitute the comprehensive redevelopment of the Riverside Business Park predominantly for employment uses, contrary to saved Local Plan policy LB7.

Furthermore, in the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, there is insufficient justification to grant permission for over 2600m² of floorspace for a mixture of town centre uses outside of Bakewell's town centre contrary to saved Local Plan policy LB9 and policy HC5 of the Core Strategy.

Foodstore

Whilst there is no requirement in the Framework for applicants to demonstrate 'need' in relation to retail developments, as noted above, an assessment of need is one of tests identified in Framework in the consideration of major development. Notwithstanding the policy objections to the current proposals, set out above, the independent assessment of the viability of the current proposals does confirm that a food retail store, for example, would be a more profitable development than office accommodation. Therefore, if there was a need for another foodstore in Bakewell then there may be more scope to revise the proposals to create a more viable scheme that would be more likely to fund the new road bridge and would therefore more likely to generate exceptional circumstances that would warrant an approval.

In these respects, the recent approval for the Aldi store confirms the accepted position that there is a need for at least one more medium-sized food store in Bakewell alongside the Co-operative in the town centre. However, the existing commitment to an Aldi store on the adjacent Cintride site means that an 'assessment of need' for the food store proposed on the Business Park should focus on the cumulative impacts of two additional food stores on the vitality and viability of Bakewell's town centre, taking into account that neither the Riverside nor the Cintride site are considered to be 'sequentially preferable' as they are out of centre. An impact assessment is also required by national planning policies in the Framework, also taking into account the current proposals are contrary to up-to-date retail policies in the Development Plan.

To address these issues, a Supplementary Planning and Retail Statement Addendum has been submitted by the applicant, which states that the provision of a third foodstore on the Riverside Business Park would not significantly or adversely impact upon the town centre foodstore or the local shops in the town centre. In summary, this report indicates that the provision of foodstores of the scale approved at the Aldi site and proposed at Riverside would enhance consumer choice, encourage competition and result in more sustainable food shopping patterns and address a *'possible qualitative deficiency or lack of choice for local shoppers'* in the local area.

However, an independent report commissioned by the Authority concludes that two out-of-town food stores would result in a significant adverse impact upon the health of and investment within Bakewell town centre and, based upon the contents of paragraph 27 of the Framework, the Authority should consider refusal of the current application. The report acknowledges that having two out-of-town stores may improve the potential to provide more choice in Bakewell (depending on which retailers and other businesses occupy the scheme), and for the development to contribute towards the claw-back of retail expenditure which is currently being lost from the local area to stores and centres further afield.

Against these positive points, the independent report estimates that if both food stores were to be granted planning permission small traders in the town centre could lose up to 50% of current sales and the Co-operative would trade well below the company average for a store of this size. Moreover, the independent report advises that the additional town centre uses that form part of the current proposals, alongside the hotel proposals with café, could result in the creation of a

quasi-town centre environment at Riverside Business Park, which would also be reinforced by the approved Aldi store, and add to the competition that this out-of-centre location could pose to Bakewell town centre.

It is therefore concluded that the application proposes substantial retail development outside of Bakewell's Central Shopping Area contrary to the Development Plan. Moreover, application is also contrary to the specific policies in the Framework relating to retail development and town centres. Furthermore, acceptance of the proposals would not be in the public interest contrary to the provisions of paragraph 116 of the Framework because granting planning permission for the current application would result in a significant adverse impact upon the vitality and viability of Bakewell town centre.

Impact on Site and Surroundings

Riverside Business Park is relatively well screened by trees and manmade features but the existing, modern factory buildings to the rear of the remaining single-storey façade of the original mill are in a dilapidated state. These buildings are particularly visible from the A6 in the vicinity of the approved Aldi site and detract from the character and appearance of the National Park's landscape. The land immediately to the east encompasses the proposed hotel site, and to the south are the River Wye and the Mill Stream, together with the listed mill workshop building and the existing road bridge, all of which are within the Conservation Area. The foodstore and commercial units would also be immediately adjacent to the Scheduled Ancient Monument site.

This application seeks outline planning permission for a foodstore of 1579m² (GIA) alongside a terrace of commercial units with a floor area of up to 2847m² (GIA) for a flexible mix of uses including A1 retail, A3 café and restaurants, B1 business (including light industry, research and development, and offices), B2 general industry, B8 storage and distribution, and D2 assembly and leisure. Associated works include a car park that would provide 150 spaces, landscaping and demolition of existing buildings. It is intended that vehicular access would be via a new bridge access from the A6, which already has the benefit of planning permission and the permission has been commenced and is therefore extant.

A detailed Design and Access Statement accompanies the application and detailed discussions have been undertaken involving the applicant's agent and the Authority's Conservation Architect and Archaeologist, together with Historic England.

The layout proposes a range of buildings housing the foodstore and adjacent commercial units situated along the northern half of the site close to the raised embankment of the mill leat, which is a Scheduled Ancient Monument. The remainder of the existing later buildings that occupy the southern half of the application site would be demolished and the space created used primarily for car parking serving the foodstore, commercial buildings and the hotel, assuming this is approved and built. The scheme involves the retention of the two tall chimneys and the area immediately around the later brick chimney landscaped as a public space with seating areas defined by a higher standard of surfacing, which radiates out from the footprint of the chimney. This area also encompasses the frontage to the Retort House, which is to be converted to a visitor appreciation centre explaining the industrial heritage of the site. The Retort House conversion scheme does not, however, form part of the outline proposal.

The proposed block of commercial buildings, including the foodstore, are intended to have a contemporary industrial appearance, reflecting the industrial character of the site. The preliminary images submitted with the outline application show a series of gabled frontages at varying heights to reflect the haphazard roof profiles of the existing industrial buildings.

Overall it is considered that the concept and layout proposed for the buildings is acceptable and respects the industrial character of the site and does not amount to overdevelopment of this part

of the Riverside site. This is subject to the submission of precise details of their final design and appearance, massing and materials.

It would be preferable if the buildings occupied the southern half of the site as they would then serve to screen the car parking when viewed from the A6. This is not acceptable to the applicant as it would diminish the presence of the foodstore when viewed from the A6. It is considered that, on balance, the layout as shown on the original submitted plans is acceptable, subject to appropriate landscaping to ameliorate the impacts of the car parking.

It is considered, therefore, that the disposition and layout of the buildings and car parking proposed in this outline application will respect and preserve the character, setting and relationship with the adjacent Scheduled Ancient Monument site, the remaining single-storey façade of the original mill and the adjacent listed three-storey riverside workshop building. Further archaeological assessments have also been undertaken and submitted to better inform the archaeological importance of the site and to ensure that such features of archaeological significance are preserved and respected. It should be acknowledged that this is an outline submission and therefore detailed design matters relating to proposed buildings are reserved matters.

Historic England initially considered that when taking the two applications together it appeared that the overall amount of development proposed for the mill site exceeded its sustainable capacity, overwhelming the historic character of the site by virtue of the scale and massing of what was proposed. They also considered initially that if the proposed foodstore and associated parking were deleted, there would be more scope for a more sensitive hotel or other solution.

HE's initial conclusions were that the proposed development appeared to neither perpetuate the complex and rich character of the site as extant and sympathetic industrial setting to the designated industrial heritage assets, nor on the other hand does it better reveal the significance of them through the revelation of the original form and layout of the Arkwright Mill, pond etc. HE considers that a less intensive scheme might have offered greater scope to pursue one or other of these approaches.

Following re-consultation with Historic England (HE), they now consider that the general layout of the buildings and their relation to the listed workshop building and scheduled water power buildings is acceptable, although they refer to the Authority's expert in-house conservation staff in respect of the precise design/detailing of the proposal. With regard to archaeological matters HE still raise some concerns that the application seems to pass the evaluation and mitigation of impacts upon the former principal mill building over to post-determination discharge of conditions. HE consider that this represents significant harm to the significance of the adjacent and intimately associated designated heritage assets through the loss of remains directly supporting their significance as part of the same integrated manufactory (harm as understood in the Framework paragraphs 132, 133, 134, 135, 139). HE remind the Authority that it is obliged to have special regard and apply great weight to matters concerning these designated heritage assets, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of listed buildings and the Framework in respect of both listed buildings and Scheduled Monuments.

EH further state that adequate assessment and understanding of archaeological impacts is key to safe determination (NPPF paras 128 and 129). Delaying the evaluation of sub-surface remains to post-consent could only be acceptable in this case where it is not possible to do so in advance of consent and if there is a clear statement from the applicant that design detailing including the locations of lifts/services and footings can feasibly and would in practice be reworked to accommodate remains of either equivalent importance to the scheduled monument or which substantially supported its significance (e.g. the original water power arrangements for the mill). EH state that the applicant must own this solution through an unambiguous undertaking

to submit revised plans as necessary, and this should be underpinned by condition should the authority be minded to grant consent.

HE England therefore recommend that the Authority should only consider granting consent if the matters set out above are adequately addressed through referral to the Authority's Cultural Heritage experts.

The applicant has subsequently confirmed that it is not possible to carry out further archaeological evaluation until the buildings have been demolished. The applicant's archaeological consultant has confirmed that he would be willing to employ flexibility and incorporate design amendments post-determination as are necessary to ensure the preservation in situ of any archaeological remains, specifically the water management system, that are deemed to be of national significance following the investigative trial trenching. The Authority's Archaeologist considers that these assurances address the previously stated concerns with regard to nationally important archaeological remains, and that archaeological issues can be addressed by conditions in line with Framework paragraphs 141 and 132.

Subject to appropriate archaeological conditions it is considered that the hotel proposal would cause less than substantial harm to the designated heritage assets when weighed against the public benefits of the proposal. Consequently, it meets the terms of paragraphs 128 to 134 with regard to the conservation and enhancement of the historic environment.

In conclusion, therefore, officers consider the outline application meets the third test in national policy on major development in the National Park in terms of its potential impact on the character and appearance of its landscape setting.

Other Material Considerations

Flood Risk

The site is located within the Environment Agency Flood Zone 3. Hotel use is classed as a 'More vulnerable' use in terms of the Environment Agency's classifications, which is compatible with flood zone 3a and therefore there is a requirement for the sequential and exceptions tests to be applied in this case.

In respect of the sequential test, a material consideration is that the proposed development is part of a comprehensive redevelopment of the Riverside Business Park (RBP) site, and is allocated through saved policy LB7 for comprehensive redevelopment. The application is accompanied by a detailed flood risk assessment.

The Environment Agency (EA) initially raised objection to the scheme as the submitted Flood Risk Assessment (FRA) was not sufficient and further queries were raised in respect the applicant's ability to undertake the necessary improvements and reinforcement to existing flood defences. The EA advised that these concerns could be overcome by submitting a FRA that covered these deficiencies and demonstrated that the development would not increase risk elsewhere and possibly reduces flood risk overall.

Following further discussions between the applicant the EA and the Authority's officer, further details were submitted to the EA. The EA then assessed this additional information and having looked in detail at the River Wye flood model for this area considered that this does not conclusively demonstrate that the site is safe from flooding from the Mill race running to the north of the development site. However, given the 'Schedule of Gross External Footprint of the Existing and Proposed Buildings provided by the applicant, this demonstrates that there will be a greater footprint removed than replaced. On this basis, the EA raised no objections to the proposed development. In respect of the outline proposal the suggested EA conditions include

the following:

- Prior to the commencement of development, details of external ground levels to be submitted and agreed demonstrating a maximum depth of floodwater on access roads and car parking areas in a 1 in 100 year event.
- Prior to commencement of development, a scheme to raise and refurbish the riverside wall shall be submitted to and approved in writing by the National Park Planning Authority in consultation with the Environment Agency. The detailed wording of a suggested condition has been provided by the EA.

Other EA conditions relate to site investigation for ground contamination; submission of a Method Statement for treatment of the River Wye; Mitigation Measures during the construction period; Habitat Areas protection; Mitigation Measures for protected species and any necessary prevention and control methods and submission of a Water Vole Protection Plan.

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

Ecology

Natural England refer to Standing advice in respect of the impacts on protected species and the Peak District National Park, assessment of which should be undertaken by the Authority's Ecologist and landscape specialists. Additionally, Natural England considers that the scheme may also provide opportunities to incorporate features into the design, which are beneficial to wildlife.

The Authority's Ecologist comments that the water vole surveys confirm the presence of the species long the Mill Stream and indicate the likely presence on the River Wye. The EA recommend that a condition is added in relation to water vole mitigation works and a method statement; this is supported by the Authority's ecologist.

Small pondweed (*Potamogeton berchtoldii*) a county rare plant, previously listed in the red data plant list for Derbyshire 2002, is known to occur within the site. The plant is located in three water tanks which are to be lost to the development. The applicant proposes mitigation works (the creation of a pond to the north of the working area and subsequent translocation of the plants). The proposed pond creation works are subject to further detailed ground works and confirmation of the site location suitability. The mitigation works are acceptable in principle subject to approval of the final design and location details. It is recommended that a condition securing the mitigation works is added to any planning permission.

With regard to bats, a survey carried out on behalf of the applicant states that a total of nine confirmed and two possible bat roosts were recorded within the site during the surveys. It is likely that bats may use a number of buildings for roosting on a regular basis across the site. The proposed works will require the demolition and renovation of a number of buildings. These works could potentially result in the disturbance, injuring or killing of bats and the damage or destruction of roosts. It is recommended that a condition requiring the submission and approval of an approved mitigation/method statement and details of an EPS issued by Natural England should be added to any planning permission. Details should also be provided of any scheme of proposed lighting for the site.

In respect of nesting birds where possible, works (including works to trees) should be carried out outside of the main bird nesting season (mid-February – August inclusive). If works are undertaken during this period a check for breeding birds should be undertaken. If breeding birds are subsequently discovered the young shall be allowed to fledge before works proceed. Proposed mitigation across the site should look to provide additional nesting opportunities for those species currently recorded by habitat planting and the addition of artificial nest boxes where possible.

The Environment Agency has requested that a construction environmental management plan (CEMP) is submitted to detail the methods to avoid impacts upon sensitive receptors such as the River Wye. The PDNPA Ecologist fully supports this recommendation and recommends that a condition is added to secure this prior to commencement.

Therefore it is recommended that in addition to the mitigation measures outlined above in relation to water vole, small pondweed, bats and birds, a range of enhancement/compensation measures are incorporated within the new builds and in the renovated buildings on site. These should include artificial nest boxes for birds such as house sparrow, starling, house martin and swifts – the majority of which can be incorporated within the fabric of the building or under eaves. Artificial bat boxes should also be incorporated where possible into the fabric of the building using bat bricks, access tiles and bat tubes.

The agent has confirmed that the suggested ecological mitigation and enhancement conditions are acceptable, but point out that it will not be practically possible to maintain the proposed 8m buffer zone for water voles along the river bank, during the construction of the proposed new river bridge.

It is considered, therefore, that there are no overriding ecological concerns that the proposals would not be capable of being mitigated for. Consequently, it is considered that the biodiversity interests would be conserved in accordance with Core Strategy policy L2, Local Plan policy LC17 and paragraphs 109 and 118 of the Framework, subject to appropriate planning conditions.

Archaeology and Heritage Assets

The riverside mill, adjacent river bridge and facings to the mill leat are listed grade II. Arkwright's water management system is a Scheduled Monument. The eastern part of the site lies within the Conservation Area. Therefore, a detailed heritage impact assessment has been submitted with this application, which is particularly important given that Historic England have advised that the heritage issues at the site are complex and the Authority will need to properly understand the significance of the site and its elements and their potential for re-use, the impact of proposals and the need to set any new structures within a detailed design framework which 'speaks' to the significance of the site.

The impacts on the archaeological and heritage assets have been discussed in detail in the Impact on Site and Surroundings section of this report above. Following a detailed examination of the original submitted information and the additional archaeological reports and assessments that have been submitted, it is considered that the subject to the attaching of appropriate conditions, the proposed scheme will amount to less than substantial harm to the designated heritage assets and any harm that will arise would be outweighed by the public benefits from the redevelopment of the site, in compliance with Framework paragraphs 128 to 134 with regard to the conservation and enhancement of the historic environment.

The submitted outline scheme is considered to be more sympathetic to the character and appearance of the industrial setting, the adjacent designated heritage assets and the Conservation Area, than the current condition of the site. The detailed design, which would be subject to a reserved matters application, should offer significant enhancement of the site and its

setting, including the adjacent Conservation Area and the heritage assets that have been identified.

Highway Issues

A transport assessment has been submitted with the application. In light of this assessment and the previous approval for the access bridge over the River Wye, it is not considered likely that the proposals in the current application would give rise to overriding objections on highway safety grounds, subject to the provision of the access bridge prior to the development being taken into use.

In this respect, the Highway Authority states that the proposal is to utilise the previously approved, partially constructed access to the A6, via a new bridge over the river (the new access). At the time of the approval for that access it was, on balance, concluded that whilst not fully compliant with standards, the access represented an improvement over the existing access arrangements. Additional benefits of the access would, as detailed in the Transport Assessment, remove HGV's from Holme Lane and Lumford.

The new access was originally consented in 1989, when the red-line boundary of the site included the frontage of the adjacent sites. The decision notice required visibility sightlines of 4.5m x 120m to the west and 4.5m x 74m to the east. The current red-line boundary is limited to the access only and demonstrates no achievable sightlines across land within the control of the applicant.

In response to concerns raised by the Authority's Officer and the Highway Authority, the applicant has provided evidence to show that there are covenants in place over the adjacent land outside the applicant's ownership to secure and maintain the required sightlines in perpetuity. The Highway Authority considers that this land should be included within the red line application site boundary. Whilst it is appreciated that the access is 'extant' in planning terms, as it stands, the proposals would potentially increase the use of a (partially constructed) access with severely restricted visibility. The Highway Authority sought reassurances on the maintenance of these visibility sightlines in perpetuity, given the significant volumes of traffic that would be using the bridge access to the various uses generated by this outline proposal, the accompanying hotel development, and any increased future traffic generated by the expansion of the industrial uses on the western part of the Riverside Business Park site, which are not subject of this application.

Whilst the applicant has provided information to show that there are legal covenants in place over the land either side of the access entrance, which is not in his ownership, it is considered that further protection of these important visibility sightlines in perpetuity should be secured through the imposition of a section 106 legal agreement. Subject to the satisfactory provision and maintenance of the visibility sightlines in perpetuity, there appear to be no significant highway concerns in respect of the proposed outline application providing the new road bridge can be provided.

The Highway Authority's final views on the proposal are awaited and will be reported orally at the committee meeting. However, in the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, it cannot be demonstrated that the proposed development would be provided with a safe and suitable access, contrary to saved Local Plan policy LT18 and national planning policies in the Framework.

Site Contamination

A land contamination report has been submitted with this application and concludes there are no overriding concerns that the previous industrial uses on the site would preclude the proposed

redevelopment of the site. As with the Cintride site, officers agree that remediation of the Riverside site is highly likely to be possible, and this has been reflected in the subsequent consultation responses from the Environment Agency and the District Council, who recommend approval subject to the attaching of appropriate planning conditions. It is therefore considered that the proposals will meet the requirements of saved Local Plan policy LC24 in respect of pollution and remediation of contaminated sites subject to planning conditions suggested by District Council and the Environment Agency.

Impact on Amenity

The nearest residential properties are opposite the application site on the south side of the A6, in particular Bluebells Cottage and Greenlands, and the dwellings recently converted from offices at Deepdale Business Park and the residential properties along Holme Lane. Due to the intervening distance and surrounding topography it is not considered that the amenity of these properties would be compromised by the proposed outline development. The properties on the A6 (i.e. Buxton Road) have raised objections in relation to the impacts of increased vehicular movements to and from the site as the access bridge would bring the access to Riverside Business Park closer to these properties than the existing bridge over the River Wye.

The likely proposed trading hours of 8am to 10pm Monday to Saturday and 10am to 4pm on Sundays are not considered to be likely to have a harmful impact on the amenities of the nearby properties on Buxton Road. It is also acknowledged that the provision of a new access bridge would significantly improve the amenities of the residents along Holme Lane and Lumford if this access to Baslow Road from the Business Park was no longer used by delivery lorries and other traffic moving to and from the site.

It is therefore considered that the proposals would comply with Core Strategy policy GSP3 and Local Plan policy LC4 in terms of the potential impacts of the scheme on the living conditions of the nearest neighbouring residential properties if the new road bridge is provided. However, in the absence of sufficient evidence to demonstrate the current proposals would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site, it is possible that Holme Lane would be used by large vehicles servicing the existing premises on the Business Park, and by construction phase traffic for the proposed hotel and the redevelopment proposals in this application if planning permission is granted for both this application and the hotel proposals based on the phasing of the development sought by the applicant. Such a significant intensification of vehicular movements along Holme Lane would mean that the cumulative impacts on a stand-alone basis or both developments together would have a substantial and harmful impact on the residential amenities of the properties on Lumford and Holme Lane contrary to policy GSP3 and LC4 and core planning principles in the Framework.

Environmental Management

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

As such, it is considered that more information is needed before officers could consider the proposals for the foodstore on Riverside Business Park would meet the requirements of Core Strategy policy CC1. However, it is considered environmental management measures could be addressed by the attaching of appropriate conditions that could be fully discharged at the

reserved matters stage.

Community Involvement

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

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

Planning Obligations

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

The agents have indicated a willingness to enter into planning obligations in order to ensure that subject to the approval of the accompanying outline application, the developments will be undertaken as soon as is practicable in order to enable the new bridge access from the A6 to be provided. The applicant has also offered to provide a bus for the local transport group, similar to the undertaking agreed as part of the Aldi proposal.

Given that officers are recommending refusal of the outline application, however, it is not considered that the undertaking of planning obligations would serve alleviate or resolve the fundamental policy objections in generated by the current proposal.

Conclusion

Officers consider that the submitted application provides insufficient justification for a departure from saved Local Plan policies LB7, LB9 and HC5, taking into account the proposals include a medium sized food store outside of Bakewell's Central Shopping Area, over 2600m² of floorspace that could be used for a mixture of A1 retail, A3 café and restaurants, and D2 gym (i.e. a mixture of town centre uses) and do not comprise the comprehensive redevelopment of the Business Park predominantly for B1 and B2 uses, as required by policy.

Officers consider that the proposals do not comply with national planning policies in the Framework primarily because there is insufficient information to demonstrate that all the three tests in national policy have been met and that there are exceptional circumstances in which to grant planning permission for major development in the National Park in this case. In these respects, it is considered that in view of the conclusions of the Bilfinger GVA impact and viability assessments, commissioned by the Authority to provide an independent assessment, the

proposal raises significant objections:

- It would have a significant and adverse impact upon the viability and vitality of existing Bakewell town centre uses, including the Co-operative store;
- There is no certainty that the proposed development would fund the construction of the new access bridge;
- There is no intended first occupant for the proposed food store; and
- In the absence of a formal application seeking permission for development proposals for the comprehensive redevelopment of the western half of the site, limited weight can be attached to the longer term and wider social and economic benefits that that the applicant states would be achieved by an approval for this application.

In light of these conclusions, if a comparative exercise were to be taken in respect of the food stores proposed at Riverside and the Aldi approved on the Cintride site it can be acknowledged that neither the Riverside site or Cintride site are sequentially preferable, but that in the absence of a town centre site, a single medium sized foodstore could be accommodated on either site and a medium sized foodstore on one of the sites would not adversely affect the town centre. Whilst both sites are considered to be out-of-centre sites they are also considered to be equally acceptable in terms of the sequential test for out-of-centre retail development.

However, at this stage, it is considered that a better planning case for a foodstore on the Cintride site has been made in the context of the prevailing policy framework when taking into account all relevant considerations. The Cintride site also appears to be preferable insofar as a safe and suitable access would be more readily achieved, and this site has a frontage onto the A6, which means that there appears to be more certainty that a food retailer would occupy the Cintride site rather than the Riverside site even if Aldi were not to pursue their current proposals.

This report is based on the premise that the Aldi approval is sound. It is considered this approach is appropriate because the relative planning merits of the approved food store on the Cintride site are relevant to the determination of the application for a food store on the Riverside Business Park. In these respects, it is of great significance that the advice given to the Authority is that there is only the need for one additional medium order retailer in Bakewell.

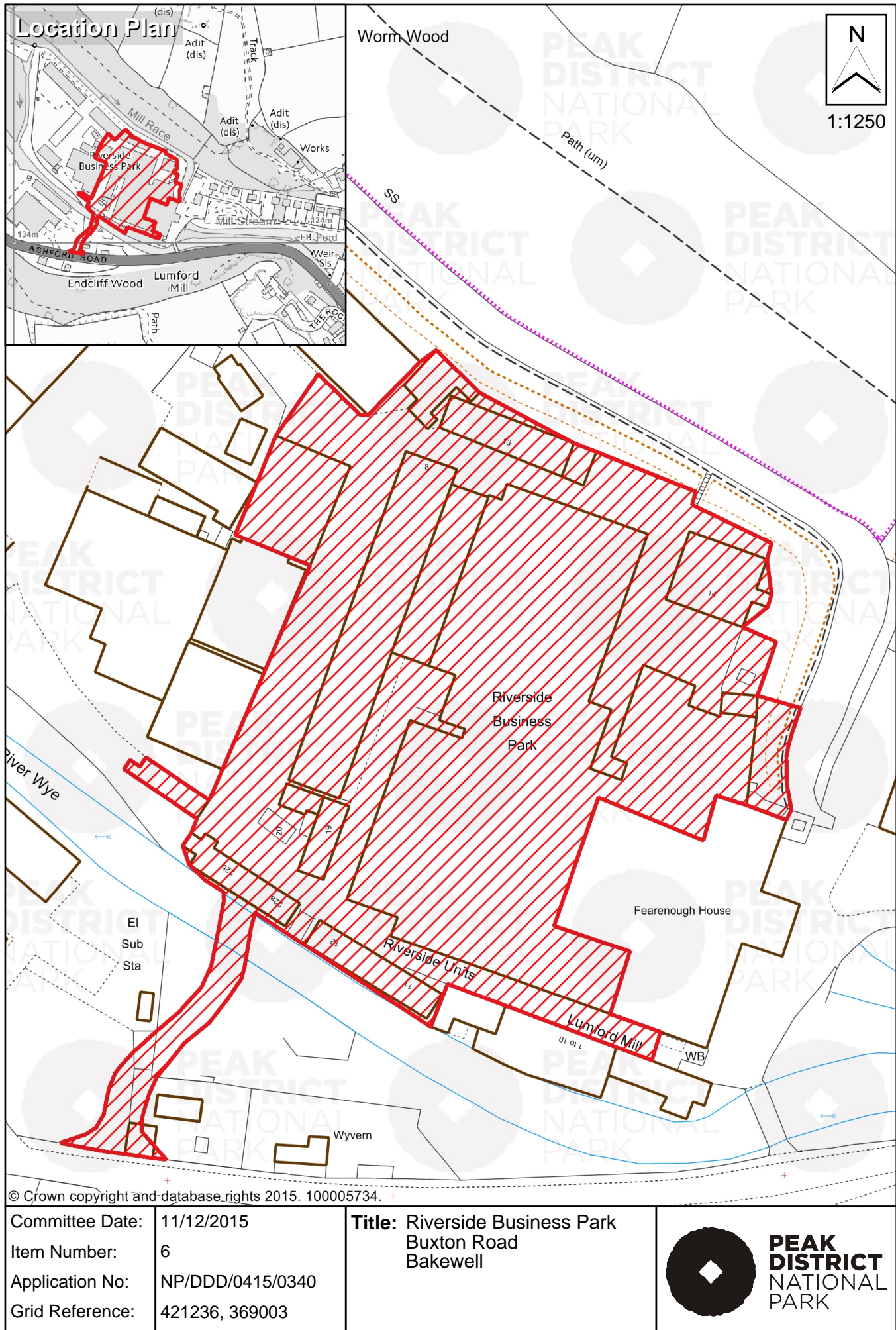
In conclusion, officers have taken into account all material considerations, including the issues raised in representations, but none of these override the substantial objections to the scheme outlined in the report. In the absence of any further considerations indicating an exception to the development plan is warranted, the application is recommended for refusal for the reasons set out above.

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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7. FULL APPLICATION: DEMOLITION OF FORMER MILL BUILDINGS, ASSOCIATED STRUCTURES AND OTHER BUILDINGS AND ERECTION OF 72-BED HOTEL DEVELOPMENT INCORPORATING GROUND FLOOR FLOORSPACE WITH FLEXIBILITY TO BE USED FOR CLASS A3 AND CLASS D2 USES, IMPROVEMENTS TO EXISTING SITE ACCESS, PARKING AND LANDSCAPING AND OTHER ASSOCIATED WORKS AT, RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL (NP/DDD/0415/0339, P.4822, 421118/369156, 29/04/2015/KW/CF)

APPLICANT: RIVERSIDE BUSINESS PARK LIMITED

Site and Surroundings

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

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

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

The site is currently accessed in two ways: from the A6 via a narrow stone bridge which is unsuitable for HGVs, and from Holme Lane, which serves also residential properties on Holme Lane and Lumford. This access is frequently used for parking on its northern side, resulting in significant sections of the lane being of single vehicle width and making it difficult for use by HGVs serving the various businesses operating from the Business Park. The eastern end of Holme Lane serves 6 residential properties and a business premises. At the western end of Holme Lane, the access to the RBP reverts to a single-width tarmacked track, which passes the front gardens of a row of 26 terraced and semi-detached properties at Lumford, whose main vehicular access is also via Holme Lane.

Proposal

The application (as amended) seeks full planning permission for a four-storey, 72-bed hotel, with a nominal entrance on the ground floor and the remainder of the ground floorspace to be used for class A3 (restaurant) and Class D2 (assembly & leisure) uses.

The hotel profile, massing and footprint is based on the original 3-4 storey mill that used to occupy this part of the site and which was destroyed by fire in 1868. Although there is little remaining evidence of the former mill, there is a surviving sectional plan and small sketch drawing showing its four-storey height and massing. The submitted hotel design reflects the character style and massing of the former traditional mill structure, but with some contemporary detailing, particularly in respect of the two four-storey high stair towers, which are located on the rear (west) and north gable elevation (the elevation facing away from the A6).

The hotel design has been the subject of detailed discussions with officers and amended plans have been produced which reflect a more traditional mill building treatment with the walls constructed of natural gritstone under natural blue slate roofs. The hotel building is provided with a double-pile roof and the resultant elevation facing eastwards towards Bakewell town centre is reminiscent of a traditional monolithic mill structure with repetitive window openings arrangements. The rear (west) elevation and north gables are interrupted by the contemporary 4-storey box stair towers, which have a functional appearance. They would be clad with dark grey metal profiled wall and roof cladding to act as a foil to the large expanses of stonework on the main elevations.

The dimensions of the main 4-storey hotel building (as amended) are 48.4m long x 15.1m wide (max. dimension) x 13.2m/15.9m to eaves/ridge. The 4-storey building element is recessed 6.7m back from the original façade of the mill, in order to protect and preserve the above and below ground features of archaeological interest. The ground floor footprint of the building is therefore greater than the 4-storey building element and also incorporates a later flat-roofed building on the east elevation. The ground floor footprint of the building, including the hotel/restaurant/commercial units and former turbine room, extends to around 1423.6m².

The internal floorspace for the building includes the following:

Ground Floor: Hotel Lobby Area (inc. office/lifts/stairs) ~ 125.93m²

Hotel Restaurant (Customer floorspace ~ 64 covers) ~ 114.0m²

Commercial units 8&9 (combined floorspace) ~ 741.86m²

Former Turbine Room ~ 73.81m²

First Floor: 24 x en-suite double bedrooms ~ 676.39m²

Second Floor: 24 x en-suite double bedrooms ~ 676.39m²

Third Floor: 24 x en-suite double bedrooms ~ 676.39m²

Car parking for the hotel is initially to be located within the existing car parking areas to the east of the hotel building site, which will provide 64 spaces. A further 25 spaces are to be created immediately to the rear (west) of the proposed hotel building by the removal of a section of the later unused modern industrial buildings.

The vehicular access for the proposed hotel is initially proposed to be via Holme Lane, which is presently the main access to the Riverside Business Park complex. It is intended, however, that on the completion of the new bridge access on to the A6, the majority of the vehicular traffic, except for service vehicles, would use the new bridge access and staying guests would park in the new enlarged car parking area on the western side of the hotel, which is part of the accompanying outline application, as soon as this becomes available for use.

The application is accompanied by a Design and access Statement; Heritage Impact Assessment; Archaeological Assessment; Ecological Survey and Mitigation reports; Planning and Retail Statement; Economic Benefits Assessment; Transport Assessment; Flood Risk Assessment; Phase 1 Site Investigation Report and Statement of Community Involvement.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The erection of the proposed hotel, together, with the additional restaurant and commercial uses, in advance of the new bridge access on to the A6 being first completed and available for use, would significantly and adversely impact upon the residential amenities of the occupants of the properties along Lumford and Holme Lane. The proposed development would therefore be contrary to Core Strategy policy GSP3 E, Local Plan policy LC4 (iv) and core planning principles set out in paragraph 17 of the Framework.**
- 2. The proposed vehicular access to the hotel is deficient in terms of its width and the hotel proposals would unacceptably intensify this inadequate vehicular access route along Holme Lane and Lumford. These issues cannot be adequately resolved by the conditions suggested by the Highway Authority, and there is insufficient evidence to demonstrate the parallel application for outline planning permission for further redevelopment of the site would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the Business Park. Therefore, the hotel would not be provided with a safe and suitable access contrary to saved Local Plan policy LT18 and national planning policies in the Framework.**

Key Issues

- Whether, having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park, with particular reference to: the impact of the out-of-town location of the site, the potential impact of the loss of employment land, and the effect on the character and appearance of the site and surroundings.
- Whether the proposals are likely to be acceptable in planning terms with regard to (i) Flood Risk Issues; (ii) Ecology; (iii) Archaeology and Heritage Assets; (iv) Highway Issues; (v) Site Contamination; (vi) Impact on Amenity of Local Residents; (vii) Environmental Management; (viii) Community Involvement; and (ix) Planning Obligations.

Relevant Planning History Relating to the Riverside Business Park Site

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

- 1989 Planning permission granted for new access road from A6 and bridge over River Wye to serve industrial estate.

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- 1994 Planning permission renewed for access road and bridge to serve the industrial site based on 1989 consent.
 - 2002 Planning permission renewed for access and bridge over River Wye to serve the industrial estate based on 1994 consent.
 - 2004 Listed building consents granted for construction of flood defence walls (not implemented).
 - 2004 Submission of an application for outline planning permission for redevelopment of the site. The application proposed a mixed use redevelopment including demolitions, conversion and new build to provide employment and residential uses.
 - 2005 The Authority's Planning Committee resolved to defer determination of the 2004 application for the redevelopment of the site requiring more information about enabling development; potential for more affordable housing; a flood risk assessment; and provision of interpretative facilities relating to the archaeological and historic buildings and features on the site.
 - 2005 Temporary consent granted for change of use of Unit 16 to allow textiles / embroidery mail order and teaching business including storage and ancillary retail sales.
 - 2005 Planning permission granted for new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit. A planning condition was attached stating that:

“There shall be no increase in industrial building floorspace on the Riverside business park without the prior provision of a vehicular access on to Buxton Road, which is capable of use by heavy goods vehicles. In the event of no new access being provided, a plan shall be submitted for approval and implementation showing demolition of buildings to permit replacement by the development hereby approved.”
 - 2006 The Authority's Planning Committee resolved to defer determination of the 2004 application for redevelopment of the site to enable further information regarding the enabling development to be obtained and reported back to the next meeting and, in addition, the potential for affordable housing, a flood-risk assessment and the provision of interpretive facilities relating to the archaeological and historic buildings features on the site.
 - 2006 Temporary consent granted for retention of timber store for Pinelog.
 - 2007 Submission of environmental impact assessment to support the 2008 Masterplan – Revision 18, submitted in 2008
 - 2008 Planning permission renewed for creation of access road and bridge over river to provide access to W Fearnough LTD (Riverside Business Park) based on the 2002 consent.
 - 2008 Submission of amended plans (Masterplan - Revision 18) to support the 2004 application for redevelopment of the site.
 - 2009 Planning permission granted for installation of new solar panels on roof of Unit 11.
 - 2010 Planning permission refused for the 2004 application for redevelopment of the site. The application was determined on the basis of the Masterplan (Revision 18) and refused for

the following reasons:

- The proposed development, as shown on Masterplan 18, was considered to be contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
- The loss of employment space and the level of affordable housing shown on Masterplan 18 were considered to conflict with the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.
- The submitted details were held not to provide sufficient information to demonstrate that the development and proposed phasing would secure the long term sustainability, vitality and viability of the business park and fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas.

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

2011 Planning permission for what was effectively a resubmission of the 2004 planning application proposing demolition of existing buildings to provide a mixed use employment (Class B1/B2) and B8/residential development (new build and conversion), car parking and associated works. This application was refused in 2011 for the following reasons:

- The proposed development, as shown on Masterplan 22, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
- The loss of employment space and the level, form and location of affordable housing shown on Masterplan 22 would not meet the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.
- The cumulative loss of employment space and the proposed phasing would not secure the long term sustainability, or vitality and viability of the business park and the submitted details otherwise fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas and Local Plan policy LB7.

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

2012 Planning permission granted for a variation to the 2005 permission granted for a new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit to allow a gym to operate from part of one of the two new units allowed by this permission. This building (Building K) now accommodates a gym, an unauthorised retail outlet, and Thornbridge Brewery, who also occupy the whole of the second new unit allowed by this permission.

- 2013 Planning permission granted for the installation of two bulk malt handling silos adjacent to the unit occupied by Thornbridge Brewery.
- 2014 Planning permission and Listed Building Consent granted for the erection of a closed circuit security camera mast/ camera installation to provide surveillance of vehicles entering and leaving the Business Park.
- 2015 Submission of parallel outline application proposing demolition of former mill buildings, associated structures and other buildings and seeking full planning permission for hotel (C1) development incorporating ground floor floorspace with flexibility to be used for café (A3) and gym (D2), improvements to existing site access, parking, landscaping and other associated works.
- 2015 Submission of environmental impact assessment to support the current application for a hotel. An expedited consultation exercise was carried out by the Authority that was used to inform the Authority's formal screening opinion. The responses to this consultation exercise supported the Authority's view that the proposed development was not EIA development. The Authority subsequently confirmed in April 2015 that an EIA was not required.

Consultation Responses

External Consultees

Civic Society - Bakewell and District Civic Society welcome the prospect of upgrading the site, which is in parts unsightly and substantially under-used but make the following additional comments on the proposals:

- Any retail development included in the proposals should not, in their view, detract from the retail function of the town centre, which should remain the principle focus of shopping in the town although it may complement it.
- A new supermarket on the site, in addition to the Cintride site (Aldi), would probably constitute over-provision and prove detrimental to the town centre's retail functions.
- The riverside site should remain predominantly commercial/industrial in character, as it is the only significant area in Bakewell allocated for this purpose, in the interests of the future economy and employment prospects of the area.
- Ideally, a new bridge into the site from the A6, suitable for heavy vehicles, should be provided before the development commences, as the access from Holme Lane, via Lumford, is substandard.
- Welcome the suggestion of a new, medium-to-large hotel being included in the development on the footprint of the original mill, as something that has long been needed in Bakewell.
- Welcome the suggestion that renewable energy facilities should be incorporated into the developments and suggest that hydro power should be considered, as well as photo-voltaic solar power.
- Would like to see a clear and attractive pedestrian route through the site included in the development proposals, which would form part of a route along the Wye valley linking Bakewell with Ashford.

- Welcome the proposed conservation of elements of historic industrial interest on the site and suggest the inclusion of an interpretation facility to enhance this. This could be linked with the information already provided at the Old House Museum.
- The lake at Lumford had long provided a distinctive and attractive feature of the site but has become overgrown with shrub and lost its identity. It would be good to see this restored, if not as a water feature, which would be preferred, then as an open grassed area.

County Council (Highway Authority) - No objection to the application subject a number of recommended conditions being included in any consent in the interest of highway safety.

County Council (Local Lead Flood Authority) – Raise concerns relating to the potential for surface water run-off and the adequacy of information relating to a sustainable drainage system for the site.

District Council (Environmental Health Officer) – No objections subject to: (i) a pre-commencement condition requiring submission and agreement on a land remediation scheme taking into account the site's previous use for industrial purposes and the risk of contamination being present; (ii) submission and agreement on noise and odour reports and details of external lighting schemes; and (iii) restriction on times of deliveries and waste collection to Monday to Fridays 08:00 to 18:00; and Saturdays 09:00 to 13:00.

Environment Agency – No objections subject to a number of detailed conditions relating to flood risk, flood defence, biodiversity, land remediation, contamination and safeguarding the River Wye. The Environment Agency also comment that a s.106 legal agreement may be required to address the Agency's requirements relating to flood defence.

Historic England – No overriding objections to the amended proposals subject to a pre-commencement condition requiring a scheme of archaeological work in line with paragraph 141 (built heritage and remains of less-than-national importance) and paragraph 132 (remains of national importance) in the National Planning Policy Framework. However, Historic England also suggest the Authority may wish to consider securing the preservation of nationally important archaeological remains through a s.106 legal agreement, rather than a planning condition.

Natural England – No objections subject to an assessment of impacts on protected species and the National Park should be undertaken by the Authority's Ecologist and landscape specialists. Additionally, the scheme may also provide opportunities to incorporate features into the design, which are beneficial to wildlife.

Town Council - Object to the proposal primarily because the application appears contrary to saved Local Plan Policy LB7. The Town Council also raise the following concerns:

- Highway issues; traffic generation vehicle access road safety.
- Noise and disturbance resulting from use including proposed hours of operation.
- Effect on listed buildings and conservation area.
- Ensuring equal access to buildings/sites (e.g. for people with disabilities).
- The applicant requests 'flexibility' within the development mix. It is felt that, if approved, this could result in the establishment of a secondary retail core in Bakewell which may threaten the vitality of the existing town centre. Such flexibility could, for example, lead to the development of 'fast food' outlets that the Town Council believes would be of

detriment to the town.

- The Town Council feels that the construction of the access bridge from the A6 should be the first part of Phase 1.
- Every effort should be made to mitigate any effect on the residents of Holme Lane.
- Access to any hotel development should be solely from the A6 via the new bridge.

However, in a supplementary response, the Town Council states that the proposal for the hotel is welcomed in principle but, both for construction and subsequent occupation; it is not practical for the proposal to go ahead without the bridge.

Internal Consultees

National Park Authority (Conservation Officer) – No objections to the revised proposals.

National Park Authority (Ecologist) – No objections subject to mitigation measures for water vole, small pondweed, bats and birds and a range of enhancement/compensation measures to be incorporated within the new builds and in the renovated buildings on site for bats and birds such as house sparrow, starling, house martin and swifts.

However, the Authority's Ecologist also notes that the proposed works will require the demolition and renovation of a number of buildings. These works could potentially result in the disturbance, injuring or killing of bats and the damage or destruction of roosts and the applicant will need to seek and obtain a European Species Licence prior to any works starting on start.

National Park Authority (Landscape Architect) - No objections in principle to the proposed development but considers that there should be a landscape and visual assessment prepared for the proposals and a better overall landscaping plan produced by the applicant.

Representations

Individual neighbour notifications of the Lumford residents have been undertaken and site notices have been erected. This application also includes a statement of community involvement and says 62 feedback forms were received in response to pre-application consultation with the local community for redevelopment of the Business Park, of which 80% were in support of the current application for the hotel. 90% Of the respondents also considered that the associated new bridge access to be important.

Individual Letters of Support

13 individual letters of support have been received. Two of these are from businesses that operate from the Riverside Business Park, one of these being Thornbridge Brewery. These two businesses state that the applications should be supported for the following reasons:

- They will provide funding for a new bridge and relieve traffic along Holme lane to the business park.
- The new bridge will allow Thornbridge Brewery to significantly develop their business and create jobs accordingly. It is understood that a similar situation exists at Pinelog, Bakewell Pudding Shop and others. It is understood that approximately 600 jobs could be protected or created on the Riverside Business Park site.

- A proposed foodstore on the Cintride site, next to Riverside Business Park, would do great damage to the potential to fund the bridge and investment at Riverside as it is unlikely that Bakewell can support two new food stores. This would mean long-term damage to Bakewell, its economy and this part of the Peak District National Park.
- Further development at Riverside could also have significant potential for renewable energy opportunities for the site and the locality.

A petition of support for the hotel proposal signed by 39 employees of Pinelog on the Riverside Business Park site has also been received. This makes the same points as those referred to in the above individual letters of representation.

The other 11 individual letters of support received include the following representations:

- Many visitors come to Bakewell on a day trip, but very few use the town as a base for their stay due to the lack of accommodation it has to offer. The proposed hotel will therefore allow visitors to stay here for longer, which in turn, will increase spending in the town as well as creating new jobs.
- A successful development at the Riverside Business park allowing a proper bridge access and relieving traffic along Holme Lane, can only be good for Bakewell.
- Support the redevelopment of this large run-down Brownfield land that is currently an eyesore on the approach to Bakewell.
- The latest revised elevations for the hotel with the greater area of stonework are an improvement over the original submission.

Individual letters of objection

30 individual letters of objection have been received. 17 of these are from Lumford residents and other properties along Holme Lane. These letters raise the following concerns:

- It is essential that a new bridge is built upstream to accommodate construction site vehicles and subsequent customer traffic.
- The hotel application makes no provision for a new bridge to be built before any building starts therefore it would mean a huge increase of traffic down Holme Lane, which is already being damaged due to heavy traffic, and will result in an intolerable nuisance to residents and pedestrians and a safety hazard.
- Holme Lane and Lumford are highly unsuitable for use by commercial traffic. Holme Lane is in effect a one way road in that for most of its length only one vehicle can pass at a time. In relation to heavy goods vehicles of which there is a high level of passage, most have to mount the pavement to get access to Lumford and Riverside. Lumford for its whole length is one way; there is no pavement and residents enter on to the carriageway direct from their garden gates. There are both elderly people and young children living on Holme Lane/Lumford.
- On completion of the hotel and prior to the construction of the bridge, which if completed will take some time, there will be up to 130 car movements over day and night (occupants of up to 65 rooms, in and out) together with the commercial traffic required to sustain the hotel.

- The residents of Bakewell and its many visitors frequently enjoy the walk from the town along the footpath on the A6 then over the old packhorse bridge. Many walkers, cyclists and pedestrians travelling to and from the Monsal Trail make use of the old road passing the historic buildings of Holme hall and Lumford House before joining Holme Lane. Any increase in traffic along Holme Lane would endanger their safety, destroy their enjoyment and could well result in a marked decrease in visitors to the town.
- Traffic to the business park at present tends to be concentrated in the morning between 7am – 9am and late afternoon between 4pm – 6pm; however building a hotel would change this pattern to around the clock.
- The proposed hotel development would be too dominant, will overshadow the surrounding buildings and will be out of keeping with the surrounding area, and the Conservation area. It will reduce local amenities and is likely to have a detrimental impact on long established businesses in the heart of Bakewell.
- The saved Peak park policy LB7 states that if there is an increase of floor space of Lumford Mill Business Park that a bridge must be built, however this application is not dependant on a bridge being built and the developers have publicly stated that no bridge will be built unless the hotel proposal and the development in the accompanying application completed.
- Friends and family of one of the residents regularly visit and stay in local B&B's. They never had a problem with availability which suggests that Bakewell already has more than enough places to stay. A new hotel chain would damage local business.
- The new bridge will never be built while ever the developer considers that the Holme Lane/Lumford access is an option.
- Premier Inns have a very high turnover of visitors and also have a fully licensed restaurant and bar, which would attract even more visitors who may not be staying at the hotel.
- The accompanying Transport Assessment and Design and Access Statements do not demonstrate how safe segregation of vehicles and pedestrians will be achieved along the access road, within the space available along Lumford.
- A number of vehicle passing places are indicated, but these only cater for car traffic heading west and appear to be of an unsuitable size to accommodate the delivery vehicles indicated in the application details and the type of goods vehicles that currently use the access road. To address these issues would have a detrimental effect on the river bank, both aesthetically and in ecological terms.
- The existing works car park used by workers and visitors accessing the site is unoccupied every night, Saturday and Sunday. Part of this car park is to be used for hotel servicing use. If this is made available at night, it would need to be provided with adequate lighting, which would be a new and serious intrusion for the bedrooms of the New Lumford houses, which overlook the car park.

Letters of strong objection have also been submitted from the Lumford and Holme Lane Residents Association. These letters reiterate many of the points made in the individual letters of objection, but also make the following points:

- This site is now the single best industrial employment space in Bakewell. The primary issue, and an issue now close to 30+ years old, is one of deficient accessibility. The

hotel scheme offers no solutions to the access problems it only offers to exacerbate them. Furthermore, it is another step in the gradual erosion of industrial employment space to other users, but still with no bridge.

- The existing access along Lumford is 3.5m wide with no separate pavement, and well below the minimum highway standards for residential (5.5m) and industrial (7.3m). The proposed passing bays increase the width to 5.25m at limited points, still below residential and well below normal industrial standards. The passing of a lorry and car in the vicinity of the passing places would be tight. Residents are therefore concerned that the increase in traffic created by the hotel would lead to a further increase in disruption and an increased chance of personal injury.
- The saved Local Plan policy LB7 states that redevelopment predominantly for B1 and B2 uses should be considered. C1, A3 and D1 uses do not tick this box. LB7 also states that the Listed Mill and Scheduled Ancient Monument are safeguarded. Turning the car park next to the monument wall doesn't seem to safeguard anything, just increases the chance of damage. The key issue in relation to policy LB7, acceptable minor uses, i.e. tourist accommodation by conversion of the existing listed mill building. The proposed hotel site is not the listed mill building. The proposed structure has no listing and the hotel's proposed location here seems totally contrary to the policy objectives explicitly laid out in policy LB7.
- There is a substantial provision of accommodation already available in the town centre and wider ward of Bakewell. Consequently, the requirement for a 69-bed hotel has not been justified by the applicant. There is not an unlimited supply of people requiring rooms. Therefore, it seems reasonable that a large proportion of the occupancy would be taken from current providers (particularly at low season). This would substantially impact the viability of existing businesses which have locally established supply chain. There is no commitment for the Premier Inn to buy local.
- Given the potential impact on long established town centre accommodation providers and due to the site's out of centre location, surely an impact assessment should be conducted to measure the potential effects of such developments. The NPPF "Ensuring the vitality of Town Centres" states that developments greater than 2500m² should trigger an impact assessment under section 26 of the NPPF. The proposed development is circa 3400m², however, there is no evidence that an impact assessment on accommodation provision has been carried out.
- In respect of the Authority's policy objective for new hotel accommodation in Bakewell (Core Strategy policy RT3 C), this is based on evidence in the Derbyshire & The Peak District Hotel Demand Survey undertaken by Bridge Baker Consulting 2007. This report states that current provision is broadly adequate, but existing providers have some lean months of the year. It also indicates a desire for accommodation that is located in rural areas of a small scale with a personal touch. A large chain hotel does not seem to hit many of these points. Whilst it could be accepted that new accommodation should be provided, detailed consideration of its type, target demographic and location, and what it adds to the Peak Park should be considered.
- The proposal claims a net increase in jobs. Without an impact assessment this cannot be substantiated and if the hotel's success is based on putting other businesses out of business, there may not be a net increase in jobs, and possibly a net loss.
- A number of the smaller businesses on the Riverside site have already been given notice to vacate the site. This is contrary to the explicit wish expressed by the Authority's committee when considering previous proposals at Riverside in relation to

what they would like to see in regard to the regeneration of the site.

- No reference to signage for the proposed hotel is made in the application. It is likely that two signs would be required, which would be damaging to the view across open space to the Water Meadow.
- With the submitted demolition plans for the hotel, the applicant is claiming that space has already been taken out of use as a result of the 2005 Pinelag/Thornbridge Brewery approvals. These previous demolitions as part of the 2005 approval amount to 729m². The area offered for demolition for the hotel application is 2582.58m². However, if the area already taken out of use via the 2005 approval the new demolition area reduces to 1852.83m². The floorspace created by the hotel proposal amounts to 3,517.31m². On this basis, this significant disparity in new floorspace created against the amount of buildings to be demolished should trigger the erection of the bridge under the provisions laid out in Local Plan policy LB7.

The remaining individual letters of objection include 6 from other Bakewell residents and make the same points as those referred to by the residents along Holme Lane and Lumford, noted above. The remaining letter of objection is from a charitable organisation concerned that they will be forced out of their existing offices unless they can find alternative low-rent accommodation close-by they may be forced to leave Bakewell entirely. Another concern raised is the risk of flooding as the site lies so close to the River Wye.

Relevant Policy Context

Major Development in a National Park

The current proposals are considered to comprise 'major development' because the current application seeks permission for commercial buildings with a floor area of significantly more than 1,000 m² as well as the complexity of the planning considerations in this case and the significant public interest in the re-development of Riverside Business Park and the provision of a new road bridge to the site. GSP1(D) in the Authority's Core Strategy says in securing National Park purposes major development should not take place within the Peak District National Park. Major development will only be permitted following rigorous consideration of the criteria in national policy.

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

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

These tests and the provisions of Paragraph 116 are supported by the provisions of the preceding paragraph, Paragraph 115 of the Framework, which states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are also important considerations in a National Park. Paragraph 14 of the

Framework also cross refers to the English national parks and the broads: UK government vision and circular 2010 which provides further policy guidance on development in National Parks.

Site Specific Policy

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

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

LB7(b) goes on to say acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building. This approach is carried forward in the emerging Development Plan Document, which states the Riverside Business Park is an example of where premises could be improved and policy would allow for a mix of uses provided a significant element of business use is retained.

LB7 is supported by Policy E1 (D) of the Core Strategy, which seeks to safeguard existing buildings, land and premises in employment uses particularly where these are high quality and in a suitable location. E1(D) goes on to say where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses. This approach is consistent with national policies in the Framework, which seek to promote economic growth in rural areas in order to create jobs and prosperity but support the re-use of employment sites where they are no longer required.

Hotel Proposals

Policy RT2 states that new-build holiday accommodation will not be permitted, except for a new hotel in Bakewell. The explanatory text states that this policy responds to evidence showing a lack of serviced accommodation, by giving the opportunity to build a new hotel in Bakewell, selected because of its accessibility and important market town role. This policy will be taken forward in the emerging Development Plan Document. However, as noted above, policy LB7 suggests that tourist accommodation could be provided at Riverside Business Park by conversion of the existing listed mill building whilst RT2 does not provide any further guidance on where a new hotel should be located in Bakewell.

In these respects, Policy DS1(F) of the Core Strategy policy outlines the spatial strategy for Bakewell, which includes protection of the range and integrity of Bakewell's Central Shopping Area, safeguarding employment sites and promotes the take-up and enhancement of under-used employment sites. Accordingly, Policy HC5 (A) seeks to direct the location of new town centre uses including retail development to the Bakewell Central Shopping Area and this type of development should be of an appropriate scale to serve the needs of the local community and the settlement's visitor capacity. HC5 (B) states that significant out of centre retail development

will not be permitted.

HC5 is relevant to the application insofar as the current proposals and the parallel application for a mixed use development with a large amount of floor area potentially in town centre uses when taken together could result in the creation of a quasi-town centre environment at Riverside Business Park. The concern that Riverside would become an alternative visitor destination would be reinforced by the hotel proposed in this application and the nearby Aldi store commitment, which adds to the sense of competition that the development proposals at Riverside could pose to Bakewell town centre if both this application and the parallel application were granted planning permission.

National policy applying to proposals involving town centre uses is set out at paragraphs 23-27 of the Framework. Paragraph 24 confirms that local authorities should apply a 'sequential test' to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 26 refers to impact assessments for particular types of out-of-centre retail development and where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the vitality and viability of a town centre, it should be refused.

Wider Policy Context

Policy GSP2 of the Core Strategy builds upon the provisions of GSP1 in respects of major development in the National Park. Policy GSP1 says where a proposal for major development can demonstrate a significant net benefit; every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured. GSP2 says opportunities should be taken to enhance the valued characteristics of the National Park and specific opportunities should be taken to remove undesirable features or buildings.

Policy L1 of the Core Strategy relates directly to enhancement of landscape character, and cross refers to the Authority's Landscape Strategy and Action Plan. Policy L3 of the Core Strategy sets out specific criteria relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance. Saved Local

Policy GSP3 of the Core Strategy refers to development management principles and criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities.

Other relevant policies in the Core Strategy include policy CC1 relating to environmental management measures, CC5 relating to flood risk and the presumption against development which increases flood risk, and policy T1 which aims to reduce the need to travel by unsustainable means.

Other saved Local Plan policies that are relevant to the current proposals include policies LC16, LC17 and LC18, which refer to the protection of archaeological features; site features or species of wildlife, geological or geomorphological importance; and safeguarding nature conservation interests respectively. All seek to avoid unnecessary damage and to ensure enhancement where possible. Saved Local Plan policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy.

LT10 states that in new development, parking must be of a very limited nature or accompanied by on-street waiting restrictions. LT18 seeks to ensure that the highest standard of design and material is achieved in transport infrastructure to conserve the valued character of the area. LC24 requires that development on land believed to be contaminated will be permitted provided

that an accredited risk assessment is agreed.

The relationship between these policies in the Development Plan and national planning policies in the Framework has also been considered and it is concluded that they are consistent because the Framework promotes sustainable development sensitive to the locally distinctive character of its setting and places great weight on the conservation of the scenic beauty of the National Park, its wildlife, and its heritage assets

Assessment

Principle of Development

The proposals are considered to be major development within the scope of Paragraph 116 of the Framework not only in terms of the total floor area of the proposed hotel and class A3 (restaurant) and Class D2 (assembly & leisure) uses but also in terms of the potential departure from Development Plan policies. In this case, the out of town location proposed for the proposed development means that the proposals have the potential to impact on the vitality and viability of Bakewell town centre, contrary to the strategic provisions of the Development Plan.

Bakewell is the largest settlement in the National Park and acts as an important service centre for a wide rural area. It serves the needs of its residents and those living in outlying areas, and also the needs of tourists and visitors to the town and the wider National Park. Core Strategy policies DS1 and HC5 aim to safeguard and secure its viability and vitality. The current proposals and the parallel application seeking outline planning permission for a mixed use development with a large amount of floor area potentially in town centre uses - when taken together - could result in the creation of a quasi-town centre environment at Riverside Business Park. The concern that Riverside would become an alternative visitor destination would be reinforced by the hotel proposed in this application and the nearby Aldi store commitment, which adds to the sense of competition that the development proposals at Riverside could pose to Bakewell town centre if both were granted planning permission.

Equally, the development proposals would have a substantial impact on the character of the Business Park but the proposals do not comply with the specific provisions of saved Local Plan policy LB7(a), which says comprehensive redevelopment, predominantly for industrial/business use (Use Classes B1 and B2) will be permitted on some 5 hectares at Riverside Business Park. In this case, the applicant considers these proposals to be a 'stand-alone' development that would be part of the re-development of the site but would not be enabling development to help fund the new bridge, for example.

In the applicant's view, the hotel proposals should not be considered as part of the concurrent proposal for the comprehensive redevelopment of the site adjoining the proposed hotel site but in planning terms; officers do consider the two proposals are clearly related to each other, likely to give rise to cumulative impacts and form a 'piecemeal' approach to comprehensive redevelopment of the Business Park. Notwithstanding these points, the current proposals are clearly not predominantly for industrial/business use (Use Classes B1 and B2) as required by LB7(a).

Furthermore, LB7(b) says acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses) and general market housing or tourist accommodation by conversion of the existing listed mill building. The proposals in the current application would not be on a minor part of the site and would not include the conversion of the existing mill building. Consequently, the current application proposes a departure from the site specific saved Local Plan policy LB7 and the nature of these proposals in an out of centre location raise substantive planning issues that warrant the Authority treating these proposals as "major development" in the terms of Core Strategy policy GSP1 and paragraph 116 of the

Framework.

Both policy GSP1 and paragraph 116 state that in securing National Park purposes major development should not take place within the National Park other than in exceptional circumstances and where it can be demonstrated that they are in the public interest. However, whilst there is a presumption against major development in the National Park, the Framework and policy GSP1 state that it might be permitted exceptionally following rigorous consideration of a number of tests which seek to assess the need for the development, the cost of and scope for developing elsewhere and any detrimental effect of the environment and the landscape. These tests are examined as part of the analysis of this application that follows below.

Exceptional Circumstances

In this case, the applicant considers these proposals should be dealt with on their individual planning merits but it is considered difficult to afford substantial weight to the contribution these proposals would make to the longer-term comprehensive re-development of the Business Park as a 'stand-alone' development. However, policies in the Development Plan support the provision of a new hotel in Bakewell, which in turn would provide wider public benefits including generating local employment opportunities, attracting more visitors to the town, and supporting the local economy. In these respects, there is evidence of need for the proposed hotel and whilst there is no requirement in the Framework for applicants to demonstrate 'need' in relation to hotel developments, as noted above an assessment of need is one of tests identified in Framework in the consideration of 'major' development.

However, the exceptional circumstances that might justify approval of the current application are that there is no other sequentially preferable site that is currently available in the town that would accommodate a hotel of this size in Bakewell. Primarily, officers consider that the tight-grained and historic character of Bakewell town centre and other constraints, including flood risk, means there are few sites with the potential for development of this nature within Bakewell's Development Boundary as defined by policy LB1. The former Cintride site was another possible location for a large hotel, but this site now has permission for the erection of an Aldi foodstore.

The availability of the site for a 72-bed hotel for a named operator is an important consideration because the applicant considers the hotel will create approximately 30 year-round jobs and provide an estimated £700,000 uplift in visitor expenditure annually. Furthermore, the estimated total construction costs of £6.2 million imply that the development would be expected to create the equivalent of 68 person-years of construction work over the proposed one-year build programme. Therefore, granting planning permission for the proposed development would result in clear and quantifiable socio-economic benefits for the local area providing the development would not have a significant adverse impact on the vitality and viability of the town centre.

Impact upon the Town Centre

In the first instance, the Framework does not explicitly require the submission of an impact assessment in relation to hotel developments outside of a town centre because a hotel is not considered a main town centre use in terms of national planning policies. Although the Authority could request this type of assessment, officers do not consider this is necessary given the support in policy for serviced accommodation in Bakewell, which would provide a visitor offer that is clearly distinct from bed and breakfast / guest house accommodation. Officers also consider that a hotel on Riverside would not in itself take trade from the Central Shopping Area or detract from any other of the main town centre uses in Bakewell other than it would provide competition for the Rutland Hotel.

Therefore, officers main concerns in terms of the potential impact of the proposals on Bakewell's town centre are more related to how the current proposals and the parallel application for a mixed use development with a large amount of floor area potentially in town centre uses when taken together could result in the creation of a quasi-town centre environment at Riverside Business Park. The concern that Riverside would become an alternative visitor destination would be reinforced by the hotel proposed in this application and the nearby Aldi store commitment, which adds to the sense of competition that the development proposals at Riverside could pose to Bakewell town centre if both this application and the parallel application were granted planning permission.

However, as this application does 'stand-alone' and it is therefore required to be determined on its individual merits, it is considered that the socio-economic benefits for the local area that would be achieved by an approval for the current application would offset and outweigh the potential departure from LB7. This is especially the case because there are no other available sites in Bakewell for a hotel of the capacity proposed and the need for additional serviced accommodation has been clearly established in the Core Strategy. Therefore, it is considered exceptional circumstances do exist that would warrant approval of the current application providing the proposals are acceptable in planning terms in all other respects.

Impact on Site and Surroundings

The effect of the development on the character and appearance of the site and surroundings is a key policy test for major development in a National Park. This is also an important assessment in terms of the sensitive nature of the site and the presence of ancient monument in particular. In landscape terms, Riverside Business Park is well screened by trees and man-made features but the existing, modern factory buildings to the rear of the remaining single-storey façade of the original mill building detract from the character and appearance of the site and its landscape setting. Whilst the hotel site lies just beyond the conservation area boundary, the land immediately to the south encompassing the River Wye and the Mill Stream, together with the listed mill workshop building and the existing road bridge are within the Conservation Area. The hotel site is also immediately adjacent to the Ancient Monument site. As a matter of law, the Authority must pay special regard and apply great weight to matters concerning these designated heritage assets.

A detailed Design and Access Statement (DAS) accompanies the application and detailed discussions have taken place involving the applicant's agent, the Authority's Conservation Architect and Archaeologist, and Historic England. The DAS states that the scheme seeks to retain the significant heritage assets of Lumford Mill workshop, the Scheduled Monument of the mill race, the Gas Retort House, two chimneys, Turbine Room and the single storey façade of the Mule Spinning Shed, which although not listed in its own right provides a setting and frontage to the Bakewell Conservation Area. The proposed four storey hotel is set 6.7m back from the retained façade and is sited on the footprint of the previous Lumford Mill, which was four storeys in height and directly abutted the mill race. The proposed hotel assumes a similar mass and building line, addressing the setting of the Conservation Area and Holme Lane, whilst providing a visual buffer to the proposed retail, restaurant and industrial units (existing and proposed) on the Riverside Business Park.

Notably, the original design concept proposed a four-storey building reflecting the form and mass of the original mill building, but with contemporary design features to minimise the overall height of the building. These included projecting full-length glazed/timber-clad gables at each end of the frontage elevation, 'wrap round' eaves rooflights and the upper section clad in dark grey metal sheeting to visually lower the apparent eaves height of the building. Whilst the overall design concept for the building was considered to be acceptable, these contemporary design features were considered to be inappropriate for this traditional mill setting.

Following design discussions, an amended scheme was submitted, which omitted the projecting gables and the upper tier of metal sheeting. The walls of the building would now be constructed entirely of natural coursed gritstone. The overall eaves/ridge height of the building has been increased by 0.9m in order to omit the 'wrap-round' rooflights and also to satisfy the Environment Agency's requirements in respect of flood risk issues. Glazing bars have also been introduced into each individual window frame to reflect the industrial window frame pattern on the listed mill workshop building and to provide some interest to the window frame details.

The overall design/form and massing now reflects that of a four storey monolithic mill structure, which is set back from the original mill façade in order to protect its integrity and preserve any surviving below-ground archaeological features of interest. The building is significantly higher than the adjacent listed riverside workshop building, but this reflects the setting and relationship between the two buildings prior to the demise of the main mill building in 1868.

In landscape impact terms, whilst the hotel building will be visible from the vicinity of the old packhorse bridge, its impact would be mitigated by intervening mature tree cover. The hotel building would also be visible from the footpath alongside the A6 in the vicinity of the existing bridge. The rear of the hotel would also be visible from the A6 to south in the vicinity of the proposed new access bridge and the Aldi site. From these viewpoints, the building would be seen in relation to the existing listed workshop, the raised embankment of the Ancient Monument site, and the two tall chimneys, which are to be retained as part of the proposal. Whilst the hotel building would clearly be visible from these vantage points, it is considered that its design, form and appearance would be sympathetic to the industrial character of the Riverside site and the adjacent designated heritage assets.

Therefore, officers consider the hotel application meets the third test in national policy on major development in the National Park because it would not have an adverse impact on the character and appearance of the site and its setting. In terms of the above ground impacts, the revised proposals would also respect the significance of the Ancient Monument, would not harm the setting of the designated Conservation Area or the nearby Grade II listed building and would conserve the above ground non-designated heritage assets on site.

Other Material Considerations

Flood Risk

The site is located within the Environment Agency Flood Zone 3. Hotel use is classed as a 'More vulnerable' use in terms of the Environment Agency's classifications, which is compatible with Flood Zone 3a and therefore there is a requirement for the sequential and exceptions tests to be applied in this case.

In respect of the Sequential Test, it is material that the proposed development is part of wider proposals at Riverside Business Park, and saved policy LB7 allows for comprehensive redevelopment of the site. Furthermore, there are no guestrooms proposed on the ground floor of the hotel, and it is notable that flood risk was not a major factor in the determination of previous applications which involved residential uses in the 'more vulnerable' category. The application is accompanied by a detailed flood risk assessment.

Subsequent detailed discussions with the Environment Agency has resolved the Agency's original objections to the scheme and subject to appropriate conditions, it is concluded that the redevelopment will not lead to a net loss in floodplain storage, will not impede water flows, and will not increase flood risk elsewhere. As such, the development is compliant with the Framework and Core Strategy policies CC1 and CC5.

Ecology

Natural England refer to Standing advice in respect of the impacts on protected species and the Peak District National Park, assessment of which should be undertaken by the Authority's Ecologist and landscape specialists. Additionally, Natural England consider that the scheme may also provide opportunities to incorporate features into the design, which are beneficial to wildlife.

The Authority's Ecologist comments that the water vole surveys confirm the presence of the species long the Mill Stream and indicate the likely presence on the River Wye. The Environment Agency recommend that a condition is added in relation to water vole mitigation works and a method statement; this is supported by the Authority's ecologist

Small pondweed (*Potamogeton berchtoldii*) a county rare plant, previously listed in the red data plant list for Derbyshire 2002, is known to occur within the site. The plant is located in three water tanks which are to be lost to the development. The applicant proposes mitigation works (the creation of a pond to the north of the working area and subsequent translocation of the plants). The proposed pond creation works are subject to further detailed ground works and confirmation of the site location suitability. The mitigation works are acceptable in principle subject to approval of the final design and location details. It is recommended that a condition securing the mitigation works is added to any planning permission.

As noted in the consultation section, a survey carried out on behalf of the applicant states that a total of nine confirmed and two possible bat roosts were recorded within the site during the surveys. It is likely that bats may use a number of buildings for roosting on a regular basis across the site. The proposed works will require the demolition and renovation of a number of buildings. These works could potentially result in the disturbance, injuring or killing of bats and the damage or destruction of roosts. It is recommended that a condition requiring the submission and approval of an approved mitigation/method statement and details of an EPS issued by Natural England should be added to any planning permission. Details should also be provided of any scheme of proposed lighting for the site.

The agent has confirmed that the suggested ecological mitigation and enhancement conditions are acceptable (see above in consultation section), but point out that it will not be practically possible to maintain the proposed 8m buffer zone for water voles along the river bank during the construction of the proposed new river bridge.

It is considered, therefore, that there are no overriding ecological concerns that the proposals would not be capable of being mitigated for. Consequently, it is considered that the biodiversity interests would be conserved in accordance with Core Strategy policy L2 and Local Plan policy LC17 subject to appropriate planning conditions.

Archaeology and Heritage Assets

The riverside mill, adjacent river bridge and facings to the mill leat are listed grade II. Arkwright's water management system is a Scheduled Monument. The eastern part of the site lies within the Conservation Area. A detailed heritage impact assessment has been submitted with this application, which is particularly important given that Historic England have advised that the heritage issues at the site are complex and the Authority will need to properly understand the significance of the site and its elements and their potential for re-use, the impact of proposals and the need to set any new structures within a detailed design framework which 'speaks' to the significance of the site.

The impacts on the 'above ground' on-site archaeological and heritage assets have been discussed in detail in the preceding Impact on Site and Surroundings section of this report

However, there were concerns that the construction phase of the development would reveal further archaeological interest that could be lost or harmed if the development were to go ahead as proposed. The applicant has subsequently confirmed that it is not possible to carry out further archaeological evaluation until the buildings have been demolished.

The applicant's archaeological consultant has also confirmed that he would be willing to employ flexibility and incorporate design amendments post-determination as are necessary to ensure the preservation in situ of any archaeological remains, specifically the water management system, that are deemed to be of national significance following the investigative trial trenching. The Authority's Archaeologist and Historic England consider that these assurances address their previously stated concerns with regard to nationally important archaeological remains, and that archaeological issues can be addressed by conditions in line with paragraphs 141 and 132 of the Framework.

It is therefore considered that the subject to the attaching of appropriate conditions, the proposed scheme would amount to less than substantial harm to the designated and non-designated heritage assets on site and any harm that would arise would be outweighed by the socio-economic benefits that would be achieved by granting planning permission for the hotel, as set out above in preceding sections of this report.

Highway Issues

Currently there are two separate vehicular accesses which serve the Riverside Business Park, one directly off the A6 over a narrow bridge and the other via Holme Lane (part unadopted). Both access routes have their deficiencies in terms of their limited width, with no footpath on the section in front of the Lumford properties, but they are existing access routes which have served the site for many years, seemingly in a safe manner given there have been no recorded accidents in the recent years. Consequently, the Highway Authority considers that there can be no grounds for a highway safety objection on any proposals which are unlikely to increase the traffic generation associated with the site.

This proposal is to demolish an existing mill building and erect a 72 bed hotel with a restaurant/bar and flexible ground floor space to be available for use as A3 or D2 use. Whilst the proposal has the potential to increase the traffic generation associated with this particular building alone, taking into account that the entire business park is currently served via the A6 or Holme Lane accesses, the Highway Authority considers it is unlikely to significantly increase the overall traffic generation associated with these two accesses.

Whilst this application is a separate application to the concurrent outline masterplan application to redevelop the entire business park, Section 7 of the submitted Design and Access Statement for the hotel application says the proposal is for all visitor traffic associated with the hotel use to use the permitted new bridge access to the A6 once it has been built, and the Holme Lane access retained only for emergency access, service and delivery vehicles associated with the hotel use, the existing tenants of the Lumford Mill Workshop and the existing residential properties. Consequently the Highway Authority considers that, in the long term, traffic on Holme Lane and traffic using the existing A6 access is likely to be considerably less than the existing/permitted scenario.

The Highway Authority does not consider that there is evidence to suggest that the development would have a significant adverse effect on capacity or safety of the local road network. Moreover, the Highway Authority considers that there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network, with reference to paragraph 32 of the National Planning Policy Framework.

Whilst the Highway Authority is satisfied that there is sufficient car parking provision to cater for the existing uses and the proposed hotel use, they require further clarification in respect of the extent of the existing uses on the site and their current car parking arrangements, in order to be fully satisfied that the increase in car parking generated by the hotel and other uses will be accommodated within the site without impacting upon the surrounding area. The applicant's agents intend to provide information on the current car parking situation, which should be available in time for the committee meeting. Even so, the Highway Authority has no overriding objections to the proposals subject to a number of conditions, including:

- (i) The proposed restaurant/bar area shall be ancillary to the proposed hotel and not be open to the general public.
- (ii) Once the new, already permitted, vehicular access onto the A6 has been constructed, all hotel traffic shall access the site via this access in accordance with the submitted details, with only the hotel service and delivery traffic using Holme Lane.

However, it is considered that the first condition is unreasonable and unenforceable and the second condition is not reasonably related to the development proposals in the current application, which is considered by the applicant to be a 'stand-alone' proposal with appropriate vehicular access from Holme Lane and along Lumford. The second condition is also imprecise insofar as there is no guarantee the new road bridge would be provided at Riverside and no certainty when this might happen. These conditions were recommended by the Highway Authority in the interest of highway safety taking into account it is acknowledged in their full response that Holme Lane and Lumford is a deficient vehicular access. Officers consider that these conditions would not be capable of making the proposed development acceptable in planning terms because they do not meet the six tests in Planning Practice Guidance and therefore should not be imposed on any approval for the current application.

Officers also disagree with the Highway Authority's stance in respect to equivalent traffic usage through the loss of the existing industrial building noting that much of the buildings proposed for demolition are vacant and the additional floorspace created a 72 bed hotel, together with the proposed A3 and D2 uses that would generate visits from non-residents, is likely to generate significant additional vehicle movements, although it is acknowledged that these would primarily be cars rather than the heavier goods vehicles associated with industrial uses.

Nonetheless, the additional traffic movements and their frequency on a daily basis give rise to greater concerns that the hotel would create more potential for conflicts between domestic vehicles and large vehicles servicing the existing premises on the Business Park, and by construction phase traffic for the redevelopment proposals in this application if planning permission is granted for both this application and the re-development proposals based on the phasing of the development sought by the applicant. Furthermore, an independent appraisal carried out on behalf of the Authority concludes that there is insufficient evidence to demonstrate the parallel proposals for redevelopment of the site would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the site.

It is therefore concluded that the deficiencies in the access to the hotel cannot be adequately resolved by the conditions suggested by the Highway Authority, the hotel proposals would unacceptably intensify an inadequate vehicular access route along Holme Lane and Lumford and there is insufficient evidence to demonstrate the parallel application for outline planning permission for further redevelopment of the site would achieve a sufficiently viable scheme to fund a new road bridge over the River Wye to the Business Park. Consequently, the hotel would not be provided with a safe and suitable access contrary to saved Local Plan policy LT18 and national planning policies in the Framework.

Furthermore, it is considered the use of Holme Lane and Lumford as the vehicular access for the hotel would have a substantial and harmful impact on the residential amenities of the properties on Lumford and Holme Lane contrary to policy GSP3 and LC4 and core planning principles in the Framework.

Impact on Amenity

Whilst the proposed hotel building would be a substantial four storey building, it is considered that by virtue of its position, being well set back from the original mill façade, and the fairly acute angle with the nearest residential properties on Lumford (around 56m to the north-east), there will be no significant overbearing, overshadowing or overlooking impacts on these properties sufficient to warrant refusal on these specific residential amenity grounds.

However, as explained above, this is a proposal for a hotel development on a site where it is acknowledged by all parties that it is presently served by two substandard accesses, where the main access is presently via Holme Lane and Lumford. Given that the Holme Lane and Lumford access also serves around 32 residential properties, the impact on the residential amenities of these properties is a significant material consideration. Moreover, the traffic impacts of the proposed hotel use are clearly the main concern expressed by the Lumford residents in their representations. These concerns are also reflected in the Town Council's representations which state that every effort should be made to mitigate any effect on the residents of Holme Lane and access to any hotel development should be solely from the A6 via the new bridge.

Core Strategy policy GSP3 E states that all development must conform to a number of principles. Amongst these it states that particular attention will be paid to form and intensity of the proposed use or activity and its impact on the living conditions of communities. Local Plan policy LC4 (iv) reinforces this policy and states that particular attention will be paid to the amenity, privacy and security of the development and of nearby properties. Furthermore, paragraph 17 of the Framework refers to Core land-use planning principles, amongst which is the need to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The site is currently accessed from the A6 via a narrow stone bridge unsuitable for HGVs, and from Holme Lane, which itself is frequently used for residential parking on its northern side, resulting in significant sections of the lane being of single vehicle width. This makes Holme Lane awkward for use by heavy goods vehicles serving the various businesses operating from the RBP. The substandard nature of these existing access points, and the existing impacts upon the residential amenities of the Holme Lane and Lumford properties is reflected in policy Local Plan policy LB7, which states that if development results in an increase in existing floorspace on the RBP site, a new bridge is built across the River Wye, and the old bridge is closed to vehicles.

Furthermore, when approving the new industrial buildings at the western end of the site in 2005, a planning condition was attached requiring the demolition of an equivalent square metreage of industrial floorspace in order to maintain the status quo and so as not to further exacerbate any adverse amenity impacts on the residents who live next to the access road. These adverse impacts are also acknowledged in the hotel submission as it is intended that when the proposed new river bridge is constructed the majority of the hotel traffic will use the new bridge. For these reasons, it is considered essential that any adverse impacts on the residential amenities of the Holme Lane and Lumford residents generated by the proposed hotel use and associated commercial uses, can be satisfactorily addressed.

The eastern end of Holme Lane serves 6 residential properties and a business premises at the former stone yard. At the western end of Holme Lane, the access to the RBP reverts to a single-width tarmacked track, which passes immediately alongside the front gardens of a row of

26 terraced and semi-detached properties at Lumford, whose main vehicular access is also via Holme Lane. The majority of the Lumford properties are mainly single aspect with their main gardens facing towards the river and the access track to the RBP. The access track is of single vehicle width with no defined footpaths. There is no real prospect of a separate footpath being provided, and whilst three passing places are to be installed along the track officers are not satisfied these passing places would be sufficient to avoid disruption to nearby residents and facilitate the safe and efficient movement of vehicles along Holme Lane and Lumford. Consequently, it is considered that the increased frequency of vehicles along the track (both heavy goods vehicles servicing the hotel and hotel guests' cars) would have an unacceptable adverse impact upon the residential amenities of the occupants of Holme Lane and Lumford.

Whilst it is acknowledged that the residential amenities of these properties is already affected by the existing industrial traffic using the Holme Lane/Lumford access, this is mainly concentrated to periods of time, particularly first thing in the morning and early evening, with much reduced traffic at the weekends, particularly on a Sunday. Given that this is substantial 72-bed hotel with an expected 80% occupancy rate at peak times, which will operate 24 hours a day and at weekends, it is considered that the increased frequency and periods of traffic usage along Holme Lane and Lumford would give rise to an adverse impact on the residential amenities of the occupants of these properties through increased noise disturbance and impact upon their quiet enjoyment at times when the industrial users are not operating.

The applicant maintains that the hotel development needs to be constructed first and it is not practical to construct the proposed new river bridge in advance of the construction of the hotel. The application is accompanied by a Draft Framework Construction Management Plan, which is designed to minimise disruption to residents during the envisaged 1 year construction period. Whilst the proposed new bridge access, if and when it is built, would to be used by the hotel guests, thereby ameliorating the adverse impacts of the existing access via Holme Lane, this does not form part of the current application. It is therefore considered that as this option cannot be guaranteed or would not in any case be available prior to the hotel and associated uses being brought into use, the current application should be refused on residential amenity grounds.

Given that all other issues relating to this proposal have been satisfactorily resolved, officers have carefully considered whether it would be appropriate to recommend approval subject to the attaching of a "Grampian" style negatively worded condition requiring that the new access bridge be built and brought into use prior to the commencement of the hotel development. This could resolve the residential amenity issues raised by the current proposal. However, it is considered that the imposition of such a condition is unreasonable in a situation where there is no imminent prospect of a scheme that will enable the construction of the new bridge and the applicant has clearly stated that this is not acceptable. Moreover, given the officer recommendation of refusal on the accompanying outline application (the preceding item on the agenda), the prospect of the new bridge being built and completed on a reasonable timescale is very low.

It is therefore considered that the proposal which is the subject of this application would not comply with Core Strategy policy GSP3, Local Plan policy LC4 or the provisions of the Framework in terms of the potential impact of the scheme on the living conditions of the nearest neighbouring residential properties.

Site Contamination

A land contamination report has been submitted with this application and concludes there are no overriding concerns that the previous industrial uses on the site would preclude the proposed redevelopment of the site. As with the Cintride site, officers agree that remediation of the Riverside site is highly likely to be possible, and this has been reflected in the subsequent consultation responses from the Environment Agency and the District Council, who recommend

approval subject to appropriate planning conditions. It is therefore considered that the proposals will meet the requirements of saved Local Plan policy LC24 in respect of pollution and remediation of contaminated sites subject to appropriate planning conditions.

Environmental Management

The accompanying Environmental Credentials Statement submitted with this application contains an overview of the sustainability measures that would be incorporated into the design of the proposed development. This states that the development is centred on high quality new build interventions and conversion of key heritage assets with thermal improvements, where possible without affecting the special character of the existing buildings. The hotel scheme also incorporates the refurbishment of the Turbine Room that is currently in a neglected state and contributes to the heritage status of the site.

In respect of waste, policies will be put in place to minimise waste generation and to encourage recycling, including during the construction period. In respect of green materials, construction elements will be chosen for low environmental impact. In respect of transport, the Business Park is in a relatively sustainable location and designated as a current employment site, in close proximity of Bakewell town centre. The proposed scheme will incorporate bike stores for both short and long term stay.

With regard to energy, emphasis will be placed on providing the units with low energy consumption where possible. The design will incorporate the following features:

Minimise heat losses through the existing and proposed building's fabric through the use of highly insulated construction materials where possible.

- Design to utilise orientation and fenestration pattern for good daylight penetration within proposed buildings.
- Ventilation at levels to meet building regulation requirements.
- Careful selection of high efficiency mechanical and electrical plant and equipment.
- Installation of low energy light fittings throughout.
- Installation of white goods with grade A+ rating, where appropriate.
- Waste recycling facilities accommodated within the bin store.
- Re-use of existing fabric where possible.
- Selection of new materials in line with Green Guide for Specification.

In respect of renewable energy the accompanying statement states that the scheme provides a number of sustainable opportunities and these are presently being explored. It is envisaged that suitable options will be addressed as part of the evolving scheme proposals to incorporate the following, subject to a viability exercise:

- Hydroelectricity through the reintroduction of water within the mill race.
- Photovoltaics to provide green energy.
- Maximisation of rooflights/north lights with deep plan units to minimise energy consumption.

- Low and zero carbon technology report to address alternative energy source.
- SUDs solution to be incorporated to reduce surface water run-off rates.

Some of the above initiatives, such as the reintroduction of water into the mill race would be long term projects flowing from the further major redevelopment of the site. Officers consider that it may be possible to incorporate most the other above measures into the proposed hotel scheme. The 'double-pile' roof form may also provide an opportunity for the installation of concealed solar voltaic panels or solar heating panels, although it is acknowledged that the south-eastern facing aspect of the inner roof slope is not ideal.

Whilst the accompanying Environmental Credentials statement does not provide comprehensive or detailed information on these sustainability options, it is considered that there is sufficient information at this stage to satisfy the requirements of Core Strategy policy CC1.

Community Involvement

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

It is also reported in the statement of community involvement that over 80% of the returned feedback forms supported the hotel proposal. 90% of the respondents also believed the associated new bridge access to be important. 72% of people supported the preliminary design of the hotel. In addition to the six questions requesting a direct answer, the feedback forms gave respondents the opportunity to make any other comments. Amongst these responses, there was a very strong (weight of numbers) response in favour of the associated new bridged access, to prevent significant traffic increases on Holme Lane. Additionally several positive comments were received relating to the effects of a new bridged access in reducing/removing traffic from Holme Lane, and easing congestion in the town centre.

The agent states that the comments on the hotel proposal have been reflected in the submitted design, with the design and materials refined and adapted to better reflect the industrial heritage.

Planning Obligations

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

The agents have indicated a willingness to enter into planning obligations in order to ensure that subject to the approval of the accompanying outline application, the developments will be undertaken as soon as is practicable in order to enable the new bridge access from the A6 to be provided. The applicant has also offered to provide a bus for the local transport group, similar to the undertaking agreed as part of the Aldi proposal.

Given that officers are recommending refusal of the concurrent outline application and the overriding concerns in respect of the impact on the residential amenities of the nearby residents during both the construction phase and after the hotel and allied uses are brought into use, it is not considered that planning obligations would serve alleviate or resolve the residential amenity issues generated by the hotel proposal.

Conclusion

In conclusion, there are a number of positive aspects associated with these proposals that could generate some substantial socio-economic benefits for the local area. As a result detailed discussions with the Authority's officers the design and heritage aspects of the proposed hotel and its impacts on the adjacent designated and non-designated heritage assets have also been addressed and a number of issues raised in consultation responses and representations have been dealt with since the original submission.

However, whilst there are benefits afforded to the site and the wider local community by the proposed hotel scheme, it is considered that without the certainty of the new bridge access from the A6 being provided before the development proposals take place that the proposed use of Holme Lane and Lumford would not amount to the provision of a safe and suitable vehicular access to the hotel. There would also be a significant and adverse impact upon the residential amenities of the occupants of Lumford and Holme Lane, which would be contrary to Core Strategy policy GSP3 E, Local Plan policy LC4 (iv) and paragraph 17 of The Framework.

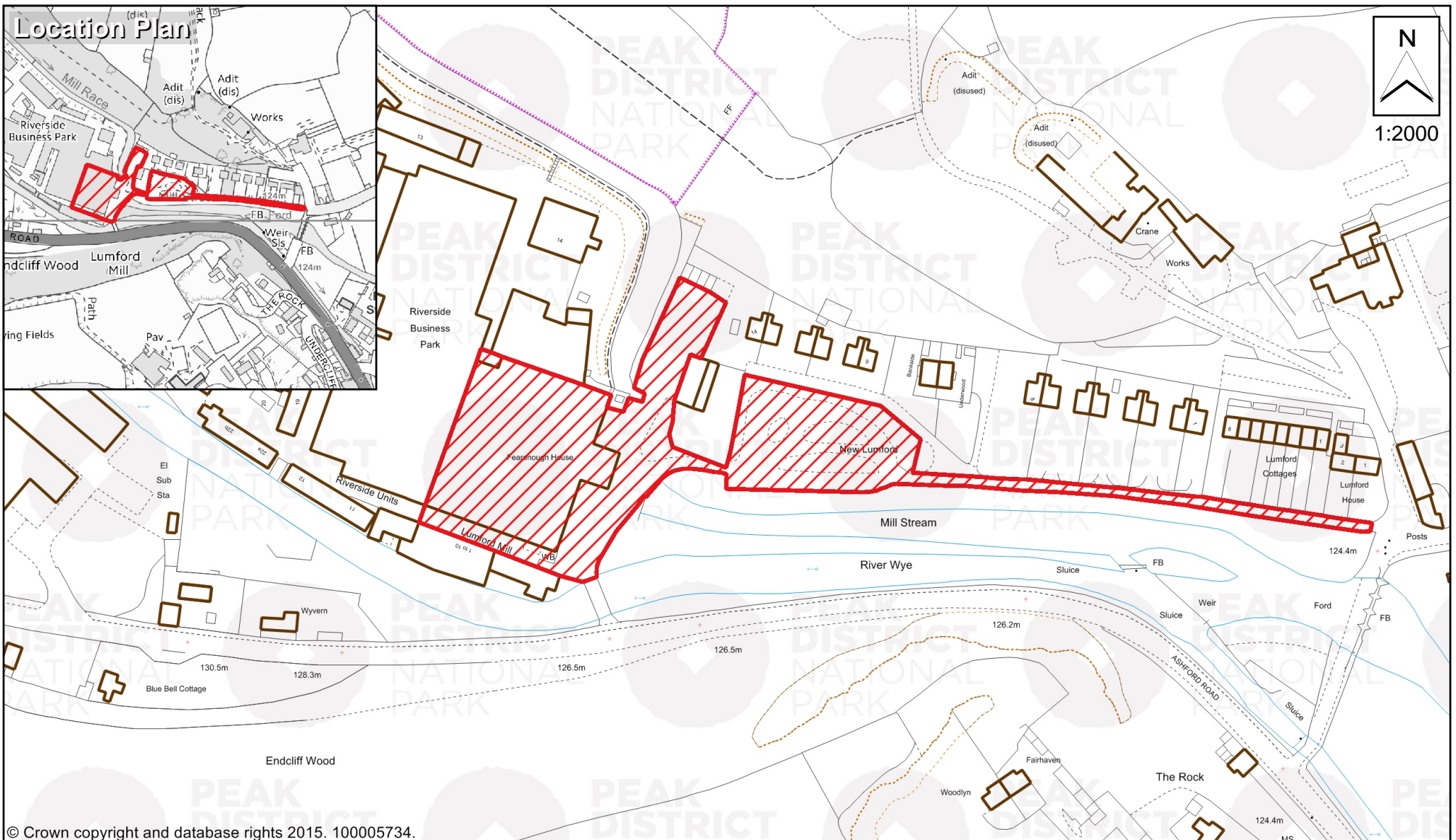
It is therefore considered that the harmful impacts of granting planning permission outweigh the benefits of doing so and the current proposals cannot be considered to be a sustainable form of development. Accordingly, the current application is recommended for refusal.


Human Rights

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

List of Background Papers (not previously published)

Nil



Committee Date:	11/12/2015	Title: Riverside Business Park Buxton Road Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	7		
Application No:	NP/DDD/0415/0339		
Grid Reference:	421118, 369156		

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8. ASSESSMENT UNDER THE HABITATS REGULATIONS: BALLIDON QUARRY (APB)**HABITAT REGULATIONS ASSESSMENT IN RELATION TO TWO PARALLEL PLANNING APPLICATIONS WHICH SEEK TO AMEND THE CURRENT EXTRACTION BOUNDARY AND PROVIDE FOR AN ENHANCED RESTORATION SCHEME (APPLICATION REFERENCES NP/DDD/0715/0618 & NP/DDD/0715/0619)****APPLICANT: LAFARGE-TARMAC (NOW TARMAC (CRH))****Site and Surroundings**

Ballidon Quarry is operated by Tarmac (a CRH company), formerly Lafarge-Tarmac. The quarry is located in the south-east of the National Park, approximately 1.5 km to the northeast of the village of Parwich and less than 0.5 km from the hamlet of Ballidon. It covers an area of approximately 75 ha with the main processing area, including the powders plant, covering the eastern central portion of the site.

The quarry predominantly works high purity limestone, which is processed into industrial powders used in products for animal feeds, use in plastics, glues and numerous other products where purity and whiteness are essential. The quality of the limestone worked from Ballidon Quarry for powders sales is reflected in the section 106 legal agreement. This stipulates that a minimum of 40% of sales from the quarry are to be sold into the industrial sector, with the remainder permitted to be sold to the aggregates sector. The main planning permission NP/DDD/0214/0210 covering mineral working at Ballidon Quarry requires mineral extraction to cease by 31 December 2040.

Two parallel planning applications have been submitted to the Authority, whereby the operator is seeking to amend the existing extraction boundary so as to encompass an area of high quality limestone currently lying beneath the site's southern tip (Tip 3). By using the waste material which would be generated from that development, the applicant is also seeking to amend and enhance the approved restoration scheme to provide significant landscape and biodiversity benefits.

RECOMMENDATIONS:

1. That this report, and its appendices, be adopted as the Authority's Habitat Regulations Assessment in relation to the proposed development at Ballidon Quarry, as defined in the two parallel applications NP/DDD/0715/0618 and NP/DDD/0715/0619.
2. It is determined that continued mineral working at the site in accordance with the proposed scheme of working is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus, approval of applications NP/DDD/0715/0618 and NP/DDD/0715/0619, the subject of a separate report to Planning Committee, would not be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.

Key Issues

The UK is bound by the terms of the Habitats Directive (92/43/EEC). Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other projects in view of the European Site's conservation objectives. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitats Regulations').

It has been identified that the site for the above applications at Ballidon Quarry is within close proximity to the Peak District Dales Special Area for Conservation (SAC) (which is a European Site), and therefore the proposed development has the potential to affect its interest features. The location of the Peak District Dales SAC in relation to the quarry is shown in Appendix 1. The special conservation objectives of the SAC are appended to this report at Appendix 2.

The Habitat Regulation Assessment Process

The Habitat Regulation Assessment (HRA) process involves several stages:

- Stage 1 – Likely Significant Effect Test
- Stage 2 – Appropriate Assessment
- Stages 3 and 4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.

Stage 1: This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full Appropriate Assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

Stage 2: This is the Appropriate Assessment and this involves consideration of the impacts on the integrity of the European Site with regard to the conservation site's structure and function and its conservation objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.

Stages 3 and 4: If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State on the grounds that there are Imperative Reasons of Overriding Public Interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

Assessment

The SAC covers approximately 2,326ha and comprises a number of constituent Sites of Scientific Interest (SSSIs). The section of the SAC of relevance to this HRA falls mainly to the east and northeast of Ballidon Quarry, with a section running westwards along Ballidon Dale, the area of land between the main quarry and processing area (Main Quarry) and Woodbarn Quarry, to the north. The area covered by the SAC is coincident with Ballidon Dale SSSI, notified on the basis of its calcareous grassland interest.

In the applications, Lafarge-Tarmac/Tarmac (CRH) has not included a formal HRA report for assessment. However, the Environmental Statement accompanying the applications does include a detailed section on Ecology, which makes specific reference to the SAC. In their summary of potential adverse ecological impacts, the ES states that no part of the Peak District Dales SAC will be directly affected by encroachment of proposed mineral extraction activities at Ballidon Quarry and that no adverse indirect effects of the proposed quarry development scheme are expected to arise within the SAC designated area.

In their consultation response, Natural England, whilst noting the absence of a HRA as part of the application, conclude by advising that, when screening for the likelihood of significant effects and based on the information provided, the Authority should include the following advice:

- The proposal is not necessary for the management of the European site;
- That the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

They add that when recording the HRA, the Authority should make reference to the following text in order to justify the conclusions regarding the likelihood of significant effects:

As the footprint of the quarry has not changed, and this project relates to variations in working within the existing area, there should be no impact over and above that already considered in previous applications. Due to the location of Tip 3 in relation to the SAC/SSSI boundary there would not be any likely significant effects on the designated site.

Conclusion

It is concluded at Stage 1 of the HRA, that the information presented with the applications is sufficient to demonstrate that continued quarrying at Ballidon Quarry, as set out in the proposed phasing plans, is unlikely to have a significant effect on the integrity of the Peak District Dales SAC or Ballidon Dales SSSI. Thus, the development is not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive, and an Appropriate Assessment is not considered necessary.

Human Rights

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

List of Background Papers (not previously published)

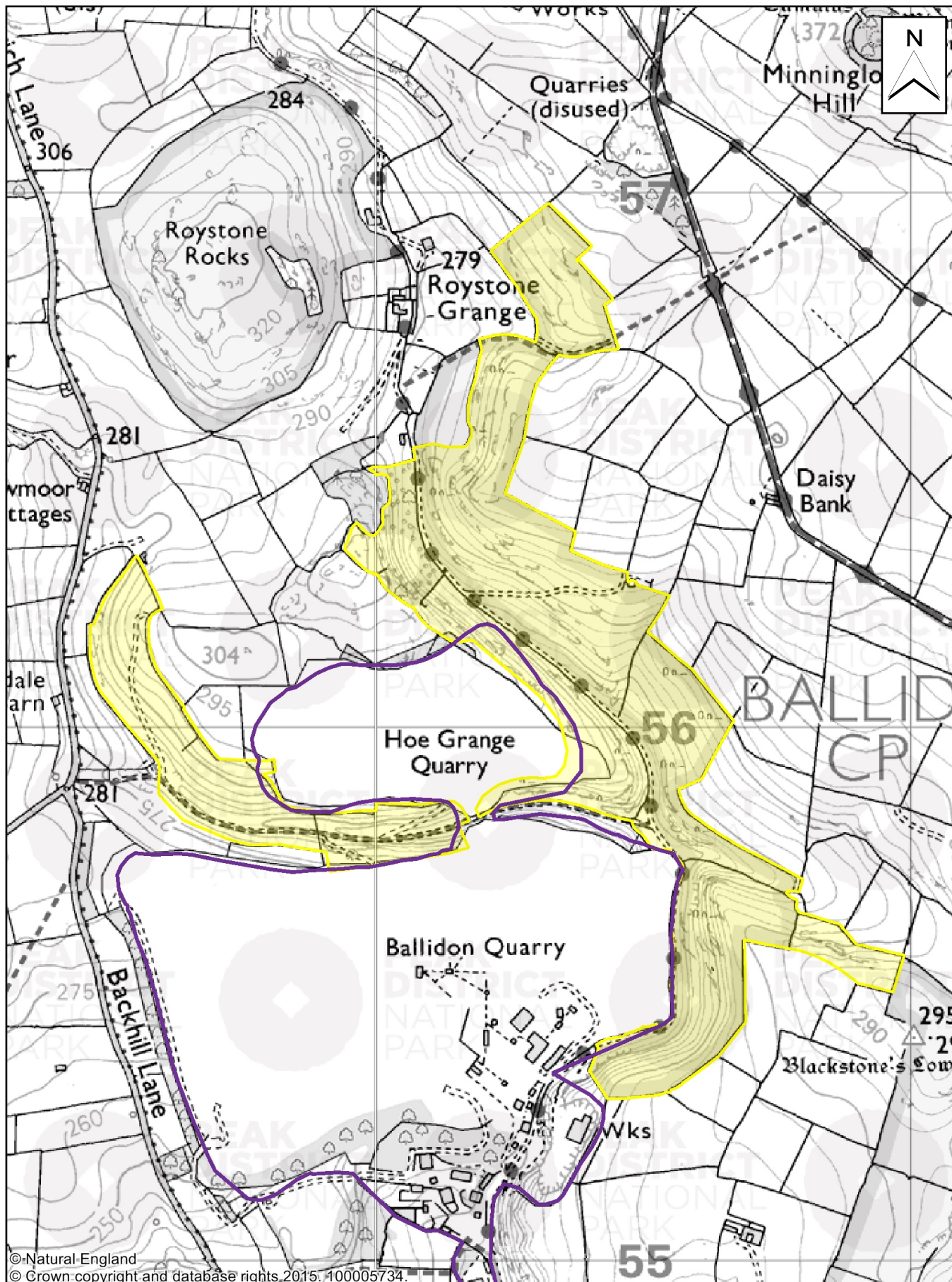
Nil


Appendices

Appendix 1: Location of Peak District Dales SAC in relation to Ballidon Quarry

Appendix 2: Peak District Dales SAC Site Conservation Objectives

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Drawn by:	Barton Andrew	Title: Item 8 Appendix 1: Location of Peak District Dales SAC in relation to Ballidon Quarry	 PEAK DISTRICT NATIONAL PARK
Date:	01 December 2015		
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European Site Conservation Objectives for Peak District Dales Special Area of Conservation Site Code: UK0019859

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- > **The extent and distribution of qualifying natural habitats and habitats of qualifying species**
- > **The structure and function (including typical species) of qualifying natural habitats**
- > **The structure and function of the habitats of qualifying species**
- > **The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely**
- > **The populations of qualifying species, and,**
- > **The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H4030. European dry heaths

H6130. Calaminarian grasslands of the *Violetalia calaminariae*; Grasslands on soils rich in heavy metals

H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*FestucoBrometalia*); Dry grasslands and scrublands on chalk or limestone

H7230. Alkaline fens; Calcium-rich springwater-fed fens

H8120. Calcareous and calcshist screes of the montane to alpine levels (*Thlaspietea rotundifolii*); Base-rich scree

H8210. Calcareous rocky slopes with chasmophytic vegetation; Plants in crevices in base-rich rocks

H9180. *Tilio-Acerion* forests of slopes, screes and ravines; Mixed woodland on base-rich soils associated with rocky slopes*

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic

stream) crayfish S1096. *Lampetra planeri*; Brook lamprey

S1163. *Cottus gobio*; Bullhead

* denotes a priority natural habitat or species (supporting explanatory text on following page)

* Priority natural habitats or species

Some of the natural habitats and species listed in the Habitats Directive and for which SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Directive or the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in Article 1 of the Habitats Directive.

Publication date: 30 June 2014 – version 2. This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014.

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9. (A) FULL APPLICATION FOR REVISION TO QUARRY DEVELOPMENT SCHEME WITHIN CURRENT PLANNING CONSENT BOUNDARY AND PROVISION OF ENHANCED RESTORATION SCHEME, BALLIDON QUARRY (NP/DDD/0715/0619, M3893, 31/07/2015, 420192/354944, APB)

(B) VARIATION OF CONDITIONS (2, 11, 38, 39) CONTAINED IN PLANNING CONSENT NP/DDD/0214/0210 RELATING TO PERMITTED SCHEME OF WORKING AND PROVIDE ENHANCED RESTORATION SCHEME, BALLIDON QUARRY (NP/DDD/0715/0618, M3893, 31/07/2015, 420192/354944, APB)

APPLICANT: LAFARGE-TARMAC (NOW KNOWN AS TARMAC (A CRH COMPANY))

Introduction

This report deals with two applications which have been submitted in parallel by the applicant and which have been assessed jointly since they relate to one and the same development. Following procedural advice offered by case officers, the applicant was required to make two separate submissions in order to pursue their intended development, which is the subject of this one report, the first being a full minerals application covering an additional area and revision to the current quarry extraction boundary to accommodate extraction beneath an existing tip (known as Tip 3), and the second being a section 73 application to vary the existing phasing of working and the currently approved restoration scheme, to take account of the increase in on-site waste material generated as a result of removal of material from Tip 3.

The report therefore includes two separate recommendations which Members are asked to make a decision on. In practical terms, given the inter-dependent nature of the two applications, if differing resolutions were reached for each application it is highly unlikely that the granted permission would be implemented since the revised phasing and restoration development the subject of the section 73 application could not practically be undertaken in the absence of planning permission granted for the full development varying the extraction boundary. If the applications are approved, the development would be controlled and monitored with reference to two resultant planning permissions, the conditions of which are set out in summary draft form in this report. A resolution of refusal would mean that the quarry continues to operate under the terms of the existing permission.

Background

Ballidon Quarry is operated by Tarmac (a CRH company), formerly Lafarge-Tarmac at the time the application was submitted. The quarry is located in the south-east of the National Park, approximately 1.5 km to the northeast of the village of Parwich and less than 0.5 km from the hamlet of Ballidon. Mineral extraction at the quarry has been undertaken for over 50 years. The quarry predominantly works high purity limestone, which is processed into industrial powders used in products for animal feeds, plastics, glues and numerous other end uses where purity and whiteness are essential. This includes provision of product specifically for use within the glass industry, with material exported to various European destinations and operators including Saint Gobain Weber, Trucal and Pochet Gamache. The quality of the limestone worked from Ballidon Quarry is reflected in the section 106 legal agreement, which stipulates that a minimum of 40% of sales from the quarry are to be sold into the industrial sector, with the remainder permitted to be sold to the aggregates sector.

The principal planning permission for Ballidon Quarry covering recent operations was granted on 4 March 2003 under reference NP/DDD/0500/172. That permission consolidated all previous permissions at the site and provided a single development scheme to allow the removal of the remaining mineral reserves at Ballidon Quarry. Planning permission was subsequently granted on 24 August 2004 which allowed for an increase in the annual output from the site from 1.0 million tonnes (Mt) to 1.1 Mt. In 2014 permission was granted for an increase in the level of night

time powders movements from the site (NP/DDD/0210/0214) and that is now the primary permission governing operations at the quarry, which requires mineral extraction to cease no later than 31 December 2040.

Ballidon Quarry covers an area of approximately 75 hectares and the two main operational areas are Main Quarry (split into areas known as West Quarry and East Quarry) occupying the southern major portion of the site, and Woodbarn Quarry, which lies to the north and connected to Main Quarry via a short tunnel. Woodbarn Quarry is used exclusively for mineral extraction and no permanent plant is located within this area. The main processing area, comprising the powders plant, primary and secondary crushers, surge piles and wheel wash, covers the eastern central portion of the southern part of the site. The weighbridge, site offices, welfare facilities and associated car parking areas are located further south, close to the site access and link with the public highway.

Mineral extraction is undertaken using conventional drilling and blasting techniques. Blasted mineral is loaded by hydraulic excavators to dump trucks hauling to fixed primary, secondary and tertiary processing plants. The processing plant is utilised for crushing and screening of primary aggregate to produce a range of product sizes. Milling for the production of industrial and agricultural powders is also undertaken.

Quarrying has occurred over a number of benches (up to nine within the Main Quarry and six within Woodbarn), with a maximum face height between individual benches of some 15m. The base floor level in Main Quarry contains a sump for the collection of rainfall and groundwater ingress. This water is pumped eastwards via a series of interconnected pipework to lagoons situated on the central eastern edge of the site. On the southern boundary of the main area of mineral working at Ballidon, the landform is largely dominated by a quarry waste tip (Tip 3), comprising waste quarry stone and stripped soils. The screening mound holds mature woodland upon its outer southern slopes, being grassed upon its northern aspect facing into the quarry void. Tip 3 has historically provided an effective visual screen from views to the south for a considerable period of the quarry's duration to date. The north-eastern (East Tip) and south-western areas are under varied stages of restoration; quarry faces having been over-tipped and shaped with waste stone to create more naturalistic surface gradients. Progressive bench restoration and rollover slopes have also been constructed on the north and western upper fringes of both Main Quarry and Woodbarn Quarry.

Proposal

A recent assessment by the applicant identified that an estimated 30% of permitted reserves are located beneath two substantial historic waste mounds in the base of the quarry and below the water table. Readily available reserves (i.e. not requiring movement of the historic waste mounds) were estimated to be around 6 years. To avoid the necessity of relocating the tips in the base of the quarry and to avoid any potential dewatering issues, the proposal is to amend the current phasing of working so as to encompass limestone currently inaccessible beneath a further historic tip, Tip 3, on the site's southern boundary. This additional extraction area, amounting to 3.97 hectares, lies within the existing planning permission boundary but outside the currently approved extraction boundary and would release approximately 5.3 Mt of limestone.

The proposal would in turn provide for an improved final restoration scheme, through the removal of approximately 1.0 million cubic metres of quarry waste material comprising part of Tip 3 (to expose the mineral beneath) and relocating that material to another part of Main Quarry, to create a final restoration landform which ties in better with restoration undertaken to date. The proposals do not increase the overall reserve figure for the quarry, since the limestone lying beneath the two historic waste mounds in the base of the quarry would be left in situ, thereby relinquishing an equivalent 5.3 Mt of existing permitted reserve in exchange for the new reserves beneath Tip 3.

Six distinct phases of working are proposed, to be implemented over a period of approximately 16 years. The revised phasing encompasses both already consented reserves (Phase 1 is entirely comprised of existing reserves in line with approved plans) and proposed resource beneath Tip 3. The phases are as follows (dates are approximate and ultimately determined by demand):

- Phase 1 (Sept 2013 - Jan 2016) - recover 2.5 Mt of existing consented reserve from Woodbarn Quarry and from central part of West Quarry; progressive restoration creating an extensive daleside landform within East Quarry and along the northern edge of West Quarry.
- Phase 2 (Jan 2016 - Dec 2019) - regrade southern landform to access 0.52 Mt of proposed resource and extract 1.71 Mt existing consented reserve (total 2.23 Mt); contraction of Woodbarn Quarry mineral extraction areas and removal of Tip 3 to accommodate a southern extension of mineral extraction. Tip 3 reprofiling will create a new final restoration area along southern margin of Ballidon Quarry. Extensive daleside landform restoration will be completed along the western edge of West Quarry.
- Phase 3 (Jan 2020 - May 2025) - progress southern extension to release 4.78 Mt of proposed resource; completion of Woodbarn Quarry extraction, with final restoration to limestone daleside landforms. West Quarry mineral extraction area will increase.
- Phase 4 (June 2025 - Dec 2027) - removal of ancillary equipment to access 1.57 Mt of underlying existing consented reserve; mineral extraction in West Quarry moves eastwards and the tunnel/underpass to Woodbarn will be filled and finally restored to complete extensive area of limestone dale landform along the northern edge of West Quarry and East Quarry combined.
- Phase 5 (Jan 2028 – 2030 approx) - remove remainder of static plant to recover 1.26 Mt of consented reserve; mineral extraction will cease in West Quarry and progressive restoration will complete limestone daleside landforms within West Quarry that will extend towards the former Tip 3. Final restoration will include establishment of an extensive area of open water. Existing powders plant and associated installations will be removed during this phase to allow completion of extraction operations and final restoration.
- Phase 6 (2030 onwards) - restoration blasting to form the final proposed landform.

A comprehensive new restoration concept for the site, that takes into account the re-phasing of the existing mineral operations and the availability of additional fill material, has been prepared. Principally the restoration scheme seeks to reinstate agricultural use where possible together with hedgerow and woodland planting, whilst also providing significant ecological improvements compared to the existing permitted scheme. The restoration will be achieved through the total reuse of the existing soil resource, with no importation of restoration material anticipated. The vast majority of restoration material on site will be reclaimed from mineral and processing waste, overburden materials and retained soils. Soil availability on site is extremely limited and therefore the provision of appropriate habitats to match the restoration materials available has been a key aim of the submission.

The proposed Restoration Masterplan has been drawn up based on the information within the Environmental Statement, including landscape character assessments, ecology and cultural heritage assessment work and landscape policies applicable to the site. The scheme draws on the previously approved plans, providing improvements in a number of areas, including re-designed final restoration profile in West Quarry through the creation of a huge roll-over slope in

the NW corner, in place of a 100m+ deep series of faces and benches as per the existing restoration scheme, to mitigate long-range views; the provision of a diverse landform structure which maximises wildlife potential of the wider site and provides integrated areas of calcareous and neutral grassland, peripheral scrub; an open water body with water level at approximately 177m AOD extending to approximately 4.1 ha in the base of Main Quarry; mixed deciduous woodland and wetland, including gentle sloping land with areas of tall herb meadow, grassland and tussocky wet grassland adjacent to the open water; retention of some benches to provide appropriate habitat for certain bird species.

The remainder of the development would not change from what is currently permitted. The existing operations are subject to a depth limitation of 160m AOD in Main Quarry and 185m AOD in Woodbarn Quarry. It is not proposed to change these depth limits. The operational areas are subject to a dewatering scheme that enables the recovery of mineral from the deeper part of the quarry. It is intended to continue with this scheme and extend it laterally, in line with the proposed re-phasing so as to enable full recovery of the available mineral resource. Similarly, all processing operations will be concentrated in the existing plant site and there will be no change to the means of mineral processing, access to the site or other currently permitted operations such as blasting, dust control or hours of working.

It is proposed that the additional mineral resource will be worked within the current permitted output limit of 1,100,000 tonnes per annum and within the existing permitted traffic movements of 800 per day (400 In, 400 Out). The applicant has indicated that the projected life of the quarry is approximately 16 years (based upon an annual average output of circa 750,000 tonnes). Following discussion with the applicant during the course of determination, they are agreeable to bringing forward the quarry end date by five years, to 31 December 2035. This revised end date takes account of the reserve figure included in the proposals and the estimated 16 year duration (which would equate to an extraction end date of around 2030 based on an average output of 750,000 tonnes per annum), but builds in some flexibility for fluctuations in market conditions over that period.

Environmental Impact Assessment

The development is categorised as EIA development as defined under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The planning applications are accompanied by a single Environmental Statement, with the entire scheme considered and developed following a detailed and comprehensive Environmental Impact Assessment, which has involved technical input regarding a range of disciplines, including:

- landscape and cultural heritage;
- ecology;
- noise,
- air quality
- vibration;
- transport; and
- hydrology, hydrogeology and flood risk.

Site and Surroundings

The application site is located approximately 9 km to northeast of Ashbourne and approximately 1.3 km north-east of the village of Parwich, just north of the hamlet of Ballidon. Ground elevations in and around the quarry rise from approximately 200m AOD to the south to around 305m AOD immediately adjacent to the northern boundary of the site. Tip 3, which would be removed as part of this development proposal, lies on the southern boundary of the site with a high point of 272m AOD towards its eastern extent. The periphery of the site is generally substantially higher than the internal areas as a result of both natural and built landforms, although Ballidon Dale, a shallow valley feature which runs approximately east-west separating Woodbarn Quarry from Main Quarry, lies at a relatively lower elevation of 270m AOD, joining up

at its eastern end with the track which links in with Roystone Lane further south.

The current site access is directly onto the unclassified road known as Roystone Lane, which is predominantly rural in nature and varies in width between 5.5m-6.0m. Roystone Lane runs south from the main quarry entrance for a distance of approximately 1.5 km, through the hamlet of Ballidon, before reaching a priority T-junction with Highway Lane. Roystone Lane itself benefits from a number of regularly spaced passing places. HGV traffic turns east at the T-junction with Highway Lane, away from the village of Ballidon, for a short distance, which in turn provides access to the primary road network on the B5056, either south towards Ashbourne or north towards Grangemill, Longcliffe and Winster. The B5056 is a single lane carriageway and is subject to a 50 mph speed limit.

A number of public rights of way (PROWs) are present in the vicinity of the quarry, the nearest being FP6 which runs roughly east-west between the two main quarry areas, Woodbarn and Main quarry. FP5 runs east-west to the south of the site, and there is also a track, extending from the end of Roystone Lane, running north-south that immediately abuts the eastern boundary of the quarry. Additionally, two recreational public routes pass within 1km of the site's boundary, namely the Pennine Bridleway trail, shared in part by the High Peak Trail, which lies on higher ground approximately 550m to the northeast, running generally northwest-southeast, and the Limestone Way, which is located 585m to the south. The Tissington Trail is located approximately 2.65 km to the southwest. There are several areas of 'open access' within close proximity of the quarry, including a long narrow stretch of land on a west-facing valley side immediately east of the site; an area surrounding Roystone Rocks, 500m to the north and an area approximately 410m to the east at the point closest to the quarry.

The nearest residential properties include Holme Farm, Oldfield Cottage and Ballidon Moor Farm in Ballidon, located to the east and southeast, as well as Littlewood Farm (Parwich), Hilltop Farm (directly west), Low Moor Farm (to the northwest) and Roystone Grange (north).

Within the application area, land uses comprise: active mineral extraction areas; areas for storage of quarry waste materials; land undergoing final restoration; restored former mineral workings; land used for ancillary processing and administrative areas, including the site access routes. Local land uses in the vicinity of the application site are dominated by pastoral farmland interspersed with isolated blocks of woodland.

The geology of the site comprises the Bee Low Limestone underlain by the Woo Dale Limestone. There are no watercourses within or adjacent to the site. The area to the northwest, north and northeast are underlain by limestone and do not support any watercourses. Surface watercourses generally drain southwards within the catchment of the Bradbourne Brook. The closest surface watercourse to the site is the southwards flowing Ballidon Brook, the headwaters of which coalesce from field drainage some 410m to the south.

The Derbyshire Sites and Monuments Record was inspected and sites within a 1 km radius were identified. A total of 32 entries are recorded within the search, although none of these features are identified within the application site area. The Romano-British settlement and field system, Scheduled Monument reference 29829 lies immediately north of Woodbarn Quarry – provisions are already in place within the existing permission to ensure workings do not impinge on feature. There is one listed building within the site itself, this being the operator's office building. This is a Grade II listed former farmhouse. A laboratory/outbuilding and 'The Cottage' (unoccupied), both lying within the bounds of the concrete batching plant immediately south of the main quarry entrance (operated separately from the quarry and outside of the application area) also have listed status. Five other listed buildings are situated on, or near to, the approach road to the site, in and around the settlement of Ballidon, the closest of which is Ballidon Hall Farm.

The site is located within the White Peak national character area and regional character area on the Limestone Plateau Pastures Landscape Character Type (LCT), immediately adjacent to the

Limestone Dales LCT. Characteristics of limestone plateau pastures are upland pastoral landscapes with a regular pattern of straight roads and small to medium sized rectangular fields bounded by limestone walls. Tree cover is mostly limited to occasional tree groups of small shelter belts, allowing wide views to the surrounding higher ground. Limestone Dales LCT is characterised by steeply sloping dales with limestone outcrops and extensive tracts of woodland and scrub intermixed with limestone grassland. In some smaller dales this is an intimate, secluded landscape where views are tightly controlled by landform and tree cover, in others the dales are wild and open. The applicant considers that although the majority of the site lies within the Limestone Plateau Pastures LCT, there is strong reasoning for the Limestone Dales LCT being more appropriate to the site in consideration of the final restoration programme and integrating the site back into the landscape post-working.

The quarry is located at the southern extent of Carboniferous Limestone deposits within the National Park. The landscape surrounding the site is characterised by a varied assemblage of biodiversity interests, including meadows, oak woodlands and broad riparian corridors extending across lower lying areas to the south, with a distinctive mosaic of calcareous grassland, pasture and ashwoods extending across the White Peak region to the north. For a large-scale landscape element, the existing quarry is relatively well screened by a combination of natural and manmade landform elements and woodland plantations. Several parts of the quarry abut the Ballidon Dale Site of Special Scientific Interest (SSSI).

Ballidon Dale SSSI forms part of the Peak District Dales Special Area of Conservation (SAC). The designation recognises the national nature conservation importance of the area, and designation as a SAC recognises the European/International nature conservation importance of the area. Ballidon Dale occupies an area of 51.15 hectares, and has been designated in recognition of the high quality unimproved dry limestone grassland that is present within the area. The grassland is species-rich vegetation that includes a substantial number of plant species that are confined to locations with relatively shallow, well-drained soils over limestone bedrock. Ballidon Dale comprises a series of sinuous dry-dale valleys where limestone hill pasture vegetation has developed on slopes with a variety of slope and aspect conditions. This has revealed local variation in the vegetation that makes a valuable contribution to the grassland nature conservation interest of the site. The land covered by the SSSI/SAC is coincident with an area designated as Section 3 Natural Zone (Limestone Dale). A further Natural Zone area lies to the immediate southeast of the quarry (Hill and Heath).

Notable faunal interest identified in baseline surveys includes peregrines and ravens using mature quarry faces for nesting, badgers and bats, the latter of which are known to forage and roost in the locality.

RECOMMENDATION A:

That application NP/DDD/0715/0619, for revision to quarry development scheme within current planning consent boundary and provision of enhanced restoration scheme, is approved subject to:

- (i) The signing of a revised section 106 (covering both planning permissions) to include the following obligations:**
 - a) to not win and work minerals in accordance with previous consents;**
 - b) relinquishment of former consents through formal revocation orders;**
 - c) not to seek compensation in respect of any formal revocation orders made in respect of previous consents;**
 - d) annual total sales of limestone products shall be limited to 1.1 million tonnes;**
 - e) not to sell for Industrial use less than 40% of the total annual sales of limestone products;**

- f) to enter into a “Footpath Agreement” for the maintenance of the previously constructed permissive footpath, plus fencing and gates, along the approach road leading to the quarry entrance to separate pedestrians and footpath users from road traffic.
- (ii) Conditions covering the following areas:
- (a) Duration – limit the duration of the consent to December 2035;
 - (b) Access and surfacing arrangements – to remain as current;
 - (c) Drainage – submission of scheme to confirm existing drainage arrangements as per condition existing condition 7 of NP/DDD/0214/0210;
 - (d) Lorry sheeting and routeing – lorries leaving the site to be sheeted and turn right on exiting the site onto Roystone Lane;
 - (e) Number of vehicles – limitations to remain the same, 800 maximum per day (400 In, 400 Out), with current additional control on dry aggregate vehicle movements (240 per day) and night time powders movements (24);
 - (f) Working scheme – as amended in line with the application Phases 1 – 6 inclusive and consistent with application NP/DDD/0715/0619, to allow the phasing programme and extraction boundary to be amended to accommodate mineral beneath Tip 3 (extraction in this pp limited to Tip 3 area only), and to undertake revised restoration as per proposal;
 - (g) Surveys – requirement to submit annual topographical surveys;
 - (h) Production - levels to remain as per current restriction at 1.1 million tonnes per year, with requirement to maintain records and supply MPA with figures on monthly output and production for the previous year;
 - (i) Depth of working – to remain as current, 160m AOD in Main Quarry (and 185m AOD in Woodbarn), to cover all operational phases 1 – 6;
 - (j) Restriction of permitted development rights, as current;
 - (k) Processing – no importation of material into the site for processing except for that for use in concrete and asphalt manufacture;
 - (l) Hours of working – to remain as currently conditioned; maintain routine hours of 0600–2000 hours Mon–Fri and 0600–1800 hours Sat for operations other than processing, servicing, environmental monitoring, maintenance and testing of plant; no operations for formation and removal of material from any baffle mounds and soil/overburden storage areas formation and subsequent removal of material from any waste tips and waste storage areas to be carried above original ground level at the site except between the 0800-1800 hours Mon – Fri and 0800-1200 hours Sat; no operations for formation and removal of material from any baffle mounds and soil/overburden storage areas formation and subsequent removal of material from any waste tips and waste storage areas to be carried below original ground level at the site except between the 0600-2000 hours Mon – Sat and 0800-1200 hours and 0600-1200 hours Sun; no movement of lorries carrying aggregate except between 0500-1900 Mon to Sat subject to restrictions specified in number of vehicles condition, and excluding powder tankers movements.
 - (m) Soil removal and storage - managed in accordance with good practice, as per current condition requirements;
 - (n) Fencing – erection and maintenance of stockproof fencing around whole site for duration of the development;
 - (o) Safeguarding of Scheduled Monument SM29829 as per existing – no mineral extraction or associated activity, including vehicular movements, within 2m;
 - (p) Dust control – update condition to require submission of the Dust Control Scheme which is in operation at present;
 - (q) Noise – standard conditions concerning maintenance of plant in accordance with manufacturers advice to continue; update noise level limits with

- reference to the noise survey forming part of ES, with specific limits for named properties and an overarching 55dB LA_{eq(1hr)} for any other noise sensitive property not listed; application of lower night time limit of 42dB LA_{eq(1hr)}; submission of noise attenuation scheme to include provision for routine monitoring;
- (r) **Blasting** – re-state conditions to control blast limits, timing of blasting, need for audible warnings prior to any blasting, regular monitoring and retention of records to be supplied to MPA on request, submission of blast monitoring scheme identifying measures in place to control the effects of blasting at the site, including air overpressure;
 - (s) **Water protection** – continuation of controls concerning storage of oils, fuels and chemicals, no discharge of foul or contaminated water, use of oil interceptor for any surface water drainage from parking areas, hard-standings, etc.;
 - (t) **Ecology** – requirement to erect bat boxes and bird boxes prior to tree clearance works on southern tip (Tip 3); planting of hedgerow between Tip 3 and Tip 1; submission of schemes detailing bat and breeding bird mitigation measures to be employed for duration of the development; requirement to submit a Landscape and Ecological Management Plan (incorporating a Habitats Management Plan) to cover the duration of the development;
 - (u) **Restoration and aftercare** – requirement for phased submissions of restoration and aftercare schemes ahead of completion of each phase of the development, in line with overall Restoration Masterplan submitted with the application; requirement for annual restoration and aftercare meetings;
 - (v) **Requirement for submission of a report detailing condition of any listed buildings utilised by operator and a statement/programme detailing how the applicant intends to ensure that they are left in an appropriate condition cognisant to their listed status for future re-use at the end of the development.**
- (iii) To delegate authority to the Director of Conservation and Planning to agree detailed conditions and wording of the section 106 legal agreement following consultation with the Chair and Vice Chair of the Planning Committee.

RECOMMENDATION B:

That application NP/DDD/0715/0618, which seeks to vary conditions 2, 11, 38 and 39 on the existing permission NP/DDD/0214/0210 to allow for a revised restoration scheme, is approved subject to:

- (i) The signing of a revised section 106 (covering both planning permissions) to include the following obligations:
 - a) to not win and work minerals in accordance with previous consents;
 - b) relinquishment of former consents through formal revocation order;
 - c) not to seek compensation in respect of any formal revocation orders made in respect of previous consents;
 - d) annual total sales of limestone products shall be limited to 1.1 million tonnes;
 - e) not to sell for Industrial use less than 40% of the total annual sales of limestone products;
 - f) to enter into a “Footpath Agreement” for the maintenance of the previously constructed permissive footpath, plus fencing and gates, along the approach road leading to the quarry entrance to separate pedestrians/footpath users from road traffic.

- (ii) **Conditions covering the following areas (including re-stated conditions on the existing permission where appropriate and necessary):**
- (a) **Duration – limit the duration of the consent to December 2035 (as opposed to 2040 as current);**
 - (b) **Access and surfacing arrangements – to remain as current;**
 - (c) **Drainage – submission of scheme to confirm existing drainage arrangements as per condition existing condition 7;**
 - (d) **Lorry sheeting and routeing – lorries leaving the site to be sheeted and turn right on exiting the site onto Roystone Lane;**
 - (e) **Number of vehicles – limitations to remain the same, 800 maximum per day (400 In, 400 Out), with current additional control on dry aggregate vehicle movements (240 per day) and night time powders movements (24);**
 - (f) **Working scheme – as amended in line with the application Phases 1 – 6 inclusive and consistent with application NP/DDD/0715/0619, to allow the phasing programme to be amended to encompass mineral beneath tip 3 (but extraction in this pp limited to within current extraction boundary), and to undertake revised restoration as per proposal;**
 - (g) **Surveys – requirement to submit annual topographical surveys;**
 - (h) **Production - levels to remain as per current restriction at 1.1 million tonnes per year, with requirement to maintain records and supply MPA with figures on monthly output and production for the previous year;**
 - (i) **Depth of working – to remain as current, 160m AOD in Main Quarry and 185m AOD in Woodbarn, to cover all operational phases 1 – 6;**
 - (j) **Restriction of permitted development rights, as current;**
 - (k) **Processing – no importation of material into the site for processing except for that for use in concrete and asphalt manufacture;**
 - (l) **Hours of working – to remain as currently conditioned; maintain routine hours of 0600–2000 hours Mon–Fri and 0600–1800 hours Sat for operations other than processing, servicing, environmental monitoring, maintenance and testing of plant; no operations for formation and removal of material from any baffle mounds and soil/overburden storage areas formation and subsequent removal of material from any waste tips and waste storage areas to be carried above original ground level at the site except between the 0800-1800 hours Mon – Fri and 0800-1200 hours Sat; no operations for formation and removal of material from any baffle mounds and soil/overburden storage areas formation and subsequent removal of material from any waste tips and waste storage areas to be carried below original ground level at the site except between the 0600-2000 hours Mon – Sat and 0800-1200 hours and 0600-1200 hours Sun; no movement of lorries carrying aggregate except between 0500-1900 Mon to Sat subject to restrictions specified in number of vehicles condition, and excluding powder tankers movements.**
 - (m) **Soil removal and storage - managed in accordance with good practice, as per current condition requirements;**
 - (n) **Fencing – erection and maintenance of stockproof fencing around whole site for duration of the development;**
 - (o) **Safeguarding of Scheduled Monument SM29829 as per existing – no mineral extraction or associated activity, including vehicular movements, within 2m;**
 - (p) **Dust control – update condition to require submission of the Dust Control Scheme which is in operation at present;**
 - (q) **Noise – standard conditions concerning maintenance of plant in accordance with manufacturers advice to continue; update noise level limits with reference to the noise survey forming part of ES, with specific limits for named properties and an overarching 55dB LA_{eq(1hr)} for any other noise sensitive property not listed; application of lower night time limit of 42dB_{LAeq}**

- (1hr); **submission of noise attenuation scheme to include provision for routine monitoring;**
- (r) Blasting – re-state conditions to control blast limits, timing of blasting, need for audible warnings prior to any blasting, regular monitoring and retention of records to be supplied to MPA on request, submission of blast monitoring scheme identifying measures in place to control the effects of blasting at the site, including air overpressure;**
 - (s) Water protection – continuation of controls concerning storage of oils, fuels and chemicals, no discharge of foul or contaminated water, use of oil interceptor for any surface water drainage from parking areas, hard-standings, etc.;**
 - (t) Ecology – requirement to erect bat boxes and bird boxes prior to tree clearance works on southern tip (Tip 3); submission of schemes detailing bat and breeding bird mitigation measures to be employed for duration of the development; requirement to submit a Landscape and Ecological Management Plan (incorporating a Habitats Management Plan) to cover the duration of the development;**
 - (u) Restoration and aftercare – requirement for phased submissions of restoration and aftercare schemes ahead of completion of each phase of the development, in line with overall Restoration Masterplan submitted with the application; requirement for annual restoration and aftercare meetings;**
 - (v) Requirement for submission of a report detailing condition of any listed buildings utilised by operator and a statement/programme detailing how the applicant intends to ensure that they are left in an appropriate condition cognisant to their listed status for future re-use at the end of the development.**
- (iii) To delegate authority to the Director of Conservation and Planning to agree detailed conditions and wording of the section 106 legal agreement following consultation with the Chair and Vice Chair of the Planning Committee.**

Key Issues

- Whether the principle of accepting an extension to the extraction boundary beneath existing Tip 3 to release 5.3 Mt of mineral, in exchange for the relinquishment of the same quantity of currently approved reserves within the existing extraction boundary in West Quarry, is acceptable;
- Whether sufficient exceptional circumstances have been demonstrated to allow for major development to take place, specifically the proposal to vary the existing restoration scheme.
- The overall effect of the proposed development upon the character and amenity of the area and whether it would conserve and enhance the valued characteristics of the Peak District National Park.

Relevant History

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

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

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

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

2005 – Planning application to replace existing three powders plants with a single new plant. Planning permission NP/DDD/0905/0907 granted February 2006.

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

May 2015 – planning permission NP/DDD/0214/0210 issued following a section 73 application seeking an increase in the number of night time lorry movements for the exportation of powders.

Consultations

Highway Authority (Derbyshire County Council (DCC))

As neither application is seeking to alter the permitted traffic movements to and from the site, does not wish to raise any highway comments. Please include previously recommended highway conditions on any consent granted.

DCC Planning Control

Revised working and restoration scheme would be likely to bring about long-term landscape enhancements through the increased infilling of the quarry void. There will clearly be some short-term impacts associated with the proposal relating to the removal of the currently planted Tip 3, which has the potential to open up views into the site from the south, but benefits are likely to outweigh these impacts by enabling more of the quarry void to be restored to more sympathetic profiles that can then be restored. Major concern with the scheme, as currently proposed, is that it lacks landscape structure that would truly integrate the site with the surrounding landscape character type (LCT). The surrounding LCT is defined as Limestone Plateau Pastures in the PDNPA Landscape Strategy; being a pastoral landscape of small to medium sized fields enclosed by dry stone walls with the occasional plantation or tree belt. Strongly urge Authority to seek the provision of more walls to be included in the final restoration scheme, so that the site seamlessly integrates with this surrounding context and establishes field enclosures that can then be managed as part of an agricultural landscape. The presentation refers to management by sheep grazing, although it is unclear how this can take place without some form of enclosure to help contain the stock. The final restoration plan still appears to show arbitrarily located trees and these would be much better located as occasional trees adjacent to new field boundaries. Dew ponds might also be included as occasional features of this restored agricultural landscape. The water feature proposed to be formed at final restoration would continue to be an alien feature within this free-draining limestone landscape, so careful thought needs to be given to its final restoration, allowing for areas of marginal vegetation and well-designed planting to help reduce the scale of the feature.

Derbyshire Dales District Council EHO

Noise - satisfied with the recommendations within appendix 5, chapter 6.0 and would request these noise limits be implemented as part of the permission if granted.

Vibration - would concur with the recommendation in Appendix 6, chapter 11 to maintain current blasting limits and maintain a programme of blast monitoring.

Dust - would propose that the recommendations of Appendix 7 be required and in particular plan workings to minimise dust

Environment Agency

NP/DDD/0715/0618 - no objection to the proposed variation of conditions 2, 11, 38 and 39 of Planning Permission NP/DDD/0214/0210 as none of these conditions relate to 'Controlled Waters' matters.

NP/DDD/0715/0619 - no objections to the proposed development. The information presented indicates that there will be no deepening of the quarry below the currently permitted working level. Furthermore there will be no alteration to the water collection and disposal arrangements. Consequently we have no objection to the proposed revision to the quarry development scheme and the enhanced restoration scheme.

Historic England

With regard to any archaeological remains which may have survived below the old tip at the south western side of the main quarry we refer you to the advice of PDNPA Cultural Heritage Manager. As to the grade II Listed Buildings on site (the Offices, Laboratories, the Cottage), all we believe in the ownership of the applicant, we refer you to the advice of your Conservation Officer. In particular their advice should be sought as to what additional details and commitments would be appropriate from the applicant setting out how the Listed Buildings will be delivered to market in good and economically viable order at the end of the restoration scheme with their significance sustained. Any integration with the on-going sustainable future and use of Ballidon Chapel which might be achieved alongside a scheme for the buildings discussed above would be of additional public benefit.

Natural England (summarised)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Peak District Special Area of Conservation (SAC) which is European site. The site is also notified at a national level as the Ballidon Dale Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site;
- the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

As the footprint of the quarry has not changed, and this project relates to variations in working within the existing area, there should be no impact over and above that already considered in previous applications. Due to the location of tip 3 in relation to the SAC/SSSI boundary there would not be any likely significant effects on the designated site.

Application is in close proximity to Ballidon Dale Site of Special Scientific Interest (SSSI). NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features. Therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Other advice

We would expect LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above.

Landscape

No comment, advised consultation with the landscape specialists within the Peak District National Park Authority.

Green Infrastructure and Priority Habitat

Natural England supports realistic and properly funded proposals for the incorporation of new Priority Habitat and Green Infrastructure creation arising from this scheme. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Welcome any proposal on site which seeks to maximise the creation of priority habitat on the proposed development site and in accordance with local priorities such as the Biodiversity Action Plan for Derbyshire. Recommend that you consult with Derbyshire Wildlife Trust on the revisions of the overall restoration proposals to ensure the most suitable habitat is created for the area and that fits in accordance with local priorities for Derbyshire.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, in accordance with Paragraph 118 of the NPPF.

Severn Trent Water – no response received

Central Networks – no response received

Health and Safety Executive – no response received

Parwich PC – supports the application, based on a very thorough application and supporting evidence, as this application will result in extending the life of the quarry. The regeneration will be good and the landscaping will be an improvement, including the lake. The new proposals are an improvement as there will be no overall extension, re-excavation or changes to operating hours of the quarry.

(N.B. Case officer has contacted the PC to advise that the application will not result in an extension of life to the quarry and has sought confirmation that their remaining comments stand –

no second response received)

Ballidon and Bradbourne Parish Council – no response received.

Brassington Parish Council – no response received.

PDNPA Ecology (summary of key points) - A biodiversity action plan for the quarry has been produced, dated July 2010 and provides details on the proposed re-vegetation methodologies trialled within the site; it is unclear how this current restoration plan fits with the proposals and recommendations within the BAP document. Previous consultation with the PDNPA ecologist - response requested a number of changes to the proposed landscaping and mitigation works within the interim restoration plan.

Although no notable bird assemblages may occur within the site, habitats on site clearly have the potential to support a range of bird species. To reduce the impact upon nesting bird species it is recommended that vegetation clearance works are undertaken outside of the main bird nesting season unless supervised by an ecologist. Ongoing monitoring of peregrine at the site should be undertaken to ensure that no active nests are disturbed during quarrying works or restoration proposals. The addition of nest boxes within retained woodland habitats should be considered, to compensate for the loss of nesting habitats as a result of clearance works, the provision of these should be included within a management plan to be developed for the site.

To help reduce the negative impacts of a short term loss of foraging and commuting habitat for bats and nesting habitat for birds, it is recommended that a line of hedgerow and scattered trees is planted along the south of Tip 3 outside of the proposed working area; this hedgerow will also increase the opportunity for nesting bird habitat as it develops. The report does not consider the impact the loss of quarry face may have on potential bat roosting features, it is recommended that consideration is given to providing suitable mitigation within those faces that remain or are proposed, and for the addition of artificial sites. The submitted report mentions badger. As they are a mobile species with changing territorial boundaries it is recommended that a check of the proposed excavation area should be undertaken immediately prior to works commencing to ensure that there will no impacts by the proposed works.

Restoration Works

Restoration should seek to achieve maximum wildlife gain and there should be a clear commitment to aftercare and monitoring. Details should be provided of a comprehensive restoration and aftercare plan for the quarry and associated land including details of short, medium and long-term restoration, monitoring and management (e.g. grazing management). It is important that progressive restoration during the life of the quarry is undertaken in such a way that replaces any important habitats that are to be lost and enhances the current resource.

Any proposals for habitat creation that does not include natural regeneration should include the use of local native species, preferably of local provenance in the planting schemes. Areas of existing high conservation value could be used as a seed source for proposed restoration areas, subject to any permissions required.

In addition to the requirement to provide appropriate mitigation/ compensation for any negative impacts, the development proposals should also consider the potential to provide additional conservation enhancements at the site or wider area. It is recommended that a condition be applied to develop a landscape and ecological management plan for the site. This document should include recommendations produced as part of the site BAP and be adapted over time to reflect needs/pressures within the management regimes on site.

Suggested mitigation/conditions/footnotes:

1. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the PDNPA. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions.
 - f. Preparation of a work schedule (including an annual plan capable of being rolled forward over a five year period).
 - g. Details of the persons/organisation responsible for the plan.
 - h. Ongoing monitoring and remedial measures.
2. A Method Statement detailing the range of mitigation and compensation measures to address the impact of the development on protected species (birds, bats, etc.) be submitted to the MPA for approval..
3. A Habitat Management Plan, covering the site, be developed in accordance with the broad objectives set out in the application details and covering a period of 20 years from commencement of the development.
4. No removal of vegetation that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless agreed by a competent ecologist.
5. Prior to commencement of the proposed activities, undertake a pre-works badger check. Should any active setts be found, it may be necessary to apply for a development licence from Natural England.

Subsequently commented that the landscaping scheme has taken on board the majority of comments, there is bench planting indicated on south facing slopes in the northern section again regeneration on these rocky areas would be the preferred option as opposed to planting them up.

PDNPA Landscape – Welcome the proposed revised workings and proposed restoration scheme as it provides a better overall resolution to the site in the long term. Specifically:

- Mention is made of scree slopes but none are shown on the restoration plan (*NB. Revised restoration masterplan submitted which addresses this point and will be subject to detailed restoration schemes ahead of completion of each phase*)
- Principles of restoration have not been shown, but I assume from the contours that all the benches, except those showing faces will be completely covered. Sections would help. Also with those faces that are being left will there be a need to have rock traps? (*N.B. Sections now provided indicating existing and proposed final contours*)
- As they are looking at more of a limestone dale landscape rather than a plateau pastures landscape, could be an additional opportunity to leave some additional short sections of natural looking rock outcrops on the higher slopes perhaps with some additional blasting. There are examples of this at other limestone quarries in an around the NP.
- As they are proposing for the site to be grazed in the long term they will need to consider fencing off areas. In some locations this may be appropriate and desirable to use drystone walls. Walls are not uncommon features in some limestone dales and they would help to link the plateau pastures landscape of regular field pattern and the new quarry landscape together (*N.B. Revised restoration masterplan shows indicative locations for boundary features, the detail of which can be firmed up through conditional requirement to submit sequential detailed restoration plans ahead of completion of each phase*).
- Would like to see a long term management plan for the overall site with a specific section on the woodlands. The woodlands plan is important to face the future of ash dieback and the management of unsuitable species within existing woodland such as Italian Alder.
- Prefer to see more natural regeneration thorough out the site not just grasslands but also trees.

- If walls are introduced into the landscape then it may be appropriate to relate individual tree planting to these walls, rather than arbitrarily planting trees.
- The LVIA quotes from the landscape strategy that “creating new native broadleaved woodland is generally inappropriate” therefore the block of woodland proposed for phase 1 screening on the recently restored tip in the north east corner of the main quarry should not be planted. It is not always necessary to screen quarries but to help them integrate in the wider landscape and this block is inappropriate. *(N.B. Revised restoration masterplan addresses point of woodland block on top of East tip, has now been removed from proposal).*
- Overall this proposal will be of long term positive benefit to the site.

Subsequently commented that sections make it a lot clearer for understanding the restoration process and are therefore welcomed. Sections also make their comments on scree slopes and exposed edges understandable, however still consider that there may be opportunity to create scree slopes on the lower sections where rock faces were original proposed to be retained in both quarries especially near to the water body. Would not be expecting new faces or scree slopes to be created on fill material. Pleased to see woodland management plan note and the removal of proposed screen planting. Indicative stone boundary walls are welcomed, their exact location, gates and number to be agreed at appropriate time during the restoration of an area.

PDNPA Rights of Way – no objections to proposal.

Statement of Community Involvement (SCI)

The applicant has indicated that prior to finalising the proposals for the re-phasing of working and enhanced restoration scheme at Ballidon Quarry, presentations were made in January and February 2015 to Ballidon and Parwich Parish Councils. The proposed changes to the working sequence and enhanced restoration scheme were explained in detail at presentations in order that representatives of the local community were made fully aware of the long term vision for Ballidon Quarry and its continued operation. Following these presentations, a public exhibition was held at Ballidon Quarry in April 2015, where more detailed drawings of the proposed development and amended restoration scheme were made available for public comment.

Pre-application advice

The applicant has sought pre-application advice both on the procedural route to follow in terms of the applications required for submission, and on the content of the Environmental Statement that needed to accompany the applications. The advice given has been taken into consideration in the preparation of the application and accompanying documentation.

Representations

One letter of representation has been received. The main issues raised are summarised below:

The owners of the quarry did not consult (and to date never have) with us. Positioning of the planning notices (hidden on a gateway on a footpath) meant we only heard of their plans on the 15 Sept.

(Officer comment – a total of four site notices were posted at various points around the periphery of the quarry coincident with public rights of way and/or highways, and advertisements of the applications were placed in the local press, in line with the procedural requirements set out in the Development Management Procedure Order 2010).

The quarry is effectively asking the locality to put up with 12+ years of additional noise, dust, disruption so that they can more easily extract 5M tonnes of minerals.

(Officer comment – the applications are not seeking any additional time to carry out the development over and above that which they already have permission for. If approved, the new consents would reduce the conditional current end date of December 2040 to Dec 2035 and it is likely that extractive operations would be completed before that date.

The document talks about the positive economic impact of the quarry. The economic contribution of this particular quarry will remain the same with or without the proposed amendments. The report does not estimate or even mention the negative impact to tourism (a higher contributor than the minerals business) that the proposed "opencast" nature of the proposal will have on the area over the next 12+ years.

Noise: Note that the quarry has submitted a report that purports to have taken noise samples from Roystone Grange. We are not aware, nor have been consulted on, any such monitoring activity. Having lived with the quarry for 13+ years, can assure you that the impact of noise pollution caused by quarry workings vary significantly depending on what's going on in the quarry.

Dust: Cannot drive past quarry without accumulating dust and mud. Road cleaning does take place but is a best sporadic and doesn't cover all the public highway. Furthermore, there is a constant run off mud (from wheel cleaning systems) onto the highway causing contamination to the locality.

State of the highway: the quarry uses heavy plant machinery to transport materials from the west to east side of the quarry across a public highway. In doing so gravel & dust are deposited on the highway representing a road hazard. In addition the quarry has attempted to make good the damage to the road that the machinery has caused. They have done this by laying another layer of tarmac on top of the road, however, the work was done in such a way as to cause damage to the suspension of cars that regularly traverse this section of road.

Safety: The road up to the quarry is not wide enough in a number of places to accommodate both a car & a lorry.

Main policies relevant to the proposal

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. As a material consideration in planning decisions, the NPPF recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the NPPF indicate that development should be restricted, for example, policies relating to National Parks.

Section 11 of the NPPF relates to conserving and enhancing the natural environment and paragraph 109 confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of eco-system services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline of biodiversity by establishing coherent ecological networks that are more resilient to current and future pressures.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection to National

Parks in relation to landscape and scenic beauty, reflecting primary legislation. Further guidance and information, including an explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010. The NPPF, at paragraph 116, continues to refer to designated areas and states that planning permission should be refused for major developments in these areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

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

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

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of land-banks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, Scheduled Monuments and Conservation Areas;
- ensure no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

In respect of restoration, paragraph 34 states that a site specific landscape strategy should accompany all applications for any new or significant extension to an existing site and this should include:

- defining the key landscape opportunities and constraints;
- considering potential directions of working, significant waste material locations, degrees of visual exposure etc;
- identifying the need for additional screening during operations; and
- identifying proposed afteruses and preferred character for the restored landscape.

Development Plan policies

Relevant Core Strategy (2011) policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, MIN1, CC1, CC5, T1, T4, T6.

Relevant Local Plan (2001) 'Saved' policies: LM1, LM9, LC1, LC6, LC15, LC16, LC17, LC18, LC19, LC20, LC21, LC22, LT9, LT20

The Core Strategy (CS) general spatial policies provide overarching principles for spatial planning in the National Park. They relate closely to the delivery of National Park purposes to ensure that the valued characteristics and landscape character of the area are protected. The NPPF policy direction which states that planning permission for major development should be refused in designated areas, is reiterated at the CS level in policy GSP1. Section E of that policy states that in securing national park purposes major development should not take place within the National Park other than in exceptional circumstances. It goes on to state that major development will only be permitted following rigorous consideration of the criteria in national policy, and that where such a proposal can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured.

Policy GSP2 states that the opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, with proposals needing to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. The requirement to ensure that development respects, conserves and enhances all valued characteristics of the site and buildings that are the subject of a proposal is set out in policy GSP3 and the policy requires assessment of a range of factors, including impact on access and traffic levels. To aid the achievement of its spatial outcomes, policy GSP4 requires that the Authority considers the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

The overall development strategy (Policy DS1) for the Peak District National Park indicates what types of development are acceptable in principle in settlements and in the countryside. Minerals is identified as one of several acceptable 'in principle' forms of development in all settlements and in the countryside outside of the Natural Zone, subject to consideration against specific CS policies in the remainder of the plan. The DS1 policy direction is strongly influenced by the proximity of the National Park to large numbers of towns and cities, offering an extensive range of jobs and services. In respect of minerals, Paragraph 3.36 recognises that there are vast levels of minerals resources on the edge of the National Park and a long term objective is to seek a gradual reduction in the flow of minerals from the Park itself.

That theme is continued in CS policy MIN1, which states that proposals for new mineral extraction or extensions to existing mineral operations (other than fluorspar proposals or local small-scale building and roofing stone proposals) will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy MPS1 (now replaced by NPPF). The accompanying text to the policy provides the background to this direction, in that there are significant limestone reserves for aggregate in areas on the periphery of the National Park, predominantly in Derbyshire, and the process of a gradual rundown in output from the Park is supported by Derbyshire County Council. Policy MIN1 goes on to state that restoration schemes will be required for each new minerals proposal and, where practicable, restoration will be expected to contribute to the spatial outcomes of the Plan. The restoration outcomes should focus mainly, but not exclusively, on amenity (nature conservation) after-uses rather than agriculture or forestry and should include a combination of wildlife and landscape enhancement, recreation and recognition of cultural heritage and industrial archaeological features.

Saved Local Plan policy LM1 seeks to assess and minimise the environmental impact of mineral extraction and states that mineral development will not be permitted unless adverse impacts on the valued characteristics and amenity of the area can be reduced to the minimum practicable level or eliminated. Particular attention will be paid to various factors, including nuisance and general disturbance to the amenity of the area (including that caused by transport and the method and duration of working), risk and impact of pollution potential, harm to landscape, nature conservation, surface and groundwater, land stability, built environment/cultural heritage features, recreational interests and recreational interests. Policy LM9 is concerned with ancillary mineral development and states that it will be permitted provided there is a close link between the industrial and mineral development. Similarly, Core Strategy policy L1 seeks to conserve and enhance valued landscape character and other valued characteristics of the National Park. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on such sites. Policies L2 and L3 are concerned with biodiversity/geodiversity interests and cultural heritage assets respectively, with proposals needing to demonstrate conservation and enhancements. Other than in exceptional circumstances, development will not be permitted where it is likely to have adverse impacts on these characteristics. These policy requirements are also reflected in Local Plan policies LC6, LC15, LC16, LC17, LC18, LC19 and LC20.

Policy CC1, concerning key spatial issues relating to climate change and sustainability, states that development must make the most efficient and sustainable use of land, buildings and sustainable resources. In the same chapter, policy CC5 states that development proposals which may have a harmful impact on the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless benefits can be secured for increased floodwater storage and surface water management from compensatory measures. Local plan policies LC21 and LC22 also refer to the need to ensure the protection of surface and ground waters and the minimisation of surface water run-off.

Transport related CS policy T4 states that development requiring access by Large Goods Vehicles must be located on and/or be readily accessible to the Strategic or Secondary Road Network, a policy which is reinforced by Local Plan policy LT9. Policy T1 more generally requires that the impacts of traffic within environmentally sensitive areas will be minimised. CS policy T6 and LP policy LT20 are designed to ensure that the rights of way network is safeguarded from development and wherever appropriate enhanced to improve connectivity, accessibility and access to transport interchanges. Where a development proposal affects a right of way, every effort will be made to accommodate the definitive route or provide an equally good or better alternative.

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

Assessment

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004). In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001, from which the key policies of relevance to this proposal have been set out above.

The proposal constitutes mineral development which, in terms of the definitions provided in the Development Management Procedure Order (2010), falls under the category of 'major development'. It therefore follows that the proposals must be assessed against the 'exceptional circumstances' test set out in the NPPF and CS policy GSP1, with the assessment taking into consideration (i) the need for the development; (ii) the cost of and scope for developing elsewhere outside the designated area (alternatives) and; (iii) any detrimental effects on the environment, the landscape and recreational opportunities and the extent to which those effects could be moderated.

(i) Need for the development

In terms of need, it is helpful to first understand why the applicant wants to undertake the remaining quarry operations in a different way from what is currently permitted. Under current operations, if the applicant was to continue to operate the site within the terms of the existing permission, it would mean that the easily available reserves would be exhausted within a relatively short timeframe, somewhere in the region of 6 years. Thereafter, in order to extract the remaining reserves, which are located primarily in the base of the quarry beneath two historic waste tips, and to work towards restoring the site in line with approved plans, there would have to be significant double- or triple-handling of those waste tips, representing a more inefficient and less sustainable extraction operation compared to that proposed. There would also potentially be more issues with groundwater ingress and an increased need for pumping. Under the present proposal, whilst there would necessarily be some movement of existing waste tip

material, from Tip 3 (to reveal the reserves beneath), this amounts to a lesser volume of material to be moved prior to extraction.

It is therefore clear that the proposal represents a more convenient way of undertaking mineral development at the quarry, but it is also a more sustainable operation that would involve less inefficient movement of waste materials within the site boundary. This is consistent with the policy requirement in CS policy CC1, which requires that all development must make the most efficient and sustainable use of land, buildings and natural resources in order to build resilience to, and mitigate, the causes of climate change. Furthermore, the revised extractive phases and movement of Tip 3 material into the main quarry void would also provide the opportunity to restore the site in accordance with an improved restoration scheme, which ties in more neatly with existing restored areas of the site and is more consistent with local biodiversity objectives.

The applicant has included a section on 'need' in their supporting planning statement. They emphasise that Ballidon Quarry is a long-established mineral working site that has produced a range of high quality, high-specification limestone products for over 50 years, serving well established markets for local, regional, national and international use. In particular the following product types are produced:

- aggregate minerals;
- high quality limestone;
- MOT Type 1 and 6F size fill material;
- single size construction stone;
- foundry stone;
- bulk powders;
- raw materials for precast and ready mixed concrete plant;
- industrial minerals;
- high specification limestone for the glass industry;

The quarry and its related operations provide direct employment for 28 employees and 20 hauliers, as well as indirectly providing employment for maintenance and specialist services and contractors who are involved in work related to the quarry.

The supporting policy text to CS policy MIN1 indicates that permitted reserves of limestone for aggregate and for industrial and chemical uses are already significant in the National Park and neighbouring Derbyshire County, therefore providing little justification for identifying new sites within the National Park. In this particular case, whilst the 5.3 Mt of reserves identified for extraction beneath Tip 3 could be classed as 'new' reserves, as they are not identified in the current extractive phases, there are several reasons why the application of this policy does not necessarily fit the present circumstances.

Firstly, the area identified for extraction, whilst falling outside of the current extractive phasing boundary, is within the overall red line boundary of the existing approved development, without requiring any lateral extensions to the site's current footprint. Secondly, and more importantly, the proposal does not seek an increase in the total reserve amount for the quarry, since the phasing redesign process includes two areas where cumulatively 5.3 Mt of already permitted reserves would be left in situ. Thus, the application is 'reserve-neutral'. Consequently, the application does not represent an increase in permitted reserves from the National Park. Finally, it is important to recognise the fact that the fall-back position for the applicant, which would prevail should these applications be refused, is that the development would simply continue under the terms of the current consent. That consent is limited in duration to 31 December 2040. However, negotiations with the applicant during the course of determination of these combined applications would bring that extraction end date forward by five years, to 31 December 2035, which is reflective of the current reserve position and revised phasing programme forming the basis of the applications. It is therefore not considered that the proposal raises conflict with the intent of policy MIN1 regarding new mineral extraction or extensions to existing mineral operations, although this does not negate the need to rigorously assess the proposal and for the

applicant to demonstrate exceptional circumstances to allow the development.

(ii) Alternatives

The applicant does not provide a review of alternatives as part of the application. For the majority of major minerals applications made to this Authority there is an expectation that the submitted details would include some review of alternatives. However, adopting this approach takes no account of the fact that planning permission already exists for mineral extraction at Ballidon until 2040. In this particular case, because the proposal does not alter the level of permitted reserves overall, the applicant is effectively presenting this proposal as an alternative to the one other option, which is to continue to work the quarry in the manner presently permitted. In the circumstances, this is an acceptable position to take.

In summary, the applicant has demonstrated that there is an existing demand for the mineral products produced, although it is arguable that this does not necessarily have to be met from Ballidon Quarry itself, since there are other reserves from alternative sites outside of the National Park that could address those markets. However, in this particular case it is a matter of fact that mineral extraction would continue at the site in the event of a refusal of these proposals, so it is pertinent to look at the nature of the proposed development in more detail, in particular the revised restoration proposals, to assess its impacts overall and whether it represents a net benefit to the National Park environment.

(iii) Effects on the environment, landscape and recreational opportunities

Having undertaken an assessment of need and alternatives, the third strand of the major development/exceptional circumstances test is the effect of the proposal on the environment, landscape and recreational opportunities. This section is sub-divided into several key impact areas, each providing a summary as to the effects of the proposal and discussing whether those effects can be appropriately mitigated.

Landscape character and visual impact

The Environmental Statement includes a specific chapter on the impacts of the development on landscape character. The assessment evaluates and characterises the landscape in the context of the existing landscape character and visual amenity. The presentation of the assessment of visual effects has focused on representative viewpoints which encompass a range of sensitive locations with the potential to be affected to a significant level. Twelve viewpoints were selected to best represent the range of sensitive viewpoint locations and main effects within the ZTV. Viewpoints have been used to indicate the degree of visual impact during site operations and following restoration. The current views at each of these viewpoints are compared to predicted views at the end of the development using a series of photographs and photomontages.

The predicted potential visual and landscape impacts are expected to primarily relate to the tip and mineral extraction operations in the Tip 3 area, although changes to the restoration proposals and resultant changes to the visibility of existing quarry have the potential to create different visual and landscape impacts compared to those created by the currently approved scheme. The assessment predicts that the proposal will provide good opportunities to reduce a number of existing adverse visual and landscape effects and provide improvements over the existing approved situation, notably in relation to landform and habitats.

Landscape Character

The change to the Tip 3 landform during the operational period will be notable due to the reduction in levels, change in slope angle and the overall form that would be created by its partial removal. The reduction in height of the slope is coupled with a reduction in semi-mature (approximately 20 years old) planted woodland, which is to be partially replanted as part of the restoration. Whilst this is a significant change in the local landscape, it would alter what could be

considered to be an artificial landform to a lower lying profile that is more in keeping with adjacent areas, whilst maintaining a similar wooded style of skyline, offering a transition between the limestone upland plateau and limestone dales. The level of tranquillity afforded at the site and immediate areas to the south will reduce during the operational period when working in Tip 3, but at the completion of operations the revised landform is considered to be beneficial in landscape character terms, especially as the newly restored landscape elements establish and develop.

During the restoration and aftercare period, the landform will be permanently altered. The revised restoration proposals have been designed so as to better relate to landscape character, and generally producing slopes (particularly in Main Quarry) which are more in keeping with the locality and the interface between limestone uplands plateau and limestone dales. The reduction in the number, length and height of worked out quarry faces/benches, replaced with slopes generally of no steeper gradient than are found immediately adjacent to the site, better relates to the predominant landscape characters.

Tip 3 will be planted with broadleaved woodland using species more in keeping with those found naturally in the landscape, maintaining the wooded boundary between the lower valleys and the transition to limestone dales and uplands. Main Quarry will change to contain a higher proportion of calcareous grassland for sheep grazing, with a reduction in woodland, except for select areas of woodland and scrub retained for structure to help integrate quarry faces/benches into the landscape and to provide habitat 'stepping stones' and continuity to habitats outside the site. The revised restoration eliminates incongruous elements of the existing approved scheme (e.g. willow carr and general preponderance of woodland), which again fits better with the adjoining landscape characters.

Visual impact

Generally, the quarry is more visible from the south than from the north. Terrain to the south is the main influencing factor in determining visibility. To the north the visibility is limited by higher land immediately north of the site, although there are mid-range views on higher lying ground to the north east. This includes points along the Pennine Bridleway/High Peak Trail and certain areas of Open Access land where close- to mid-range views into the quarry are prominent. The four key viewpoints where visual impacts are identified as being most significant are as follows.

Viewpoint 2 is located 150m east of the site, on elevated Access Land. The close- to medium-range view represents those obtained by users of two areas of Access Land to the east of the site and potentially from a farm property/buildings/residence lying between the areas of Access Land. The existing view is dominated by the current quarry operations, including the bare mineral, processing plant and buildings, mounds of mineral and conveyors. Woodbarn Quarry is also partially visible (largely quarry faces) in the wider view. In the foreground, the land falls away steeply and comprises calcareous grassland scrub. Tip 3 is viewed 'side-on' from this location and it takes the form of an unnatural sharp-edged ridge, with steep slopes, which is partially wooded and partially grassed. The proposal would see the sharp ridge feature reduced in height, with a select amount of woodland also removed, with the retained slope being much less prominent and the newly established quarry faces moving back southwards. The retained landform immediately beyond the main processing building would screen much of the working on the western side of the Tip 3 area. The northwestern upper slopes would be restored early in the scheme, reducing the amount of open faces visible from this location and replacing them with calcareous grassland. Upon restoration, once established, the changes in the view would be provide permanent improvements over the consented situation, including:

- Substantially fewer visible restoration faces in both quarry areas;
- A less visually prominent landform at Tip 3;
- A visible landform more in keeping with those adjoining the site; and
- Land-use/habitats more in keeping with adjacent areas, including increased grassland and less apparent woodland.

Viewpoint 4 is located 700m east-northeast of the site, providing medium range views from the Pennine Bridleway/High Peak Trail. The existing view is panoramic, taking in a large area of countryside, with pasture fields forming the foreground, the active quarry areas forming a large proportion of the mid-ground, and dales, ridges and plateau areas in combination with trees and fields forming the backdrop. Woodbarn Quarry is virtually screened from view at this location. The proposed development would see Tip 3 reduced in height, exposing additional mineral in the view for a medium-term duration. The early restoration of the northwest corner of the Main Quarry will reduce some of the exposed mineral and steep slopes that would otherwise be present in the view as part of the consented development. The remaining mineral working would be largely as per the consented situation and the skyline would remain unchanged. Upon restoration, once established, the changes in the view would provide permanent improvements over the consented situation, including fewer visible restoration faces in both quarry areas and a more characteristic landform at Tip 3 and in the northwestern/northern part of Main Quarry.

Viewpoint 7 is located 630m south-southeast of the site on the Limestone Way long distance bridleway. The viewpoint is at a similar elevation to Tip 3, which lies very close to the skyline, with high sensitivity. However, the main quarry area is out of view. The proposed development would see Tip 3 reduced in height, removing woodland from the view, introducing bare mineral and earth moving operations into a small portion of the view for a short-term duration. The limited duration of the operations will help to mitigate the impacts from this viewpoint. Upon development completion, the replacement view in place of Tip 3 will be the restored slopes in the northwest corner of the Main Quarry and the previously restored and vegetated benches on the western edge of West Quarry. The retained eastern section of the Southern bund will provide some retained screening for the duration of the development. Upon restoration, once established, the changes over the consented situation would be of very small magnitude, lowering the landform slightly, but with new woodland gradually creating a very similar effect to that consented. The landform visible beyond however will take in a small section of quarry faces.

Finally, viewpoint 12 is located 2.3 km south of the site, near the village of Bradbourne. It is representative of long range views gained from users of two public rights of way leading north and northwestwards out of the village. Existing quarry benches are visible in the current view, as is Tip 3. The proposed development would see Tip 3 marginally reduced in height producing a marginally lower wooded area in that part of the view. The actual operations would not be readily visible due to the distance of the viewpoint from the works, but the exposed material may increase the contrast with adjacent vegetation, making the area slightly more evident in the view for a short-term duration. This part of the view would be replaced by restored grassland slopes on the northern and northwestern flanks of Main Quarry undertaken during Phase 2. No additional views into the operational parts of the quarry would be gained.

Summary of landscape and visual impacts

The proposed development has been designed to meet the requirements of the specific policies relating to effects on landscape and visual amenity. Adverse and beneficial effects will result from the proposal, creating a revised landform in the landscape over the approved situation, which would be appreciable from a small number of close and medium-range locations. It is considered that these changes will be largely beneficial due to the revised restoration proposals relating better to landscape guidelines for the character areas, responding to views afforded from key viewpoints (e.g. strategic woodland planting to mitigate residual quarry faces/benches) and generally producing slopes more in keeping with the locality, sat between limestone uplands plateau and limestone dales. There will be a reduction in the number, height and lengths of quarry faces/benches retained upon restoration, replaced with slopes generally of no steeper gradient than are naturally found immediately adjacent to the site, thus better reflecting landscape character.

The revised restoration scheme for the Site provides improvements in landform (providing visual and landscape improvements) and proportions of characteristic land-use/land-cover over the

approved scheme and will overall integrate more effectively into the landscape character of the locality. The short-term duration of adverse effects could be considered, in overall terms, to at least be balanced out, and probably outweighed, by the permanent landscape and visual improvements that would be brought about by the proposal to the site and the surrounding area, and the wider environment in this part of the National Park. Furthermore, the application site lies outside the Natural Zone identified in the Core Strategy and the proposed development is therefore in accordance with the requirements of CS policy L1 and LP policy LC1.

The Authority's landscape architect raises some matters of detail pertaining to restoration, but overall is very supportive of the proposal and the improved restoration plan. In the event of an approval for this development, there would be a conditional requirement to submit detailed restoration plans in advance of completion of the next phase, with the details based upon the principles set out in the Restoration Masterplan. This is how the current consent is constructed and it has worked well to date. It allows a degree of flexibility to adapt restoration details as the development progresses, to take into account any new advances in restoration techniques or to amend the scheme where necessary if observations indicate that a particular restoration method or technique might not be working as anticipated. No other consultee has raised any issues on this matter. It is therefore concluded that the development will not give rise to unacceptable landscape or visual impacts and is in accordance with policy L1 and the policy direction in the NPPF regarding the need to conserve and enhance the natural environment through early completion, and high standards, of mineral restoration.

Ecological impacts

Habitats Assessment: Regulation 61 applies Article 6(3) of the Habitats Directive making it the responsibility of this Authority (as the 'competent authority') to carry out an Appropriate Assessment if significant impacts on a European Site are considered likely. The European Commission's guidance in relation to Habitats Assessment recommends a four stage approach to address the legislation. A full and separate Habitats Regulations Assessment (HRA) report has been prepared which concludes, on the advice from Natural England, that Appropriate Assessment is not required for this proposal.

Ballidon Quarry is within an area of considerable ecology and nature conservation value and importance. The limestone dale landscape that encloses the quarry on several sides contains unimproved limestone hill pasture grassland of international nature conservation importance. A number of ecological restoration and conservation management projects have been undertaken at Ballidon Quarry over a period in excess of 10 years, resulting in the development of substantial ecological interest within operational and non-operational areas at the quarry.

The Environmental Statement includes a chapter on the effects of the development on ecological interests. A desk study was undertaken in combination with a walkover survey over the whole application area and adjacent land in 2014, which included non-operational land that has either been designated for its nature conservation interest or has been enhanced through the implementation of the Ballidon Quarry Biodiversity Action Plan (BAP). The BAP for Ballidon has been in place for some years and provides a good baseline of information upon which the ecological impacts of the development can be assessed. The ES sets out the impact of the proposals on ecological interests including:

- An assessment of likely impacts on various habitats identified in the ecological surveys directly/indirectly disturbed and discussion of the significance of such impacts;
- Description of the mitigation measures introduced in the site design to reduce ecological impact;
- Details of ecological enhancement measures being introduced during the operation;
- Description of how the revised restoration phases will result in longer term ecological enhancement through the creation of appropriate new habitats and the introduction of a more species-diverse environment to maximise biodiversity interests.

The surveys undertaken included: Extended Phase I habitat survey undertaken during late summer 2014; reptile surveys undertaken in 2014 using artificial refugia sheets; Bat activity surveys undertaken at two woodland edge locations adjacent to the proposed southern extension area on three separate occasions at dusk during late summer 2014; badger activity surveys, undertaken in December 2014 and January 2015. Potential habitats that will be affected by the proposed development include several of localised interest to nesting birds and as terrestrial phase habitat for Great Crested Newts (GCN), both notable fauna groups. However, no viable GCN breeding pond habitat is located in proximity to the quarry development area and it is unlikely that habitat disturbed by extension of the mineral extraction would provide nesting habitat for a notable breeding bird assemblage. As a result the ES does not include site surveys for those species, a position which the Authority's ecologist has confirmed as acceptable.

The surveys identified the following principal wildlife habitats:

- Broadleaved woodland
- Plantation broadleaved woodland
- Scattered and dense scrub
- Scattered trees (individual and groups)
- Unimproved calcareous grassland
- Semi-improved calcareous grassland
- Semi-improved neutral grassland
- Poor semi-improved neutral grassland
- Improved grassland
- Marshy grassland
- Amenity grassland
- Boundaries (fence, walls, hedgerows)
- Buildings, hardstandings and operational quarry areas

Notable faunal interest includes a number of bat species recorded as foraging and commuting at both survey locations along woodland edges enclosing Tip 1, which lies due south of Tip 3. Peregrine and raven are known to use mature quarry faces at the quarry for nesting. Additionally, common passerine bird species are expected to nest within plantation woodland extending across Tip 3. No reptiles were recorded at any of the artificial refugia sheets.

Impacts on designated nature conservation sites

No adverse impacts are predicted to occur on either the Peak District Dale SAC or Ballidon Dale SSSI. No parts of these designated areas are directly affected by the proposed revised mineral extraction activities. In addition, no adverse indirect effects are expected to arise from the development.

Impacts on habitats and vegetation and proposed mitigation measures

The majority of habitat areas identified at the quarry will remain unaffected by the development. However, the one main habitat area which will be adversely affected is the recent plantation woodland, the central part of which will be removed to accommodate the proposed southern extension within West Quarry.

The ES concluded that badgers and reptiles would remain unaffected by the development. In contrast, notable fauna species identified in the baseline surveys which would be affected by the proposals are bats and nesting birds.

Bats commuting and foraging along the edge of recent plantation woodland within Tip 3 will be adversely affected through habitat loss as trees are felled on Tip 3 to accommodate tip removal. It was recorded in the surveys that bat commuting and foraging takes place along the edge of mature plantation woodland that encloses Tip 1 to the south and that this will maintain a habitat corridor for use by foraging and commuting bats between possible roosting locations within the quarry office area and foraging habitats to the west of the quarry. The applicant also considers that the disruption to bat commuting and foraging along the southern edge of Tip 3 will be a

temporary effect as reinstatement of woodland habitat along the southern edge of Ballidon Quarry is proposed in the final restoration scheme.

The Authority's ecologist on these proposals considers that additional mitigation measures could be put in place, especially in the short term, to address the early adverse impacts on the bat population. Such measures could include the early erection of bat boxes in adjoining woodland ahead of the tree clearance works, and the planting of a new hedgerow between the affected area of Tip 3 and Tip 1 woodland, to act as a bat commuting and foraging corridor in the absence of vegetation removed from Tip 3. Medium and longer term mitigation measures in the form of a bat mitigation scheme should also be submitted. The applicant is agreeable to the inclusion of these measures and they could reasonably be imposed by planning condition.

Some local bird nesting opportunities will be reduced by the removal of recent plantation woodland on the south side of Tip 3. There is the potential for disturbance of nesting birds in the event that habitat removal takes place in the bird nesting season. The applicant proposes mitigation measures in the event that where tree and shrub removal does have to be undertaken in the main bird breeding season, then habitat clearance areas will be inspected and assessed by a qualified ecologist to identify whether bird nesting is under way. In adopting this approach, it will ensure that where nesting is observed, clearance activities are postponed until nesting has been completed. The Authority's ecologist is content with this approach provided an appropriately worded condition can be incorporated into a permission to secure this mitigation measure. Additionally, he has indicated that further short-term mitigation measures should be employed, similar to the bat mitigation measures, involving the placement of a number of suitable bird boxes in woodland adjacent to Tip 3, adjoining Tip 1 to the south. The applicant is agreeable to this and the requirement to install these boxes prior to tree clearance works being undertaken can be controlled by condition.

The proposal would also give rise to the loss of some relict quarry face sections as progressive restoration forms extensive limestone dale landforms around quarry margins. This change could affect Peregrine if using rock ledges for nesting when restoration landforms are being profiled. The applicant puts forward measures to address this, which include regular monitoring during preceding years to ensure that risk to nesting Peregrine is assessed. Specific quarry development activities with the potential to affect nesting Peregrine habitat will be postponed to avoid the bird nesting season when nests could be in use. This could be imposed by condition or encapsulated in the requirement for submission of a scheme which includes these nesting bird mitigation measures, with the scheme to be implemented as approved.

Potential beneficial impacts

Habitat creation opportunities will arise from the revised quarry restoration scheme, offering potentially beneficial impacts over the existing approved development. For example, the scheme is designed to provide valuable grassland diversity, which will provide suitable habitat for nesting of wading species of birds, including lapwing, snipe and curlew. The principal benefits to ecology and biodiversity include the following habitats, each one identified as either a key nature conservation target or key wildlife habitat in the Peak District National Park Biodiversity Action Plan. In creating these new habitats the revised restoration scheme will make significant contributions to the BAP objectives. The Authority's ecologist and landscape architect have stressed the importance of getting a long term management plan in place for the site, particularly in regard to woodlands. The applicant has agreed to a condition requiring submission of a long term management plan for the whole site to run alongside the operational part of the development and into the restoration and aftercare period.

Calcareous grassland – significant areas of semi-natural limestone grassland hill pasture vegetation will be formed. The proximity of the new vegetation to existing calcareous grassland areas of national and international conservation importance within Ballidon Dale is an important factor in helping to consolidate and broaden the extent of this valuable vegetation and habitat type within the White Peak area. The exact seed mix specification will need to be agreed in

advance, which can form part of the successive submissions for phased restoration – in certain areas the preference may be to allow natural regeneration, for example, in areas close to the SSSI, so as not to compromise the integrity of the SSSI interest. This broad approach could also be part of the Landscape and Ecological Management Plan incorporating a Habitat Management Plan, as well as forming part of the successive submissions of phased restoration details.

Lowland Mixed Deciduous Woodland – several areas of new broadleaved woodland areas will be created through tree and shrub planning programmes on restored land. Existing areas of mature recent secondary and plantation woodland will be consolidated through the creation of these woodlands on adjacent restored land. The design will help to provide a valuable network of woodland blocks and corridors that are present towards the south of the quarry and increasing the extent and variety of woodland habitats at the quarry.

Wet woodland – the creation of wet woodland patches in the vicinity of a new open water and wetland area that will be formed at the base of the main quarry will make a valuable contribution to the variety of habitats being developed as part of the revised restoration scheme. Wet woodland is a specialised type of woodland and is identified as such in the Peak District BAP. The intrinsic value of individual wet woodland patches will benefit significantly from its association with extensive new wetland area in the wider context of extensive semi-natural calcareous grassland, broadleaved woodland and other habitats.

Open water and wetland – the creation of an open waterbody at the base of the main quarry creates additional opportunities for the development of various wetland habitat types, including carr scrub, fringing reedbeds and wet grassland. These will complement the general nature conservation interest as open water areas are likely to provide valuable wetland bird habitat.

Quarry benches – although the revised restoration scheme sees the loss of some historic quarry faces in the NW corner of West Quarry (replaced by one significant roll-over slope which connects with the landform sweeping round from East Tip), there will still be opportunities to retain relict quarry faces in other parts of the quarry within sections of bench restoration. These will retain sections of quarry face with associated areas of graded limestone scalplings that will create talus slopes and scree conditions. Some tree and shrub planting is identified to take place on some bench restoration areas but others will have sections of open quarry face which will provide potential ecological interest features, in particular where calcareous grassland will develop slowly within limestone scree areas where ledges and fissures on relict faces will create potentially suitable conditions for bird nesting and potentially bat roosting.

Summary of ecological and biodiversity impacts

The ecological section of the ES has identified that the proposed scheme of working will give rise to some short-term adverse impacts through the removal of habitat on Tip 3, which will potentially impact on bats and nesting birds. There may also be impacts on Peregrine nesting opportunities through the placement of quarry waste material during restoration landform creation. However, the ecological impact assessment puts forward mitigation strategies to address those impacts, which can be controlled through the imposition of conditions. Those measures are considered acceptable by the Authority's ecologist, who has also suggested some additional short-term mitigation measures which need to be put in place to safeguard certain species.

Additionally, the overall restoration masterplan has been carefully designed to provide maximum opportunity for habitat creation, to tie in with and complement existing areas of ecological and biodiversity interest. Taking this forward, the applicant has also agreed that a Landscape and Ecological Management Plan (LEMP)/Habitat Management Plan (HMP) for the duration of the development at the quarry should be drawn up for submission to the Authority. The LEMP/HMP would set out how the various ecological mitigation measures will be incorporated into a longer term strategy for ensuring that landscape and ecological interests are fully incorporated into the development, whilst providing regular opportunities for review and alterations in line with observations and experiences gained through routine monitoring. Again, the requirement to

submit a LEMP/HMP could be reasonably imposed by planning condition.

Addressing CS policy L2, which relates to sites of biodiversity and geodiversity importance, it is considered that the proposed variation to the scheme of working at Ballidon Quarry takes full account of this policy, as the restoration scheme proposed as a result of the proposed change of working will provide significant enhancements to the general biodiversity of the area. This is also consistent with policy GSP2, which states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, with proposals needing to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. Similarly, Paragraph 118 of NPPF confirms that local planning authorities should aim to conserve and enhance biodiversity by ensuring that significant harm resulting from development should be avoided or adequately mitigated or compensated for and that opportunities to incorporate biodiversity in and around developments should be encouraged.

Noise

The supporting Technical Guidance to the NPPF (March 2012) is the current Government advice applicable to the control of noise from surface mineral workings in England and replaces Minerals Policy Statement 2 (MPS2): Controlling and Mitigating the Environmental effects of Minerals Extraction in England. The proposed extension of Ballidon Quarry has been assessed in accordance with this guidance.

Where issues of noise impact are concerned, the NPPF states that planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational.

Specifically for minerals, it requires that mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB (A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB (A) LAeq,1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq,1h (free field). For any operations during the period 2200 – 0700 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. The guidance states that in any event the noise limit during these night time hours should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

The guidance also refers to temporary periods where an increased upper noise limit of 70 dB(A) LAeq,1h (free field) for potentially noisier short-term operations, for periods of up to 8 weeks in a year, may be required to facilitate essential site preparation and restoration work. Such operations might include soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

For the purposes of these applications, existing background sound levels were measured at four locations, which were chosen to represent residential dwellings in the vicinity of the proposed extraction area. Sound levels were measured over two 24 hour periods in January and February 2015. Using this data, in combination with information about the proposed working scheme, predictions of noise emissions at seven separate noise sensitive properties located around the quarry were made, and the predicted noise levels compared with relevant guidance and criteria.

The survey predictions are based on information pertaining to site layout details, phasing plans, required items of plant and intended methods of working. All noise level predictions have been calculated with the combinations of plant working at the closest point to the assessment location and all prediction methods are estimates. In practice, measured levels are invariably lower due to the effects of interactions between such things as meteorological conditions and air absorption, therefore the predicted levels are a reasonable representation of worst case predictions assuming ideal meteorological conditions for sound propagation. By definition, the worst case situation may occur intermittently over the lifetime of the site, but longer term noise levels perceived outside of the site boundary would normally be significantly less. The seven properties chosen for noise predictions were as follows: Holme Farm, Ballidon; Oldfield Cottage, Ballidon; Littlewood Farm, Parwich; Hilltop Farm, Parwich; Low Moor Farm, Parwich; Roystone Grange; and Ballidon Moor Farm, Ballidon.

Based on the results of the assessment, the background noise levels obtained during the survey, and the proximity of noise sensitive premises to the proposed extraction area, the noise report concludes that a noise level criteria of $LA_{90\ 1h} + 10\text{ dB(A)}$ would be considered appropriate for operations at Ballidon Quarry. This would provide for the following site specific noise limits, which could be incorporated into a planning condition:

Property name	Grid reference	Recommended Noise Limit(dB $LA_{eq,1h}$)
Holme Farm, Ballidon	420271 354768	51
Oldfield Cottage, Ballidon	420513 354741	47
Littlewood Farm, Parwich	419039 354730	46
Hilltop Farm, Parwich	418972 355463	48
Low Moor Farm, Parwich	419019 356532	48
Roystone Grange,	420055 356803	48
Ballidon Moor Farm, Ballidon	421253 355618	47

None of these recommended noise levels for daytime activities (0700 – 1900 hours) exceed the maximum acceptable day time nominal limit of 55 dB LA_{eq1hr} (free field) expressed in the NPPF. A planning condition could make specific reference to these locations and noise limits, with an additional restriction that noise levels at any other unnamed noise sensitive property shall not exceed the NPPF upper daytime limit of 55dB LA_{eq1hr} (free field). The noise assessment does not make any reference to suitable evening or night time noise limits, therefore in line with the general advice on this matter in the Technical Guidance, it is proposed that the site-specific noise limits above be applied for evening periods (1900 – 2200) and an absolute limit of 42dB(A) LA_{eq1h} be applied for night time periods (2200 – 0700).

At present, the noise condition on the existing permission states the following:

The corrected noise level from site operations, including vehicular movements within the site shall not exceed 45 dB $LA_{eq\ 1hr}$ as measured outside any living

room or bedroom window of any nearby inhabited dwelling existing at the date of the permission in accordance with British Standard method of measurement.

Therefore, the above site-specific daytime noise limits may appear to be a relaxation of the existing, broadly applied limit of 45dB. However, it should be noted that the existing condition refers to 'corrected' noise levels. Having consulted further with the EHO on this matter, it is considered that the word 'corrected' could lead to some ambiguity over exactly how measured noise levels ought to be 'corrected' and that more certainty would be afforded by the deletion of this word and replacement simply with reference to absolute noise levels in line with those set out in the Noise Assessment.

In addition, the proposed development will give rise to temporary activities which may have the potential to give rise to elevated noise emissions. NPPF technical guidance suggests that for those limited operations it may be necessary to impose a restriction which ensures that noise levels during those temporary operations should not exceed 70 dB LA_{eq 1h} (free field) at noise-sensitive properties and be limited to a period not exceeding 8 weeks in any one year. However, the applicant's own noise report indicates that the predicted noise levels arising from the temporary operations involving removal of Tip 3 would not exceed the maximum site specific levels already set out. Therefore, on this basis, it is not considered necessary to have an elevated noise level for those temporary operations.

The issue of noise is raised in the one letter of representation. Firstly, there is concern that the monitoring was not undertaken at Roystone Grange as suggested. However, the ES noise report specifies that the four noise monitoring locations were chosen as representative of seven nearby noise sensitive properties, which included Roystone Grange, rather than the monitoring itself actually having been undertaken at all seven locations.

The letter also makes reference to the variability in noise emissions dependent on factors outside of the control of the applicant, such as wind direction. This is a valid point, and has been taken into consideration by the consultants who compiled the noise report, since the predicted noise emissions are based on worst-case scenario. However, the final point made in the letter of representation is that the noise emissions to the south of the quarry may be significantly affected once Tip 3 is removed. Although the predicted noise levels fall below the maxima of 55dB, the change in landform at the southern end of the quarry is significant. To consolidate the requirement to comply with the conditions stipulating noise levels, and as an additional safeguard to ensure that the predicted noise levels arising from the development are in line with the actual emissions once development is underway, it is proposed that an additional planning condition could be imposed to require routine noise monitoring to be undertaken at specified periods. The actual detail of that monitoring could be reserved by a condition whereby the submission of a noise monitoring scheme is required for approval, which could then be implemented as approved. This would provide certainty that the levels imposed are not being exceeded.

The ES noise report also makes reference to general operating measures which could be adhered to in order to provide further mitigation over and above the imposition of noise limits. These include the use of audible reversing warning systems on mobile plant and vehicles which should be of a type which has a minimum noise impact on persons outside sites (whilst ensuring that they give proper warning); ensuring machinery is regularly well maintained and where appropriate fitted with exhaust silencers and keeping internal haul routes well maintained. Conditions controlling these matters are already present on the existing permission and should be re-imposed on any new consents in the interests of controlling the impact of noise emissions from the site.

The NPPF makes clear mineral planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source and that mineral planning authorities should also establish appropriate noise limits for extraction in proximity to noise sensitive properties. Consistent with this advice, the Noise Impact Assessment undertaken as part of the

ES confirms that the site can operate within the criteria identified in the NPPF Technical Document. Additionally, no adverse comments from the Environmental Health Officer have been received, who has recommended that the conditions recommended in the ES are inserted into a new permission if granted. In consideration of the policies of the development plan (LP policies LM1, LC21) it is concluded that the development will not give rise to unacceptable noise impacts and there are sufficient measures and safeguards which can be put in place to ensure that noise emissions are kept within defined limits in the interests of amenity.

Dust and air quality

There are several elements of quarrying operations that have the potential to generate dust if not properly controlled. This includes activities such as the initial drilling of blast shot holes, loading and unloading of minerals, processing of minerals, and haulage of minerals both within and off site. The nearest residential receptor lies approximately 500m due south in Ballidon hamlet.

The area which would be subject to additional extraction beneath tip 3 is currently an area of grassland and woodland, which would be cleared prior to extraction. Soil removal and storage should be undertaken when the soil is relatively dry, in line with good practice. The applicant indicates that consideration will be given to the prevailing wind direction when undertaking any soil stripping operations so as to minimise airborne dust emissions.

Drilling of blast holes has the potential to generate significant amounts of dust, but the drill rig in use at Ballidon filters the waste air vented to atmosphere, which provides very efficient dust control at source. This particular equipment would continue to be used for blast hole purposes if the applications are approved. Blasted rock is subsequently loaded into dumptrucks and transported to the primary crusher on site. From there the part processed rock is conveyed by covered conveyors to further crushers and screens as the rock is reduced in size and separated into different products, some destined for the powders plant located on site. The processed material is then either stockpiled or loaded into road vehicles for dispatch.

Potential for dust emissions during these on site operations is reduced by employing measures such as minimising drop heights when unloading material, using covered conveyors, and housing the main parts of the processing plant. Stockpiles of material are also carefully positioned so as to avoid exposure to winds and taking advantage of any screening effects from adjacent landforms and profiling the shape of stocks to make them less susceptible to wind.

Internal movements of quarry vehicles have the potential to generate significant dust problems if uncontrolled. At present, the operator employs various measures to address this, such as spraying water on to haul roads when required via a site tractor and bowser, ensuring vehicle speeds are limited to 20 mph, and grading haul roads to minimise dust generation. Such measures will continue to be employed, offering an effective dust management strategy.

The powders processing plant contains two automated lorry load-out facilities. These facilities are clad so as to minimise the potential for dust generation. Additionally, vehicles leaving the site carrying aggregate are required to be sheeted before entering the public highway to avoid unnecessary dust emissions from the load as vehicles leave the site.

Areas of the quarry processing plant which are used by road vehicles are regularly cleaned via contract road sweepers in order to minimise dust raising potential. Also, in addition to the siting of the wheel wash at the exit from the processing area down towards the weighbridge and on to the public highway, fixed water sprays are located along the site entrance and can be operated independently.

As part of the current consent, the operators are required to undertake operations in line with details which were submitted for the suppression of dust arising at the site, as amended by various consultee letters at the time in 2000. It is understood that the company routinely carry

out their own dust emissions monitoring programme. It is recommended that if these applications are approved that a condition be imposed requiring the submission of a comprehensive dust management scheme covering the whole site, which can incorporate and update measures which are already in place, and identify any new measures which may need to be included as the extraction boundary extends southwards under tip 3.

To date, with the exception of the concerns raised in the objection letter to these applications, the Authority has not received any complaints in relation to dust emissions from Ballidon Quarry. Additionally, the EHO has commented that the details relating to dust are justified and the recommendations itemised in Appendix 7 should be implemented in full. On the basis that the measures employed to date have been effective, and considering that those measures can be reinforced and consolidated into one scheme, it is not considered that the development will give rise to excessive dust emissions. It is therefore concluded that the development is in line with saved Local Plan policies LM1, LM9 and LC21.

Blasting and vibration

The Environmental Statement provides a chapter on the likely impacts arising from blasting undertaken at the quarry. Current planning policy guidance on this issue contained in the NPPF technical document states that the environmental impact of blasting operations should be assessed, but does not provide an assessment framework or guidance on relevant planning conditions. However, British Standards and other documents do provide relevant guidance which is regularly referred to by mineral planning authorities, which is in line with the vibration criteria detailed within the former Mineral Planning Guidance notes MPG 9 and 14.

The former guidance notes stated that planning conditions should provide for limits on the timing of blasts, on ground vibrations received at sensitive properties, a requirement for monitoring to ensure that the limits are not exceeded, and for methods to be employed minimising air overpressure. Acceptable ground vibration criteria in the former MPG 9 and 14 suggested a range of between 6 to 10 mm s⁻¹ at a 95% confidence level measured at sensitive property, with no individual blast to exceed 12 mms⁻¹. Guidance contained in MPG 9 and 14 did not recommend an air overpressure limit, but rather that the operator submits methods to minimise air overpressure to the Mineral Planning Authority for approval.

Levels of vibration from a production blast were measured from a blast initiated at 1100 hours on 19 March 2015. The instrumentation was located at varying distances from the blast. The data obtained was used to generate a regression curve plot for predicting the effects of future blasting at seven residential locations, which are the same seven locations chosen in the noise monitoring exercise, namely: Holme Farm; Oldfield Cottage; Littlewood Farm; Hilltop Farm; Lowmoor Farm; Roystone Grange; and Ballidon Moor Farm. The closest residential property, Holme Farm, is located approximately 500 metres to the south of the quarry development at closest approach in the hamlet of Ballidon. The predicted maximum vibration levels at each of these sites, for each phase of development, are given in the table below.

Location	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
Holme Farm	2.5	2.7	3.5	2.7	3.2
Oldfield Cottage	2.0	2.2	3.0	2.2	2.7
Littlewood Farm	1.1	1.6	1.9	1.0	0.9
Hilltop Farm	1.7	1.7	2.0	1.5	1.1
Lowmoor Farm	1.4	1.2	0.8	0.9	0.8
Roystone Grange	2.2	2.2	0.9	1.1	1.1
Ballidon Moor Farm	1.6	1.5	1.3	1.3	1.7

All predicted blast vibration levels fall well within the 8.5 mm sec⁻¹ peak particle velocity (ppv) limit specified in the current planning permission. With such low predicted ground vibration levels, accompanying air overpressure is also predicted to be very low and hence at a safe level,

although possibly perceptible on occasions at the closest of properties. The applicant states that all blasts at Ballidon Quarry shall continue to be designed to comply with a vibration criterion of 8.5 mms^{-1} peak particle velocity at a 95% confidence level, as is currently conditioned.

The ES recommends that the applicant continue with a programme of blast monitoring, the results of which will indicate whether or not there are any compliance issues to address. The additional data gained from the monitoring can also be used to continually update the regression analysis and thus provide valuable input to the design of future blasts. The report also advises that the operator submit methods detailing how they intend to minimise air overpressure resulting from each blast. The EHO has reviewed the information pertaining to blast monitoring and has agreed with all the conclusions reached and the recommendations made.

The existing consent contains conditions which restrict the times at which blasting can be undertaken (0945–1600 hours Monday to Saturdays, none on Sundays, public or Bank holidays), a requirement for audible warnings, limitation on the resultant ppv of 8.5 mm/second in 95% of all blasts, no blast to exceed 10 mm sec^{-1} , monitoring to be undertaken and records maintained for 36 months, and no secondary blasting. Taking into account the details presented in the ES, and acknowledging the comments from the EHO, it is considered that these conditions could reasonably be re-imposed on the grant of any new permission for the proposed development. It is therefore concluded that the development is unlikely to give rise to unacceptable blasting impacts and does not conflict with Local Plan policy LM1 and the general guidance in the NPPF in ensuring that the effects of blasting on the local environment and amenity are adequately controlled.

Traffic

The ES comprises a Transport Assessment in which the impacts of traffic generated from the proposed development are discussed. The proposal does not seek to alter the current conditions controlling either the level of traffic movements or the timing of those movements. Therefore, the development does not seek to intensify the use in terms of highway safety, capacity or amenity, as the applicant wishes to maintain production levels and operations in line with existing approved levels. No changes are sought to the internal access routes linking the main quarry area with the highway, or the route that HGVs take to reach the B5056.

Currently, the planning permission allows a total of 800 (400 in, 400 out) dry aggregate industrial and coated roadstone lorry movements per day. Within that total, there are further restrictions, notably, no more than 240 (120 in, 120 out) movements shall be for dry aggregate, of which no more than 40 (20 in, 20 out) shall occur between the hours of 0500 and 0600 hours. For night time industrial powders tankers, the restriction is that no more than 24 (12 in, 12 out) occur between 1900 and 0600 hours Monday to Sunday (which was the subject of a relatively recent planning committee item). The operator is additionally required to maintain records of all lorry movements, which should be made available to the MPA at any time upon request.

The Transport Assessment includes an assessment of existing traffic flows from a survey undertaken in November 2014, as well as collation of highway safety data from the last five years. At present the site is operating at an output level of approximately 800,000 tonnes. The quarry generates approximately 300 movements during the weekday, which is significantly less than the permission allows for. On this basis, the site is operating at about 37% of its permitted traffic levels. The permission allows for an annual total output of 1.1 Mt; with 300 movements per day equating to around 800,000 tonnes output, it is clear that the annual maximum output would be the overall limiting factor in determining the level of traffic movements, rather than the condition controlling traffic numbers. Notwithstanding the fact that the applicant's estimated timeframe for the development equates to an output level of around 750,000 tonnes per year, the relatively high level of permitted traffic movements in the current consent does provide the operator a good degree of flexibility in being able to meet any peaks in demand that may arise from time to time.

The review of safety data from between 2009 and 2014 indicates that there are no recorded highway issues as a result of the development proposals. Existing operations to date have not led to any identifiable highway safety impact. Since the projected levels of traffic are expected to be comparable with existing and ongoing levels, it is not anticipated that there will be any detrimental impact to highway safety or capacity. The existing routeing strategy, linking the quarry with the B5056, will remain in place. Worst case scenario on traffic generation is around 29 inbound and 29 outbound movements per hour along this route, but the survey undertaken as part of the assessment indicates that the majority of these movements are outside traditional peak hours. No issues have been raised by the Highway Authority in connection with highway safety or capacity.

The letter of representation raises a highways related issue of road cleanliness, which is a material planning consideration. The current permission does include a condition requiring the site access to be maintained in a good state of repair and kept clean and free of mud and other debris at all times. Compliance with this condition ensures that the transfer of extraneous material from the site onto the highway is kept to a minimum. There is also a condition requiring that provision be made for the installation and maintenance of a drainage system to ensure that no slurry or water from the permitted area flows onto the public highway. Monitoring reports have identified that there is a drainage system in place, so in the event of an approval it would be necessary to re-impose this condition and request an update and confirmation of the details of that scheme. As an additional measure, the operator does contract out a regular road-sweeping to clean the section of highway outside the quarry and for a distance towards Ballidon hamlet.

With the exception of the concerns raised in the letter of objection, to date the Authority has not received any complaints regarding the condition of the highway in the vicinity of the quarry. Also, pursuant to section 151 of the Highways Act, the operator is required to take all reasonable steps to ensure that mud or other extraneous material is not carried from the site and deposited on the highway. This is usually added as a footnote to permissions of this nature, as currently occurs.

In conclusion, taking into account the Transport Assessment and the above discussion, and in view of the fact that no issues have been raised by Derbyshire County Council in their capacity as Highway Authority, it is considered that the development is in accordance with LP policies LM1 and LT9 and with CS policies GSP3, T1 and T4.

Hydrology and hydrogeology

Quarrying operations such as those in operation at Ballidon Quarry do have the potential to alter surface water and groundwater regimes, so the ES accompanying the applications comprises a comprehensive assessment of the impact of the proposal on hydrology and hydrogeology. Typical quarrying operations have the potential to alter the water environment in several ways, including impacts upon groundwater and surface water levels, flow rates and quality, altering flow patterns or exacerbating flood risk.

The site is situated entirely within the topographic catchment of the River Dove. There are no watercourses within or adjacent to the site. The area to the northwest, north and northeast are underlain by limestone and do not support any watercourses. Nearby surface water courses generally drain southwards within the catchment of the Bradbourne Brook. The closest surface watercourse is Ballidon Brook, approximately 400m south of the site. Environment Agency mapping data show the Bradbourne/Bentley Brook system to be of 'moderate' ecological quality and the chemical quality to 'not require assessment'.

A baseline appraisal of the way in which groundwater and surface water behaves in and around the quarry confines has been undertaken and this has informed the design of the proposed development with a view to minimising the impact of the operations on the water environment. The maximum depth of working in Main quarry is 160m AOD, in Woodbarn it is 185m AOD.

The proposals do not involve extraction beneath these levels. The existing system of pumped discharge of incident rainfall and groundwater ingress to a soakaway located on the eastern edge of the site will continue, and this ensures that water resources are maintained within the original source. This is considered by the applicant to be a major mitigation design factor.

The assessment considers the hydrological and hydrogeological impacts during both the operational and restoration phases. During the main operative phase, there are four ways in which groundwater levels may be affected, namely through extraction of limestone from the unsaturated zone, extraction from the saturated zone, evaporative losses from groundwater ponds and interception of preferential groundwater flow paths. Each of these has been considered as part of the assessment.

The majority of extraction will occur within the unsaturated zone and the report concludes that the removal of a relatively small section of unsaturated zone (when compared to the overall outcrop area of the Carboniferous limestone aquifer) will have no significant effects on groundwater behaviour, including levels or flows. Any predicted effects are expected to be very localised and are not expected to alter the wider pattern of groundwater levels or flows to any discernible extent outside the immediate site area.

The proposed extraction lying within the saturated zone, at the maximum depth of 160m AOD, will be approximately 35m below the piezometric level indicated by the baseline groundwater monitoring data. Groundwater ingress into existing workings has been calculated at a very low rate (4 l/s) therefore, in view of the fact that the proposals do not involve any further deepening, this rate of groundwater ingress is not anticipated to significantly increase. On this basis, it is concluded that there will be no discernible direct impact upon existing groundwater flows.

Similarly, the potential for groundwater levels and flows to be significantly impacted by increased evaporative losses is also considered to be negligible. Incident rainfall and groundwater ingress collected at the site's low point in West Quarry is pumped to a soakaway within the curtilage of the site, thus allowing continued quarrying operations below the water table. This limits the area of standing water also. The restoration phase, where a 5.25 ha lake, 25m deep, is formed by accumulating incident rainfall and groundwater ingress, will increase evaporative losses slightly but only to a relatively low level. Ultimately, the presence of the lake will impose a revised, relatively flat, hydraulic gradient across the area, but the assessment demonstrates that the scale of influence upon the surrounding aquifer will be small with any minor effects contained within the boundary of the site. This view is corroborated by both groundwater monitoring within the site and assessment of observation of a further nearby borehole since where records go back to 1977, which reveals no discernible influence from quarrying operations.

The hydrological report includes a Flood Risk Assessment, which has been undertaken in accordance with the guidance in the NPPF. The FRA demonstrates that the proposal will not be vulnerable to flooding and represents appropriate development in the context of existing flood zonations. It also concludes that will increase flood risk elsewhere and the measures proposed to deal with any effects and risks that may arise are appropriate and proportionate.

In conclusion, the proposed development is expected to have negligible impact on the hydrological and hydrogeological regimes. There are anticipated to be no long-term impacts upon groundwater levels, other than at a relatively insignificant local scale, or on any features reliant upon the level of groundwater following completion of site restoration. The FRA concludes that there are no over-riding flood-based reasons why the development cannot proceed in the manner set out in the applications. It is considered therefore that the proposal is in accordance with policy LM1 and CC5.

Archaeological and cultural heritage

Of the 32 entries listed in the Derbyshire Sites and Monuments Record (DSMR) lying within a

1km radius of the site, the nearest to the application area is the Scheduled Monument SM29829 (Romano-British settlement and field boundaries). At present, the permission contains a condition whereby this feature is safeguarded to protect its integrity. It is considered that this condition would be re-stated in any renewed permission to ensure the continued protection to this archaeological feature. However, both this archaeological feature and all the remaining 31 entries from the DSMR lie outside the application site area, therefore the potential for any detrimental impact on these areas of interest arising from quarry operations is negligible.

There is one listed building within the site itself, this being the operator's office building. This is a Grade II listed former farmhouse. Two other listed buildings (The Cottage and the laboratory/outbuilding) are located within the confines of the concrete batching plant (outside of the application area, and operated separately from the quarry. A further five listed buildings are situated on, or in close proximity to, the approach road to the site, in and around the settlement of Ballidon. Whilst it is acknowledged that Listed Buildings exist in the vicinity of the established site at Ballidon Quarry, the applicant contends that there will be no harm to any such features themselves or any adverse impact on their setting. Nevertheless, in their response, Historic England do raise the point as to whether it would be appropriate to seek additional details and commitments from the applicant setting out how the Listed Buildings within the site will be delivered to market in good and economically viable order at the end of the restoration scheme with their significance sustained. They add that any integration with the on-going sustainable future and use of Ballidon Chapel, which could possibly be achieved alongside a scheme for the buildings within the site, would be of additional public benefit.

On the basis of the consultation response, it is recommended that safeguards be put in place via condition to ensure that any buildings with listed status are left in a condition which is consistent with their listed status. To achieve this aim, it is proposed that a condition be attached to a grant of permission whereby the applicant is required to submit a report detailing the physical and structural condition of the listed buildings falling within the site boundary and identifying any measures to be put in place to safeguard the qualities of those buildings such that they are left in a condition commensurate with their listed status at the end of the development.

In conclusion, in respect of cultural heritage, concerning assets of archaeological, architectural, artistic or historic significance, CS policy L3 is of relevance. However, the proposed variation to existing permitted workings at Ballidon Quarry and provision of an enhanced restoration scheme all relate to development within the footprint of the established mineral working and land with the benefit of planning permission therefore impacts are negligible. Section 12 of the NPPF is concerned with conserving and enhancing the historic environment and states that local planning authorities should set out a positive strategy for the conservation and the enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting, whilst the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The proposed additional condition requiring a report on the structural status of the listed buildings on site meets with this policy direction and would also be in conformity with LP policy LC15 and CS policies GSP3 and L3. In conclusion, with the abovementioned safeguards put in place, it is considered that the proposal does not raise any significant archaeological or cultural heritage impacts and is in line with the development plan policies concerning cultural heritage and archaeological assets.

Footpaths/ rights of way

A number of rights of way are present in the vicinity of the site, the nearest two being footpath FP6 that runs east-west between the two quarry areas and running above the operational tunnel which links them; and footpath FP5 that also runs east-west but to the south of the site. There is also a track which runs in a largely north-south direction immediately east of the site. The two

main recreational routes (Pennine Bridleway and the Limestone Way) are both within 1km of the site boundary. Several other footpaths lie in close vicinity to the site, and there are several areas of Open Access land to the north and east of the quarry.

The assessment indicates that there will not be any adverse consequences on any of these amenity assets as a result of this development. The landscape and visual impacts arising from the development have already been addressed with the conclusion that the long term effects of the revised restoration will be beneficial. The comment from the Rights of Way officer in the consultation response regarding the upgrade of the footpath FP6 to a bridleway has already received favourable response from the applicant, although this process would happen entirely independent of the determination of these two applications. In summary, it is considered that the proposal will not have any adverse impacts on recreational amenity and it is therefore in line with CS policy T1 and T6 and LP policy LT20.

Cumulative and interaction effects

The accompanying text to the ES states that the baseline position for the environmental assessment undertaken is the continuation of quarrying operations under the existing consent. There are no other quarries in the vicinity of Ballidon or any other major development either in progress or being planned which would require an analysis of cumulative impacts. The block plant situated to the immediate south of the main quarry entrance, whilst being run separately from the quarry and not part of the application site area, forms a contiguous link with the main quarry office/canteen area, and in the overall context of the site as a whole is a relatively small component of the industrial landscape in that area.

There will be interaction effects, owing to the size and scale of the development proposals, mainly positive through the restoration concepts, whereby the creation of new habitats will impact on landscape, visual impact, ecology and hydrology/hydrogeology. However, it is considered that the impacts will not be significantly different over and above those already described in this report and therefore need no further assessment.

Section 106 Obligations

If the applications are approved, the resultant planning permissions would need to be accompanied by a section 106 legal agreement, since there is additional material planning considerations which, if deemed necessary, could not be secured by planning condition.

Government guidance is a material consideration in determining planning applications. Previously, Circular 05/2005 provided the government's guidance regarding s.106 planning obligations and included a series of five policy tests which should all be met before matters are included in planning obligations. The Circular stated that it is ultimately a matter for the courts to decide whether an obligation is valid and material in any particular case. The Courts have previously found that obligations that go beyond the policy tests but nevertheless meet the statutory requirements of the 1990 Act are still valid and material. The NPPF (paragraph 204) states that planning obligations should only be sought where they meet all of the following tests:

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

The legal agreement currently in place covers the following:

- (i) to not win and work minerals in accordance with previous consents;
- (ii) not to seek compensation in respect of any formal revocation orders made in respect of previous consents;
- (iii) annual total sales of limestone products shall be limited to 1.1 million tonnes;
- (iv) not to sell for Industrial use less than 40% of the total annual sales of limestone products;

- (v) to enter into a “Footpath Agreement” for the provision and maintenance of a permissive footpath, plus fencing and gates, along the approach road leading to the quarry entrance to separate pedestrians/footpath users from road traffic.

It is proposed that if the applications are approved, the terms of the existing section 106 are carried forward with any necessary revisions to reflect changes in company names, ownerships etc., and to reflect the fact that the access road clause and the footpath reference now require only the maintenance provision to be included. Other benefits secured through the determination process, such as the provision of a long term landscape and ecological management plan (LEMP) and the provision of a report/survey in relation to the condition of the listed buildings, can be satisfactorily dealt with by way of condition. All proposed section 106 requirements meet the statutory tests, since they are all necessary to make the development acceptable, both in amenity terms and in respect of policy compliance, and they are all directly related to, and fairly and reasonably related in scale and kind to, the proposed development.

In summary, the conclusion of a planning agreement would accord with Local Plan policy LM1 (which states that, where necessary, planning obligations will be sought to address matters which cannot be dealt with by means of planning conditions) and CS policy GSP4, which recommends the use of conditions and legal agreements to ensure that benefits and enhancement to the National Park are achieved.

Conclusions

This proposal is concerned with the recovery of a proven reserve of high quality limestone within the confines of an existing, well established quarry but outside the existing permitted extraction boundary. The proposal would release approximately 5.3 million tonnes of limestone presently beneath the southern tip (Tip 3), which would be worked in the same conventional manner as occurs currently. However, the proposal represents no increase in the site’s net-reserve position, since the applicant has identified two areas within the existing extraction boundary where already permitted reserves would be relinquished in exchange for the mineral beneath Tip 3. The proposed extraction would take place over six distinct phases, the last phase ending around 2030.

The development has been designed so as to provide a number of significant landscape and ecological enhancements over and above the existing approved scheme, most notably in the form of a revised restoration scheme. The resultant landform and creation of a number of valued and important habitats across the site during the progressive restoration programme provides long term conservation benefits and improved landscape and visual impacts overall. In Main Quarry, the revised restoration landform would involve the creation of a large roll-over slope to replace the very high series of benches and faces which would otherwise remain under the existing restoration scheme. The proposed large roll-over slope links in much better with the existing restored landforms further east. Under the existing consent, this large roll-over slope could not be replicated since the remaining development phases would not release the required volumes of quarry waste material necessary to create the landform feature.

The two parallel applications are accompanied by an Environmental Statement, acknowledging that the development will give rise to significant environmental impacts. In summary, the Landscape and Visual Impact Assessment concludes that the short-term duration of adverse effects, through the removal of Tip 3, are outweighed by the long-term, permanent landscape and visual improvements that would arise across the whole site with the proposed development. This is a view which is shared by the Authority’s Landscape Architect. Similarly, the revised landform resulting from the site’s restoration offers significant benefits in terms of the broad range of new habitats that would be created as part of the site’s progressive restoration. The long term landscape and ecological management of the site for the duration of the development would be consolidated through the submission of a Landscape and Ecological Management Plan (LEMP), encompassing a Habitat Management Plan (HMP). The Authority’s ecologist has

indicated broad support for the proposals subject to the imposition of conditions controlling the short-term impacts on bats and birds, and conditions requiring detailed schemes for longer-term ecological mitigation measures across the site.

The applicant proposes a revised set of site-specific noise limits based on an updated noise survey undertaken as part of the ES. Having reviewed the data and liaised with the EHO on the proposed levels, it is considered that, with appropriately worded conditions, the development will not give rise to unacceptable noise impacts. The proposed limits are within maximum levels stipulated in national policy and guidance. Similarly, the impacts arising from dust emissions and the effects from blasting can be adequately contained through the use of relevant planning conditions, as appear on the existing consent.

In respect of hydrology and hydrogeology, the independent assessment concludes there will be no adverse impacts on ground or surface water regimes or any increased flood risk with the revised scheme of working. Since the development involves no change to the permitted traffic levels, the Transport Assessment recognises that the proposed development will not form any intensification of use in terms of highways safety or capacity or amenity.

In summary, it is considered that the proposed revision to the extraction boundary to allow the removal of mineral beneath Tip 3, and the related enhancement to the restoration scheme, will positively contribute to achieving the objectives of policies MIN1, GSP2 and GSP3, since it will lead to significant landscape and biodiversity improvements, providing opportunities for enhancing the valued characteristics of the National Park. Whilst the development will release 5.3 Mt of limestone, the relinquishment of an equal quantity of already permitted reserves in the base of the quarry means that the proposal does not conflict with the policy direction in MIN1. The proposal offers significant overall benefit to the natural beauty, wildlife and cultural heritage of the area through the revised restoration scheme. It is considered that these landscape and biodiversity benefits demonstrate exceptional circumstances to allow this major development, in accordance with the NPPF and GSP1, and therefore it would be in the public interest to allow the proposal to proceed.

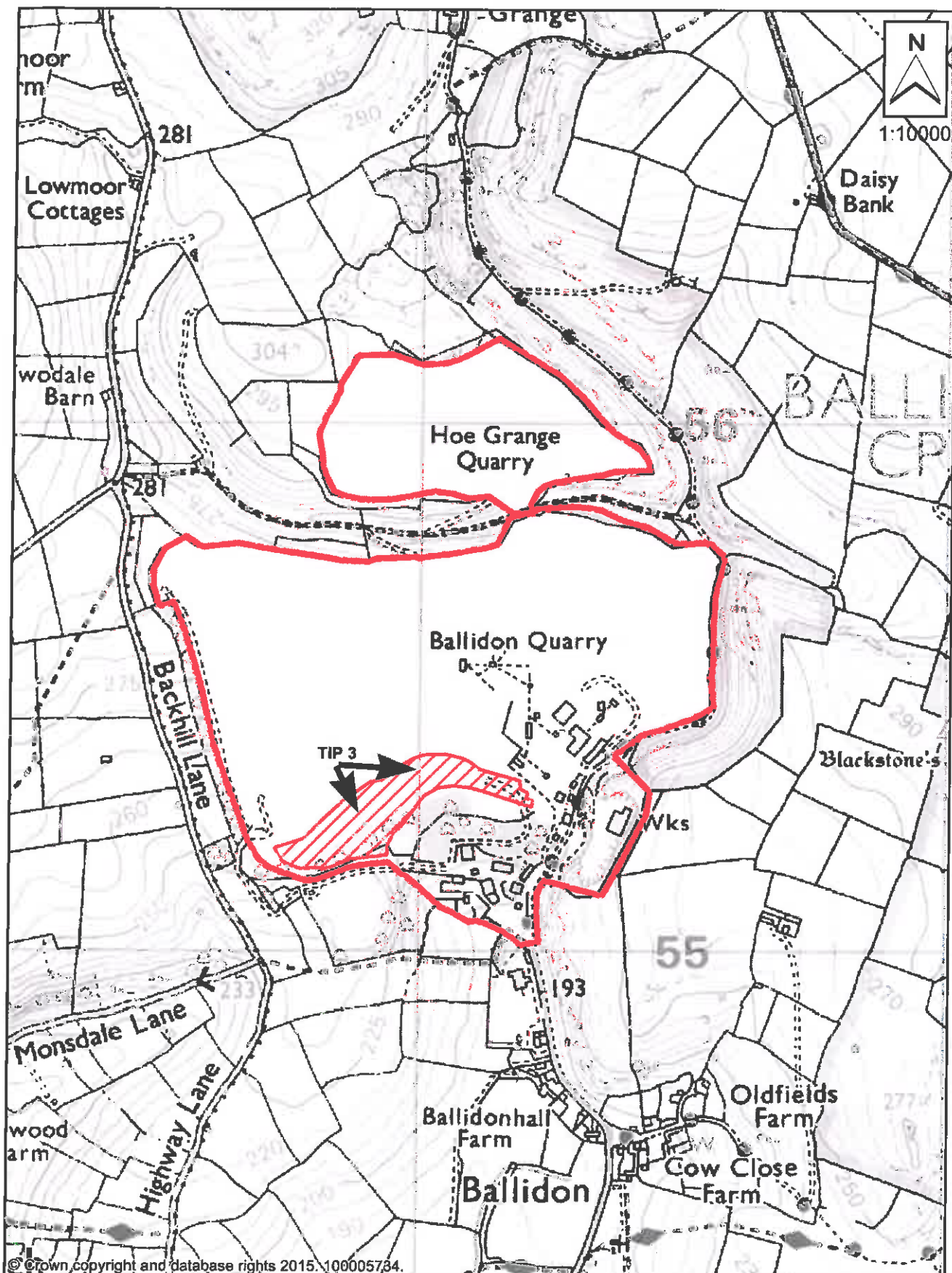
Therefore, having rigorously assessed the proposal and concluded that it is in conformity with the development plan, the applications are recommended for approval subject to the imposition of appropriately worded conditions and an accompanying section 106 legal agreement.

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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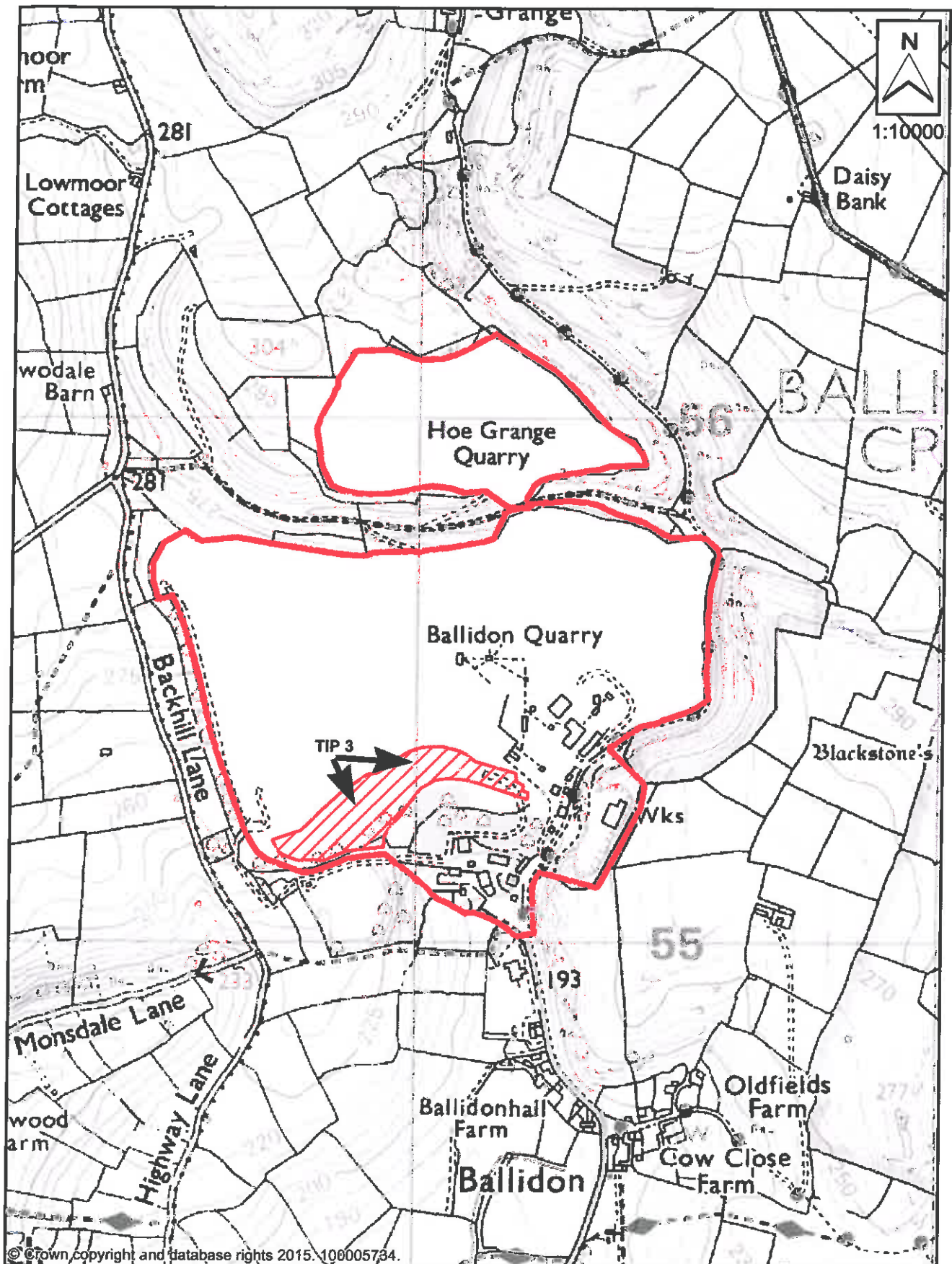
Committee Date: 11/12/2015
 Item Number: 9A
 Application No: NP/DDD/0715/0619
 Grid Reference: 420192, 354944

Title: Ballidon Quarry
 Ballidon




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 DISTRICT
 NATIONAL
 PARK**

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Committee Date:	11/12/2015	Title:	Ballidon Quarry Ballidon	 PEAK DISTRICT NATIONAL PARK
Item Number:	9B			
Application No:	NP/DDD/0715/0618			
Grid Reference:	420192, 354944			

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10. FULL APPLICATION – CHANGE OF USE OF CAMPING BARN TO AGRICULTURAL WORKERS DWELLING AT BUTTERLANDS BARN, GREENHILL LANE, ALSTONEFIELD, (NP/SM/0815/0806, P10789, 412565/356666, 29/11/2015/ALN/CF)

APPLICANT: MR ROBERT FLOWER

Background

This application for the conversion of an existing camping barn to an agricultural worker's dwelling was originally considered at the meeting of the Authority's Planning Committee in November 2015. Notwithstanding an officer recommendation of refusal, a motion to defer a decision on this application pending a site visit to Gateham Grange was moved and seconded, and the motion was subsequently carried by the vote. The resolution to visit Gateham Grange was made because the second reason for refusal of this application in the original officer's report (attached as Appendix 1) related to the availability of alternative accommodation at the main farmstead. The reasons for refusal in the original officer's report are as follows:

1. **The barn occupies a prominent and isolated position in the landscape. The proposals would spoil the character and setting of the barn by the addition of an extension and by the introduction of a domestic use. The proposals are therefore contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3 and saved Local Plan policies LC4 and LC8 and national planning policies in the Framework**
2. **The proposed development fails to meet criterion (ii) of saved Local Plan policy LC12 as it does not represent the most suitable accommodation in the locality the could reasonably be made available for occupation by the worker concerned, and the application does not propose a sustainable form of development when taking into account the that a less damaging practicable option to meet the needs of the farm exists. The proposals are therefore contrary to the principle of sustainable development set out in Core Strategy policy GSP1 and national planning policies in the Framework.**
3. **Insufficient information has been provided to establish whether the development would impact upon any sites, features or species of biodiversity importance contrary to Core Strategy policy L2 and Local Plan policy LC17 and national planning policies in the Framework.**

Gateham Grange

The applicant and his family operate from their farm at Gateham Grange, which is approximately 800m to the south west of the application site. The family currently live together at Gateham Grange. With regard to officer recommendation of refusal of this application, officers visited the main complex of farm buildings at Gateham Grange with the applicant to determine whether there was a more appropriate option to the current proposal given that the need for a second agricultural worker's dwelling for the farm has been accepted by officers.

There is a substantial two-storey range of barns to the west of the farmhouse at Gateham Grange and in close proximity to the modern sheds associated with the farm business. In addition, there is a second single storey traditional barn on the opposite side of the farmyard which has an enclosed space to the rear which could be used as a discreet and private garden area in association with a residential use. Both of these traditional buildings are of some architectural or vernacular merit and given their position within the main farm yard they are considered to be more appropriate alternatives for animal husbandry purposes being within close sight and sound of the animals whereas the camping barn is remote from the farm buildings.

However, since the meeting of the Planning Committee in November, officers have discussed a fourth barn in the applicant's ownership. This barn also lies in a remote location in open countryside in an elevated and prominent position, and it would need to be provided with a new access track from the road. Nonetheless, this barn is a substantial stone-built two-storey building that has some interesting features and a traditional appearance but is in a relatively poor state of repair and would need a new use before it could be considered viable to invest in its repair and longer-term conservation. However, whilst there may be some merit in considering this barn as a potential candidate for conversion under the Authority's housing policies, officers consider that any proposal to convert this barn to residential use would be open to strong objections on landscape and visual impact grounds.

Standing Orders

In accordance with Standing Order 1.48, this report covers: (i) the policy implications e.g. whether a decision to approve this application would be a major departure from the development plan or other key policy; (ii) the budget implications; (iii) a risk assessment; and (iv) an assessment of the robustness of provisional reasons for a positive decision on this application, including recommendations on any conditions.

Assessment

(i) Policy Implications

A decision to grant permission for the current application may not be a significant departure from the Development Plan if any resolution to approve this application was based on an assessment of landscape and visual impact that differed from the conclusions reached in the officer report. However, an approval of this application on this basis would conflict with guidance in the Landscape Strategy and Action Plan that advises against the domestication of barns in open countryside because conversion of traditional field barns standing in open countryside to a residential use most often detracts from the scenic beauty and natural qualities of the surrounding landscape and conflicts with the historic settlement pattern of villages on the limestone plateau of the White Peak.

In this respect, members would also need to be satisfied that neither of the barns within the main group of buildings at Gateham Grange provided a less damaging practicable option before the first two reasons for refusal of this application in the original officer's report (as set out above) could be considered to have been properly addressed. Moreover, members should consider the option of a fourth barn in the applicant's ownership that lies mid-way between the camping barn and the main group of buildings at Gateham Grange as well. However, as set out below, a full consideration of alternative options would also be required in this case to begin to address the third reason for refusal of the application not least in terms of applying the three 'derogation tests' to the proposed development and its potentially adverse impact on bats and great crested newts.

In terms of the third reason for refusal, any approval for the current application would be a major departure from the relevant nature conservation policies in the Development Plan and national planning policies in the Framework because there is currently insufficient information to determine whether the proposals would adversely impact on great crested newts, or whether it would be possible to adequately mitigate the potential impact on this species and its habitat. Equally, there is still the possibility that the development proposals would impact on bats.

Bats and great crested newts are also protected by provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994, including three "derogation tests" must be applied by the Authority when deciding whether to grant planning permission for a development which could harm bats or great crested newts (or other European Protected Species). In the absence of appropriate protected species surveys, the Authority is not in a position to determine whether the development proposals would meet the three derogation

tests, which are as follows:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

(ii) Budget Implications

Primarily, the costs arising from any approval for the current application would be officer time processing the decision notice and the necessary legal agreement. However, in the absence of sufficient information on bats and great crested newts, any approval would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive and the three derogation tests in the exercise of their functions. Therefore, recent case law strongly indicates any approval prior to the necessary survey work have being carried out would be unlawful and open to challenge through the courts.

(iii) Risk Assessment

As set out above, there is a clear risk any approval of the current application would be unsound at this stage with an associated risk that a decision to approve this application would damage the Authority's reputation when taking into account an approval would also breach the 'conservation purpose' of the National Park's designation in terms of failing to appropriately conserve and enhance the National Park's wildlife. There is also an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently, especially where they are up-to-date, relate specifically to the development concerned and are otherwise consistent with more recent national planning policies in the Framework as they are in this case.

A resolution to approve this for a farm worker's dwellings remote from the main farm where the need for a dwelling has arisen would conflict with the long established principle that the operational requirements of a farm mean that a farm worker's dwelling should be within sight and sound of livestock accommodation. The 2015-2016 Annual Monitoring Report would identify whether these issues raise concerns in terms of the consistency and robustness of the Authority's decision making.

(iv) Robustness of Provisional Reasons for Approval and Suggested Conditions

As noted above, if it were to be determined that there were no overriding objections to the current proposals on landscape and visual impact grounds, and it was determined that a more appropriate alternative was not available to the applicant, then the current application could be seen to accord with the Development Plan and national planning policies in the Framework subject to conditions and prior entry into a legal agreement, but the potential impact of the development on bats and great crested newts would remain. In this case, it would not be appropriate to impose a condition requiring survey work and mitigation measures to be agreed before the development is carried out because at this stage; it is not possible to determine what the impacts will be on two separate European Protected Species and their habitats and whether those impacts could be mitigated. Therefore, it is not possible to formulate robust reasons for approval of the current application in the absence of appropriate protected species surveys.

If the application were to be approved, a legal agreement including obligations relating to occupancy criteria for the new dwelling and preventing the separate sale of the new house, the existing farm house and land associated with the farm holding would be required by the

Authority's policies on farm worker's dwelling. In summary, the Authority's housing policies require the proposed development to be maintained as a farm worker's dwelling to meet the operational needs of the farm business at Gateham Grange to justify the approval of an isolated house in open countryside. Therefore, it is considered that the legal agreement would be directly related to the development; and fairly and reasonably related in scale and kind to the development as well as being necessary to make the development acceptable in planning terms. Consequently, the requirement to enter into a section 106 legal agreement before any permission is issued for the current application can be robustly justified.

In terms of conditions, a time limit for commencement would be required and a condition specifying the approved plans would be necessary in the interests of the proper planning of the local area. It would also be necessary to require the conversion to be completed in the existing shell of the building with any building works being limited to the proposed extension not least because permission would be granted for conversion of an existing building rather than a newly-built house in open countryside. Similarly, it would be necessary to specify minor design details such as materials for the extension, details of windows and doors, and rain water goods to ensure the completed development continues to look like a converted barn.

Finally, Planning Practice Guidance says that permitted development rights should not be removed other than in exceptional circumstances. In the first instance, it is considered necessary to remove permitted development rights for extensions and outbuildings in accordance with the Authority's adopted policy because it is important to ensure the size of the house remains commensurate with the needs of the farm business and remains available to the farming community on terms of its value. It would also be important to manage future alterations to the property to minimise the impact of the proposed development and safeguard the character of the surrounding landscape.

It is therefore considered that the exceptional circumstances do exist in this case that justify removing permitted development rights if permission were to be granted for the current proposals in the event that survey work demonstrated that the impacts of these proposals could be mitigated, and appropriate mitigation measures could be secured by a planning condition.

Conclusions

In conclusion, the Planning Committee is respectfully urged to refuse planning permission for the current application for the reasons cited above and in the original officer's report, noting that officers consider any approval for this application would be a departure from the Development Plan and would be open to challenge in the absence of adequate information on bats and great crested newts. However, in the event members considered this application was acceptable other than in terms of the potential impact of the proposed development on these protected species and their habitats, it is recommended that the application be de-registered pending the submission of appropriate protected species surveys and mitigation measures under the provisions of the Town and Country (Development Management Procedural) Order 2010, as amended.

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

Appendix 1 - Copy of report to the Planning Committee on 13 November 2015

8. FULL APPLICATION – CHANGE OF USE OF CAMPING BARN TO AGRICULTURAL WORKER'S DWELLING AT BUTTERLANDS BARN, GREENHILL LANE, ALSTONEFIELD, (NP/SM/0815/0806, P10789, 412565/356666, 28/08/2015/ALN)

APPLICANT: MR ROBERT FLOWER

Site and Surroundings

The application site is a detached barn situated in an isolated position approximately 640m north of the edge of Alstonefield village. It is located adjacent to a narrow track that runs north from the road that leads from Alstonefield north towards Hulme End. The track is designated as a bridleway. Access to the barn is directly off the bridleway and there is a parking area enclosed by a drystone wall to the south of the building. A further public right of way runs on and north-south alignment approximately 150m to the east of the barn

The barn was converted to a camping barn following planning consent in 1997. It is a traditional field barn, having a two storey form and constructed of rubble limestone under a Staffordshire Blue natural plain clay tiled roof. It is very modest in scale, measuring only 7.1m long by 6m wide. It has a robust, simple appearance and a limited number of openings. The door openings are dressed with natural gritstone heads and jambs. The conversion to a low key camping barn use has had little impact on the character and setting of the building and it essentially still appears as an isolated field barn.

Proposals

Consent is being sought for the conversion and extension of the camping barn to form an agricultural worker's dwelling for the applicant's son. The applicant and his family operate from their farm at Gateham Grange Farm, which is approximately 800m to the south west of the application site. The family currently live together at Gateham Grange Farm.

The submitted scheme proposes the conversion of the barn to a two-bedroomed agricultural workers dwelling. The barn would also be extended by means of a single storey gabled extension off the east facing elevation. A kitchen would be provided within the extension and living room, shower room and hallway on the ground floor of the existing barn. The two bedrooms would be located on the first floor. The overall floor area as extended would be 78.5m², which is below the maximum size for a 5 person local needs dwelling (87 m²).

In addition to the extension the scheme proposes the alteration of a window on the north facing elevation to form a doorway. A larger curtilage would be created by enclosing a 3.5m strip of the field that abuts the northern elevation of the barn. Two parking spaces would be provided within the existing parking area to the south of the barn.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The barn occupies a prominent and isolated position in the landscape. The proposals would spoil the character and setting of the barn by the addition of an extension and by the introduction of a domestic use, The proposals are therefore contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3 and saved Local Plan policies LC4 and LC8 and national planning policies in the Framework.**
- 2. The proposed development fails to meet criterion (ii) of saved Local Plan policy LC12 as it does not represent the most suitable accommodation in the locality the**

could reasonably be made available for occupation by the worker concerned, and the application does not propose a sustainable form of development when taking into account the that a less damaging practicable option to meet the needs of the farm exists. The proposals are therefore contrary to the principle of sustainable development set out in Core Strategy policy GSP1 and national planning policies in the Framework.

- 3. Insufficient information has been provided to establish whether the development would impact upon any sites, features or species of biodiversity importance contrary to Core Strategy policy L2 and Local Plan policy LC17 and national planning policies in the Framework.**

Key Issues

1. Whether in principle the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of an agricultural workers dwelling.
2. The potential impact of the proposed conversion and extension of the character and setting of the barn and the surrounding landscape.
3. Ecological Issues

History

1982 – Outline and reserved matters applications approved for new-build farm worker's dwelling at Gateham Grange Farm for a previous owner. The consent was not implemented.

January 1997 – Planning permission granted for conversion of barn to a camping barn.

Consultations

County Council (Highway Authority) – No response to date

District Council – No response to date

Parish Council – Fully support the application because it is the Council's view that the dwelling would provide suitable affordable housing for a young family, which given the business case submitted in the application, is not available elsewhere.

The Parish Council go on to say that according to the National Planning Policy Framework, the re-use of existing resources is to be encouraged and the business need for an agricultural workers dwelling has been clearly proven in the Agricultural Business Appraisal submitted. This will be providing a house for a local farming family. There is also the animal welfare point given the large numbers of lambs being born at this farm, hence the need for the workers being close to the farm barns. It may also be of help that this barn has been used for residential in recent years, albeit in camping form.

Authority's Ecologist – Recommends refusal on basis that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development.

The Ecologist's recommendations were made following a site visit and taking into account that there is a pond within 5m of the site that is capable of containing great crested newts and that there are large vents/breathers in the front and rear face and on the eastern face of the building, which may provide access for bat species into any wall cavities.

Representations

One letter of support has been received from a local resident on the basis that it is very important that young people from the village can find suitable and affordable accommodation to remain in the area to work and the author does not foresee any problems with increased traffic on the road.

Main Policies

In this case it is considered that policy LC12 of the Local Plan and policy HC2 of the Core Strategy provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because policies HC2 and LC12 set out the relevant criteria for assessing proposals for the re-use of existing buildings to meet local need.

It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the National Planning Policy Framework with regard to the issues that are raised. This is because the Framework continues support the re-use of existing buildings specifically for key workers in small rural communities that would not normally be made available for the provision of open market housing subject to normal planning considerations.

Wider Policy Context

Relevant Core Strategy policies include: GSP1, GSP2, GSP3, DS1, HC1, HC2, L1, L2, L3, T1 & T7

Relevant Local Plan policies include : LC4, LC12, LC17, LT11 & LT18

Notwithstanding the general support for principle of the provision of housing for key workers in national and local planning policies, the Framework states that the conservation of heritage assets in a manner appropriate to their significance forms one of the 12 core planning principles within the Framework. Paragraph 132 of the Framework says 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. Paragraph 115 in the Framework also states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

The wider range of conservation and design policies in the Development Plan are consistent with these aims and objectives of the Framework and promote sustainable forms of development within the National Park that would be sensitive to its locally distinctive and valued characteristics.

Assessment

Issue 1 - Whether in principle the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of an agricultural worker's dwelling.

In assessing the principle of this proposal the key policies in relation to the provision of agricultural dwellings are Core Strategy policies HC1(B), HC2 and Local plan policy LC12. In addition to this Core Strategy policy HC1(C) is also of relevance to this proposal. Policy HC1(B) of the Core Strategy allows for new residential development where it provides for key workers in agriculture, forestry or other rural enterprises in accordance with core policy HC2, which says:

- A. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.

- B. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
- C. It will be tied to the land holding or rural enterprise for which it is declared to be needed.

These policies are consistent with the National Planning Policy Framework ('the Framework'), which says at Paragraph 55 that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

National Planning Practice Guidance does not contain any further information on assessing need, but Local Plan policy LC12 provides further criteria to assess the acceptability of new farm worker's dwellings including financial and functional tests. LC12 says the need for a new agricultural or forestry worker's dwelling will be considered against the needs of the farm or forestry business concerned and not the personal preferences or circumstances of any individuals involved. Development will be permitted provided that:

- i. a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
- ii. there is no suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker(s) concerned; and
- iii. size and construction costs are commensurate with the established functional requirement and likely sustainable income of the business; and
- iv. it is close to the main group of existing buildings and does not require obtrusive new access tracks or driveways; and
- v. a satisfactory mechanism is put in place to secure long term control by the business of the dwelling in question and of any other dwelling that meets an agricultural need of the business; and
- vi. occupancy of the dwelling in question (and of any other dwelling that meets an agricultural need of the business) is restricted to persons solely or mainly working in the locality in agriculture or in forestry, or to the same occupants when they have stopped such work, or a widow or widower of such a person, and any resident dependants; and
- vii. stated intentions to engage in or further develop farming or forestry are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation; and
- viii. sufficient detail is provided to enable proper consideration of these matters.

In summary, these policies mean that new housing for key workers in agriculture must be justified by functional and financial tests. If a need is subsequently demonstrated, then, wherever possible, this must be provided by re-using traditional buildings that are no longer required for agricultural purposes. Any subsequent agricultural worker's dwelling must also be tied to the land holding or rural enterprise for which it is declared to be needed.

The Authority's Local Plan policies provide more specific requirements in respect of the siting of any new agricultural dwellings in that they should be sited close to the main farm complex and should not require obtrusive new access tracks or driveways. This approach is otherwise

consistent with the approach taken in policy DMH4: Essential worker dwellings in the emerging Development Plan Document. However, in addition to the policies relating to the provision of agricultural dwellings, Core Strategy policy HC1(C)I is also of relevance to this proposal.

Functional Appraisal

An agricultural business appraisal has been submitted with the application. This explains that the farm at Gateham Grange extends to 240 acres and consists of sheep and suckler cow enterprises. The farm has also diversified with the provision of holiday cottages. On average the farm carries 55 suckler cows and 400 breeding ewes. Based on the day to day demands the established labour demand is equivalent to 2.42 full time farm workers. The applicant and his son are the two full time workers on the farm. Both currently live in the farmhouse but the applicant's son now wishes to start a family home with his long term partner. On this basis officers concur that there is convincing functional case for a farm workers dwelling at Gateham Grange Farm.

Financial Appraisal

The applicant has submitted financial accounts for the years 2011-2013 and these demonstrate that the farming enterprise has made a profit in each of these years, which satisfies the financial test.

Application of Core Strategy policy HC1(C)I

In addition to the agricultural considerations with respect to the principle of the barn conversion, this also has to be assessed against Core Strategy policy HC1(C)I. This policy permits the conversion of 'valued vernacular' buildings where it is required to achieve conservation and/or enhancement of such buildings. In this case the building subject of this application is considered 'valued vernacular' by virtue of its character and form and particularly its isolated yet prominent setting adjacent to the public bridleway and the building clearly contributes to the special landscape qualities of the locality. The building appears to be in good structural condition.

In this case, it is not considered that the conversion and extension of the building to an open-market dwelling would fully comply with HC1 C I because the barn is already in use as a camping barn and there is no significant conservation or enhancement of the building that would be achieved by its conversion to a dwelling. Notwithstanding this, the conversion of such traditional buildings to agricultural worker's dwellings is encouraged in Core Strategy policy HC2 and Local Plan policy LC12 in preference to the provision of new-build agricultural dwellings.

In respect of the size of the proposed dwelling (78.5m²), this is considered to be modest and commensurate with the size of the farm enterprise. The barn already benefits from the provision of water and electricity supplies and such it is likely that the conversion can be carried out within the scope of the likely sustainable income of the business. The applicant is also willing to complete a S.106 legal agreement relating to agricultural occupancy and is willing to tie the dwelling to the Gateham Grange Farm holding.

Therefore, the case for conversion of the barn to a farm worker's dwelling has been made quite strongly by the applicant and, in principle, the barn would offer appropriate accommodation for a farm worker subject to design and conservation considerations and whether or not there is more suitable accommodation in the locality that could reasonably be made available for occupation by the applicant which is required to be assessed under criterion (ii) of Local Plan policy LC12.

As noted above, Core Strategy policy HC2 states that wherever possible, new housing for key workers in agriculture must be provided by re-using traditional buildings that are no longer required for their previous use. Criterion (ii) of LC12 states that such conversions to agricultural worker's dwellings will be permitted provided that there is no suitable existing accommodation

that could reasonably be made available for occupation by the worker concerned.

In respect of these requirements, officers acknowledge that the option of purchasing a property in Alstonefield is likely to be prohibitive in terms of the lack of available properties within the close proximity of the farm and the likely purchase costs. As can be seen in issue 2 of this report, however, officers consider that the proposed impacts of the proposed barn conversion are significant and harmful to the character and landscape setting of the barn and the national park.

Consequently, officers visited the main Gateham Grange Farm complex with the applicants to determine whether there was a more appropriate option to the current proposal. This site inspection revealed that there is a substantial two-storey range of barns to the west of the farmhouse and in close proximity to the modern sheds associated with the farm business. In addition there is a second single storey traditional barn on the opposite side of the farmyard which has an enclosed space to the rear which could be used as a discreet and private garden area in association with a residential use. Both of these traditional buildings are of some architectural or vernacular merit and given their position within the main farm yard they are considered to be more appropriate alternatives for animal husbandry purposes, being within close sight and sound of the animals.

The applicants maintain that these buildings are still being used for agricultural purposes, but parts of the buildings were not being used intensively at the time of the site inspection. Officers acknowledge that for conversion of either of these barns to take place, some re-organisation and rationalisation of the use of the buildings as a whole on the farm would be required. However, this is not considered to be unreasonable given the established need for a second full time worker on the site. It is understood that the personal preference of the applicant is to live more remotely and 'privately' in the barn, rather than close to the existing farm buildings, but the operational requirements of the business indicate that a worker sited on the farm itself would meet the established needs much more directly than a worker sited some 1km away by road.

Consequently, whilst the principle of the provision of the agricultural worker's dwelling conversion scheme meets all the other criteria stated in Local Plan policy LC12, it is considered that it fails to meet criterion (ii) as it does not represent the most suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker concerned.

Issue 2 - The impact of the proposed dwelling conversion on the character and setting of the barn and the surrounding landscape.

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

Local Plan policy LC4 is now also supported by the more recently adopted policy GSP3 of the Core Strategy which says development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal.

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.

L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

In terms of the Authority's Landscape Strategy and Action Plan, the barn conversion site is situated within the Limestone Village Farmlands landscape character type of the White Peak Landscape Character Area. Key characteristics include a gently undulating plateau; pastoral farmland enclosed by drystone walls made from limestone and a repeating pattern of narrow strip fields originating from medieval open fields. In this landscape setting, field barns are identified in the Landscape Strategy and Action Plan as landscape features to be conserved and enhanced.

LC8 and L3 set out further guidance relating to any new use of a traditional building with vernacular merit. L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT11 and LT18 otherwise require development to be provided with appropriate access and parking provision that would not harm the environmental quality of the National Park. Further detailed advice on the conversion of buildings to other uses is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.

These policies and the Authority's adopted supplementary planning documents are considered to be consistent with the Framework because they promote and encourage development proposals that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

In respect of the current proposals, the barn in question is a field barn that stands in complete isolation from other buildings adjacent to the public bridleway. The barn is prominent at the side of the lane, and is seen alone against a backdrop of gently undulating pastoral farmland. It is also visible from the public right of way that runs to the east of the building and is seen in its wider landscape setting from the Lode Lane and the unclassified road that leads from Alstonefield to Hulme End to the west. Whilst it currently has a use as a camping barn, this use is very low key and has had little impact on either the fabric or the setting of the barn.

Officers acknowledge that the building conversion scheme is sympathetic to the character and appearance of the existing barn and involves no new openings and a restricted curtilage contained by new sections of drystone walling. Crucially, however, it is proposed to enlarge the barn by the addition of a single storey extension. Whilst the extension would be fairly modest in scale it would fundamentally alter the basic shape and massing of the building and would signal a domestic use. Such an extension would be contrary to the requirements of policy LC8 which states that alterations to form and mass in schemes to convert a building of historic or vernacular merit are not appropriate.

Given the exceptionally small size of the barn it would not be possible to configure a successful scheme that omits the extension and for this same reason officers consider that it is likely that the Authority would face demands for further extensions to the building in the future. Moreover, the domestication of a building that occurs from a residential use and associated domestic paraphernalia are difficult to control by condition and the domestication of an isolated field barn would have a significant and adverse impact on the landscape setting of the barn. Therefore the proposed conversion would significantly detract from the valued characteristics of the area.

For these reasons it is considered that even though there is a strong and convincing justification which support the principle of the conversion of the barn to an agricultural worker's dwelling; the proposal are open to strong objections on landscape grounds because of the harmful impact of the proposed conversion. Therefore, any approval of the current application would be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8, and national planning policies in the Framework.

Sustainability

In this case, the barn occupies a remote and prominent location within the National Park and the benefits of the scheme are not considered to offset or outweigh objections on landscape and visual impact grounds especially where there is a less damaging practicable option available to the applicant.

Notwithstanding the availability of the barns closer to the existing farm buildings and the likelihood proposals to convert these barns would be supported by officers, the harm that would result from proposed conversion of the application building is such that officers would recommend that a new-build farm worker's dwelling should be considered in the event that the barns closer to the existing farm buildings is not considered to be viable, rather than grant planning permission for this application. In these respects, a newly-built farm worker's dwelling closer to the existing farm buildings (possibly on the site of the previously approved farm worker's dwelling) can be justified with reference to the financial and functional tests relevant to these proposals, and would be less open to objection on landscape and visual impact grounds, subject to normal planning considerations such as design and neighbourliness.

However, as submitted, the current application does not propose a sustainable form of development when taking into account the availability of a less damaging practicable option to meet the needs of the farm exists. In this respect, whilst officers can accept the proposed conversion would benefit the appellant's business, in this case the agricultural need does not outweigh the adverse effect that the proposal would have on the landscape quality of the National Park. The benefits of granting planning permission for the current application would be significantly outweighed by the adverse impacts of doing so, when these proposals are assessed against the policies in the Framework and Development Plan, when taken as a whole.

Consequently, the proposals are contrary to the principles of sustainable development set out in Core strategy policy GSP1 and national planning policies in the Framework.

Issue 3 - Ecological Issues

Core Strategy policy L2 and Local Plan policy LC17 state, amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. National planning policies in the Framework promote and encourage the conservation and enhancement of the natural environment and requires that adequate site investigation information is presented.

The application site is within 5m of a sizeable pond which is located in the field to the north of the barn which is capable of containing great crested newts. In addition the barn does not appear to have been re-roofed in recent years and there are large vents/breathers in the front and rear face and on the eastern face of the building, which may provide access for bat species into any wall cavities if present. Therefore, according to the Authority's Practice Note on Protected Species, there is a likelihood that bats could be present at the site. Despite this, no ecological assessment has been submitted with the application.

The Authority's Ecologist has visited the site and considers that protected species surveys are required in order to assess whether the development would impact on species of biodiversity importance. Without that information it is not possible to have certainty that the proposals would accord with the requirement of policies L2 and LC17.

Conclusion

Officers acknowledge that the proposed agricultural worker's dwelling will be occupied by the applicant's son who works full-time on the farm at Gateham Grange Farm. It is also acknowledged that the barn is in a low key use at present as a camping barn. It is considered,

however, that even though there is a strong and convincing justification for the dwelling, there is a more appropriate option available to provide the required agricultural worker's dwelling on the farm building complex. Therefore, the proposals are contrary to the principles of sustainable development and are contrary to Core Strategy policies GSP1 and HC2, Local Plan policy LC12 and national planning policies in the Framework.

Even if this alternative option was not considered to be suitable, the current proposals cannot be accepted because the proposals conflict with landscape conservation objectives and the proposed barn conversion would detract from the scenic beauty of the National Park. Therefore any approval for the current application would be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4, LC8 and LC12 and national planning policies in the Framework, which individually and collectively say great weight should be afforded to the conservation and enhancement of the valued characteristics of the National Park.

Finally insufficient evidence has been provided to demonstrate that the proposals would not cause harm to any sites, features or species of biodiversity importance contrary to Core Strategy policy L2 and Local Plan policy LC17 and national planning policies in the Framework.

Accordingly, the current application is recommended for refusal because the proposals do not comply with the relevant policies in the Development Plan or national planning policies in the Framework.

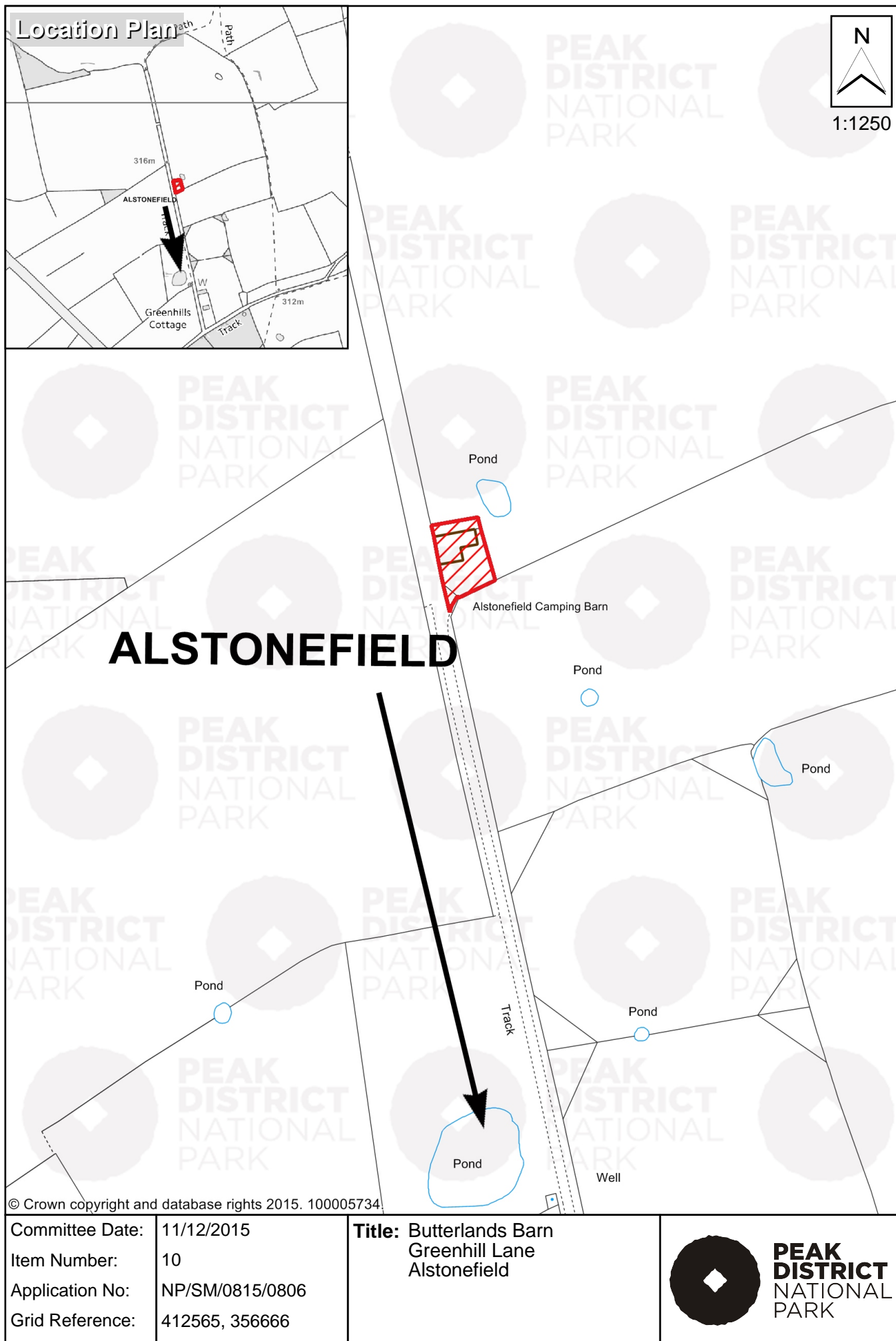
Human Rights

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

List of Background Papers (not previously published)

Nil

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11. FULL APPLICATION: CHANGE OF USE OF BARN/FORMER BLACKSMITH'S WORKSHOP TO DWELLINGHOUSE, THE BARN, BACK LANE, ALSTONEFIELD (NP/SM/0615/0548 P.2561 412978/365506 30/11/2015/CF)

APPLICANT: MS MANDY TURLEY

Background

This revised application for the conversion of a barn to an affordable dwelling to meet local need was originally considered at the meeting of the Authority's Planning Committee in November 2015. Notwithstanding an officer recommendation of refusal, a motion resolving to approve this application was moved and seconded, subject to conditions and prior entry in to an appropriate legal agreement. In this case, the original officer's report (see Appendix 1) recommended refusal of the current application for the following reason:

The applicant does not have an eligible local need for new housing within the National Park and the current application is therefore contrary to policy HC1(A) of the Core Strategy and contrary to saved Local Plan policies LH1 and LH2. In this case, there are no exceptional circumstances or any other material planning consideration that would justify a departure from the Authority's adopted housing policies.

The applicant confirmed that she would be willing to enter into a section 106 legal agreement naming herself as the first occupant and then containing the normal obligations that would retain the converted barn as an affordable home and restrict future occupancy of the barn to a person (or people) with a local qualification to address concerns that approval could not be granted for conversion of the barn to an open market house to meet general demand. In this respect, the officer's report set out that the proposed barn conversion was otherwise acceptable in landscape conservation and design terms and would be a suitable candidate for affordable housing. The proposed development was also considered by officers to be compliant with policies in the Development Plan and policies in the National Planning Policy Framework in all other respects.

The reasons given for approval of the application by the Planning Committee were therefore related to the wider benefits of granting planning permission for a departure from the Development Plan arising from the applicant's offer of a legal agreement and were summarised as follows:

In the absence of harm to the valued characteristics of the National Park, members considered the current application proposed a sustainable form of development that would support the viability and vitality of Alstonefield. In this case, an exception to the Authority's normal criteria relating to local qualifications was warranted because of the nature of the barn and the limited availability of one bedroom properties to meet local need within the local area. Furthermore, members considered that the proposals would conserve and enhance a locally distinctive building on the edge of the settlement and these factors weighed in favour of a resolution to approve the current application.

Subsequently, it was resolved that under the Authority's Standing Order no. 1.48, a further report setting out policy issues and conditions shall be brought to the next meeting of the Planning Committee for final determination including further discussion of the requirement for an appropriate legal agreement, and suggested conditions.

Standing Orders

In accordance with Standing Order 1.48, this report covers:

- (i) the policy implications e.g. whether the decision is a major departure from the development plan or other key policy;

- (ii) the budget implications;
- (iii) a risk assessment; and
- (iv) an assessment of the robustness of the provisional reasons, including recommendations on any conditions;

Assessment

(i) Policy Implications

A decision to grant permission for the current application is considered to be a major departure from the Development Plan. This is because the applicant does not have a local qualification as required by Saved Local Plan policy LH1 and set out in saved Local Plan policy LH2. In this case, the applicant who is the intended first occupant of the proposed barn conversion has been living on a house boat in the Leek area, outside of the National Park, for around three years. Consequently, the applicant would not meet any of the criteria in the cascade provisions in the Authority's normal legal agreements for affordable housing either. This means that the applicant cannot be considered to be a person with a proven need for a new house within the National Park or a person with an appropriate local qualification even when taking into account the Authority's cascade provisions, which will be taken forward as policy in the emerging Development Management Development Plan Document (approved by the Authority in October 2015). Therefore, granting planning permission would irreconcilably conflict with the provisions of saved Local Plan policies LH1 and LH2 and would set an unfortunate precedent for future applications where a "non-compliant" (in terms of local residence and need criteria) applicant offers a local occupancy restriction when they cease to occupy the building.

In these respects, the current application is also contrary to policy HC1(A) of the Core Strategy because the applicant cannot demonstrate that the new house would address an eligible local need for new housing in the National Park. On this basis, any approval for the current application would be a departure from the Development Plan, especially when taking into account that the emerging Development Plan Document will carry forward very similar criteria for assessing eligible local needs as set out in LH2 in policy DMH2, which says:

In all cases, new housing must be first occupied by persons satisfying at least one of the following criteria:

- A. A person (and his or her dependants) 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; or
- B. A person (and his or her dependants) not now resident in the parish but having lived for at least 10 out of the last 20 years in the Parish or an adjoining parish, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- C. 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 infirmity.

Therefore, whilst the proposals may appear to offer some public benefits because the applicant is willing to enter into a legal agreement to maintain the affordability of the converted barn and restrict its future occupancy to a person or persons with an appropriate local qualification, any approval for the current application could harm the future application of the Authority's adopted policies and undermine the consistency of decision making in the National Park.

(ii) Budget Implications

It is not considered that a decision to approve this application would have any significant budget implications as the only costs arising would be officer time processing the decision notice and the necessary legal agreement.

(iii) Risk Assessment

There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently, especially where they are up-to-date, relate specifically to the development concerned and are otherwise consistent with more recent national planning policies in the Framework as they are in this case. In these respects, the applicant's case is broadly based on her personal circumstances, supplemented by the offer of the legal agreement, but a highly personalised decision to make a departure from policies based on the applicant's personal circumstances would carry a significant risk to the Authority's reputation.

Moreover, whilst the proposals may give rise to some public benefits because the applicant is willing to enter into a legal agreement to maintain the affordability of the converted barn and restrict its future occupancy to a person (or people) with an appropriate local qualification, any approval for the current application would harm the future application of the Authority's adopted policies and consistency of decision making in the National Park. Notably, the emerging Development Plan Document does not suggest that the local qualification in saved Local Plan policy LH2 will change, which means there is no support in the emerging policy to consider relaxing the local qualification on an exceptional basis.

This strong position is justified by the need to control development of all types and to repel the high demand to live in the National Park. The applicant is proof of such demand. The applicant has no local connection to Alstonefield in the terms required by the adopted development plan and emerging policies. Neither has the applicant proven an essential need to live within the local area. The offer of entering into a legal agreement restricting the future occupancy and maintaining the affordability of the converted barn that might justify approval of the current application could be too easily repeated by others without the required local connection who simply want to live in the Park. Applicants may be unconcerned by the legal agreement because they may have no intention of moving. Therefore, the offer of entering into a legal agreement restricting the future occupancy and maintaining the affordability of the converted barn could be too easily repeated if a decision on this application cannot be clearly distinguished from other similar cases. In these respects, any approval for this application may form an unfortunate precedent for future decisions made by the Authority in similar cases and which would undermine the Authority's reputation.

(iv) Robustness of Provisional Reasons for Approval and Suggested Conditions

The provisional reasons given by Members for approval of the application were as follows:

In the absence of harm to the valued characteristics of the National Park, members considered the current application proposed a sustainable form of development that would support the viability and vitality of Alstonefield. In this case, an exception to the Authority's normal criteria relating to local qualifications was warranted because of the nature of the barn and the limited availability of one bedroom properties to meet local need within the local area. Furthermore, members considered that the proposals would conserve and enhance a locally distinctive building on the edge of the settlement and these factors weighed in favour of a resolution to approve the current application.

These reasons for approval are based on planning grounds but the very limited connection the applicant has with the local area undermines the robustness of these reasons for approval. In

short, it could be seen that the only criteria that determines the acceptability of the applicant as the first intended occupant is that she actually owns the barn and is willing to enter into a legal agreement. It is also of particular concern that the benefits of accepting the legal agreement may not be achieved in any defined timescale primarily because the intended first occupant does not appear to be intending to sell the property in the near future.

Nonetheless, the reasons for approval do clearly set out that Members gave weight to the particular nature of the barn (in terms of its location, size, and its locally distinctive character and appearance), the lack of landscape harm that the conversion would cause, and the opportunity to deliver of a one bedroom affordable house of which there is a shortfall within the National Park. In these respects, the individual planning merits of this case could distinguish it from other cases and would not therefore indicate that the conversion of larger barns or structures would be acceptable where an offer of a legal agreement were to be made in similar circumstances where the applicant does not meet to local occupancy criteria. However, if Members consider that this building is suitable for conversion to an affordable local needs dwelling and that this would be otherwise acceptable in terms of landscape impact, design and access, Officers would recommend that the application be refused as recommended and that the applicant be advised that an application which proposes to meet local need on first occupancy is submitted, although this would clearly not meet the applicant's aspirations.

If Members consider that there are robust grounds to approve this application, notwithstanding the above advice, any approval should be subject to a legal agreement and the conditions suggested below, which are considered reasonable and necessary to ensure the completed development robustly complies with policies in the Development Plan and national planning policies in the Framework in all other respects.

In the first instance, the legal agreement would include obligations relating to the first intended occupant (i.e. the applicant), affordability and local occupancy criteria in accordance with the requirements of the Authority's adopted guidance on affordable housing. Therefore, it is considered that the legal agreement would be directly related to the development; and fairly and reasonably related in scale and kind to the development as well as being necessary to make the development acceptable in planning terms taking into account the Authority's housing policies require the proposed development to be maintained as affordable housing to meet local need in perpetuity, notwithstanding that the applicant does not have a local qualification in this case. Consequently, the requirement to enter into the proposed legal agreement before the permission is issued can be justified.

In terms of conditions, a time limit for commencement is required and the Authority's adopted guidance on affordable housing requires a start to be made on the development within two years, if it were to be approved, primarily because of the pace of change in terms of need and cost. A condition specifying the submitted plans is necessary in the interests of the proper planning of the local area also taking into account the acceptability of the design of the proposed conversion, including landscaping and parking and access provision, supports the resolution to approve the current application. It would also be necessary to require the conversion to be completed in the existing shell of the building not least because permission would be granted for conversion of an existing building rather than a newly-built house in open countryside. Similarly, it would be necessary to specify minor design details such as materials for windows and doors, and rain water goods to ensure the locally distinctive character of the existing building is not lost.

In this case, there is no evidence to suggest further survey work or mitigation would be required for any protected species not least because the barn has very limited potential to provide suitable habitat for bats and birds primarily because of its condition and in the absence of any recognisable access points for either species. However, it is recommended that details of a package treatment plant should be agreed and the approved treatment plant be installed prior to first occupation in the interests of safeguarding the quality of the environment also taking into account the application site is within a Nitrate Vulnerable Zone.

Finally, Planning Practice Guidance says that permitted development rights should not be removed other than in exceptional circumstances. In the first instance, it is considered necessary to remove permitted development rights for extensions and outbuildings in accordance with the Authority's adopted guidance on affordable housing. If the current application were to be approved, it is considered that managing further extensions to the house and any additional outbuildings is important to ensure the house remains affordable and within the 'size limits' for affordable housing. It would also be important to manage future alterations to the property to minimise the impact of the proposed development and safeguard the character of the building itself and the surrounding landscape. Moreover, the access and parking provision for the proposed conversion are only acceptable on the basis that the permission would be granted solely for a one bedroom house. It is therefore considered that the exceptional circumstances do exist in this case that justify removing permitted development rights.

Conclusions

In conclusion, the Planning Committee is respectfully urged to reconsider its resolution to approve the current application, which would be a departure from the Development Plan that could harm the future application of the Authority's adopted policies and undermine the consistency of decision making in the National Park. However, if members were minded to approve this application, it is recommended that planning permission should be granted subject to prior entry into a section106 legal agreement containing obligations relating to first occupancy, subsequent local occupancy restrictions and affordability, and subject to the following conditions:

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 following approved plans (contained in the submitted design and access statement): 'PROPOSED GROUND FLOOR PLAN'; 'PROPOSED FIRST FLOOR PLAN'; 'PROPOSED ROOF PLAN'; 'PROPOSED ELEVATIONS AND SECTIONS'; and 'PROPOSED SITE PLAN'.

Landscaping

3. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be submitted and agreed in writing with the National Park Authority.

Conversion within Existing Shell

4. The conversion shall be carried out within the shell of the existing building

Underground Service Lines

5. 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

6. Prior to the first occupation of the dwelling hereby permitted, a scheme for the disposal of foul sewage to a package treatment plant shall be 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

7. Prior to the first occupation of the dwelling hereby permitted, a specification or sample of the material to be used for the surfacing of the drive, parking and manoeuvring areas shall be submitted to and approved in writing by the National Park Authority.
8. 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

9. Prior to the first occupation of the dwelling hereby permitted, the curtilage of the converted barn shall be defined with a drystone wall constructed in complete accordance with the approved plans in locally obtained natural stone, and the drystone wall shall be coursed and pointed to match the stonework of the existing boundary walls.

External Lighting

10. 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

11. All external windows and doors shall be of timber construction.
12. At the time of its installation, the external flue pipe shown on the approved plans shall be painted black.
13. All pipework, other than rainwater goods and the external flue pipe shown on the approved plans, 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.
16. The roof shall be clad with plain clay tiles to match the existing tiles in terms of size, texture and colour.

Permitted Development Rights

17. 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.

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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Appendix 1 - Copy of report to the Planning Committee on 13 November 2015

9. FULL APPLICATION: CHANGE OF USE OF BARN/FORMER BLACKSMITH'S WORKSHOP TO DWELLINGHOUSE, THE BARN, BACK LANE, ALSTONEFIELD (NP/SM/0615/0548 P.2561 412978/365506 1/11/2015/CF)

APPLICANT: MS MANDY TURLEY

Site and Surroundings

The current application site concerns a disused stone-built barn known as 'The Barn' and also referred to as the Blacksmith's Cottage or former blacksmith's workshop in the submitted application. The Barn is situated in a relatively isolated position adjacent to Back Lane approximately 200m to the south-west of the main group of residential properties in Alstonefield. The single-storey building is simple and robust in its form and detailing and is constructed from traditional building materials.

Proposal

The current application originally proposed the conversion of The Barn to an open market dwelling to meet general demand. The applicant has since indicated that she would be willing to enter into a s.106 legal agreement for affordable housing, which would prioritise local people in terms of the future occupancy of the converted barn. The applicant would be the intended first occupant if planning permission were to be granted for the current application. As such, the revised application now proposes a one bedroom affordable house that would be subject to a legal agreement and local occupancy restriction.

The design of the proposed conversion is intended to conserve the existing character and appearance of The Barn by utilising existing openings and restricting the size of the proposed residential curtilage to an area already enclosed by a dry-stone wall. The submitted plans show the ground floor of the barn would be subdivided to provide a single bedroom, shower room, and open plan kitchen and sitting room with a loft above in the remaining roof space.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

The applicant does not have an eligible local need for new housing within the National Park and the current application is therefore contrary to policy HC1(A) of the Core Strategy and contrary to saved Local Plan policies LH1 and LH2. In this case, there are no exceptional circumstances or any other material planning consideration that would justify a departure from the Authority's adopted housing policies.

Key Issues

- the landscape and visual impact of the proposed development; and
- vehicular access; and
- whether an exception to saved Local Plan policies LH1 and LH2 and policy HC1(A) of the Core Strategy is justified.

History

1987 Appeal dismissed for conversion of The Barn on landscape grounds and highway safety grounds with further concerns raised that the building had no special

architectural interest.

- 1986 Planning permission refused for conversion of The Barn to holiday let on the grounds that it would be isolated and sporadic development in open countryside.
- 1986 Planning permission refused for conversion of The Barn to holiday let taking into account the visual impact of the extensions proposed to the building to facilitate its conversion.

Consultation

County Council (Highway Authority) - No objections on highway grounds to the proposed development subject to conditions.

District Council – No response to date

Parish Council – The Council objected to this application on the grounds of access and egress being unsuitable, overdevelopment and the site being outside the village boundary with concerns over the fact that this is not perceived to have ever been anything other than a field barn by local residents and therefore should not be converted into domestic accommodation. Comments regarding its former use referred to within the application were also felt to be erroneous by residents and Councillors who were unanimously against the development.

Representations

One letter objecting to the current application has been received to date. The author of this letter sums up their concerns by saying: *“The proposed development in Back Lane does not seem to address the needs of those who live in the Peak District. It simply looks like a speculative purchase of a barn with a view to conversion and maybe a profitable sale. And such a development would be at the expense of the essence of Back Lane. There would be a loss of amenity through the degradation of a traditional British rural scene. I do hope that you will continue to feel that a barn is exactly the right use for an old building sited out in the countryside on Back Lane”.*

A further letter commenting on the access to the application site has also been received from one of the joint owners of one half of Back Lane and the adjacent field to the east. The author of this letter says she would refuse permission for any alteration to Back Lane, the wall on the east side or to the diversion of the footpath into the field.

Main Policies

Housing Policy

The National Planning Policy Framework (‘the Framework’) says local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In these respects, the Framework reiterates a long standing principle that local planning authorities should avoid granting planning permission for isolated new homes in open countryside except in exceptional circumstances.

This approach is generally consistent with the Authority’s development strategy set out in DS1 of the Authority’s Core Strategy, which says new residential development should normally be sited within named settlements, and policy HC1(C) of the Authority’s Core Strategy, which sets out very similar criteria to the Framework in terms of the exceptional circumstances in which a new house can be granted permission outside of a named settlement.

However, policies in the emerging Development Plan Document, saved Local Plan policy LH1 and policy HC1(A) of the Core Strategy are more permissive than national planning policies because they explicitly allow conversion of buildings in the open countryside to affordable housing to meet local need, which is not an approach to affordable housing that is particularly well supported by national planning policies in the Framework.

In these respects, 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 and it meets the criteria of Saved Local Plan policy LC4. Saved Local Plan policy LH2 otherwise sets out the Authority's definition of a person with a local qualification for affordable housing saying:

Exceptionally new housing will be permitted for a person with a proven need in accordance with Policy LH1 provided that the dwelling will be occupied by:

- i. a person (and his or her dependants) 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 dependants) 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; or
- 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; or
- 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; or
- 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.

Design and Conservation Policies

Saved Local Plan Policy LC4 sets out guidance on design, siting and landscaping whilst policy LC8 and L3 set out guidance relating to any new use of a traditional building with vernacular merit. L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT11 and LT18 require development to be provided with appropriate access and parking provision that would harm the environmental quality of the National Park. Further detailed advice on the conversion of buildings to other uses is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide. These policies are consistent with national planning policies and core policies in the Core Strategy including GSP1, GSP2 and GSP3.

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area. GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.

Policy GSP3 of the Core Strategy is also relevant because it sets out detailed criteria for judging the impacts of new development on the valued characteristics of the National Park, and should

be used to achieve the sensitive management of new development. L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

Landscape Strategy and Action Plan

The Landscape Strategy and Action Plan shows that the barn is situated in the Limestone Village Farmlands landscape character type of the White Peak landscape character area. Key characteristics of the White Peak include the historic pattern of enclosure, the nucleated settlement pattern and the integrity and setting of traditional buildings. The guidelines in the Landscape Strategy and Action Plan for the White Peak state that protecting and maintaining historic field barns is a priority throughout the Limestone Village Farmlands landscape character type. In particular, the Landscape Strategy and Action Plan says:

“... Isolated field barns are a special cultural feature in the White Peak... Where they can no longer be maintained in agricultural use, careful consideration needs to be given to appropriate alternatives. Changes to the building or its surroundings should be avoided, especially where these are not in keeping with the rural character of the landscape. Conversion to residential use would be particularly inappropriate in a region where settlement is strongly nucleated in small villages.”

It is considered the Authority's Landscape Strategy and Action Plan along with the Authority's adopted design guidance and the wider range of design and conservation policies in the Development Plan, as noted above, are consistent with national policies in the Framework, which emphasise the great weight that should be attached to the conservation and enhancement of the National Park landscape, its wildlife and cultural heritage in any planning decision, and also promote high standards of design that would be sensitive to the valued characteristics of the National Park.

Assessment

Landscape and Visual Impact

In the first instance, permission was refused twice in 1986 for conversion of 'The Barn' to a holiday let. Subsequently one of these decisions was appealed, but the appeal was dismissed in 1987. A key issue reason for refusal on each occasion was the landscape and visual impact of the domestic paraphernalia associated with the proposed use of the building. Notably, the Inspector in the appeal decision in 1987 stated that whilst the building itself could be seen from the fields to the south and from part of the village to the east of the site, the building itself is not assertive within the landscape. It is considered that more than twenty five years after this appeal decision this assessment holds true, and the building proposed for conversion is not a particularly conspicuous feature in its landscape setting.

Therefore, the landscape and visual impact of the proposed conversion would be far less than a number of barn conversions recently granted planning permission by the Authority's Planning Committee. However, one factor that distinguishes this building from a more traditional field barn is that it already has a semi-domestic appearance. Information submitted by the applicant refers to 'The Barn' as a former blacksmith's cottage or workshop related to Alstonefield Manor, which is now in separate ownership. However, there is no evidence to support this claim but the building does look much more like a workshop or a very humble dwelling rather than a disused agricultural building. The detailed treatment of the conversion retains this character and would maintain its modest appearance.

The Barn also has a defined curtilage and, on balance, it is considered that the proposed residential use of the barn would not have an unduly harmful visual impact on the surrounding

landscape. However, this assessment relies heavily on a comparison with other barn conversions that have been consented but lie in much more prominent locations in open countryside and have less of a domestic character than the building, which is the subject of the current application. On this basis, officers do not consider the landscape and visual impact is a determinative factor in the final decision on this application. However, conditions removing permitted development rights for extensions and alterations to the building and development in the curtilage would be reasonable and necessary to retain the character and appearance of the building and a landscaping scheme would also be necessary to seek to mitigate the visual impact of the parking area and domestic use of the associated garden if planning permission were to be granted for the current application.

Vehicular Access

It is highly relevant that previous applications for conversion of The Barn have been refused in 1986 and a subsequent appeal has been dismissed in 1987 because it was considered that the building could not be provided with a safe and suitable vehicular access. The access arrangements proposed in this application also give rise to local concerns but the Highway Authority has no objections to the current application. With regard to these issues, it is of particular note is that the part of Back Lane that would be used for vehicular access from the public highway to the converted barn is an unclassified road that has not been dedicated as a public right of way albeit it is recognised that the lane is used 'informally' to access the bridleways and other footpaths in the local area. The lane is also used by farm traffic.

To address the concerns about the vehicular access, which the applicant was aware of prior to submitting this application, a thorough transport assessment has been submitted by the applicant that illustrates that it is highly unlikely that the traffic generated by the proposed one-bedroomed dwelling house would generate vehicular movements that would cause highway safety concerns or conflict with other vehicles or other people using Back Lane. Taking this information into account and the Highways Authority's response, it is therefore considered that it has now been demonstrated that highway safety concerns would not be a sustainable reason for refusal of the current application. This is especially the case because the Highways Authority's conditions relate solely to the provision of the parking area before the dwelling is first occupied and the location of any septic tank or package treatment plant.

Housing Policy

The previous decisions relating to conversion of The Barn are again particularly relevant in considering whether its conversion to an open market house to meet general demand would be appropriate. In this respect, it is clear that the building does not have any special historic or architectural interest and the applicant has so far not been able to demonstrate that it has any particular significance because it may have been a former blacksmith's workshop or cottage. The building also appears to be in a relatively sound condition and there is no evidence that the impetus of open market values is required for its long term conservation.

Therefore, the exceptional circumstances set out in policy HC1(C)I of the Core Strategy and paragraph 55 of the Framework do not exist in this case and permission for conversion of the barn to an open market dwelling to meet general demand is simply not warranted in policy terms. However, to address these concerns, the applicant has confirmed that she would be willing to enter into a section 106 legal agreement naming herself as the first occupant and then containing the normal obligations that would retain the converted barn as an affordable home and restrict future occupancy of the barn to a person (or people) with a local qualification. In this respect, if it is accepted that the proposed barn conversion is appropriate in landscape conservation and design terms then the building would be a suitable candidate for affordable housing.

The cost of conversion and its potential market value with an occupancy restriction would mean that the converted building would be affordable, and the internal floor area of around 40m² is well

within the normal size guidelines for affordable housing albeit slightly larger than the guideline figure for a one bedroom house. However, the problem is that the applicant does not have a local qualification as set out in saved Local Plan policy LH2 and would not meet any of the criteria in the cascade provisions in the Authority's normal legal agreements for affordable housing. This means that the applicant cannot be considered to be a person with a proven need for a new house within the National Park or a person with an appropriate local qualification contrary to the provisions of saved Local Plan policies LH1 and LH2.

In these respects, the current application is also contrary to policy HC1(A) of the Core Strategy because the applicant cannot demonstrate that the new house would address an eligible local need for new housing in the National Park. On this basis, any approval for the current application would be a significant departure from the Development Plan especially when taking into account that the emerging Development Plan Document will carry forward very similar criteria for assessing eligible local needs.

Sustainability

Paragraph 14 of the Framework contains a presumption in favour of sustainable development and policies GSP1 and GSP2 in the Core Strategy also promote and encourage sustainable forms of development within the National Park. In this case, it is notable that (i) the proposed conversion would result in very limited harm to the scenic beauty of the surrounding landscape, (ii) the proposed conversion can be provided with a safe and suitable access, (iii) there are no neighbourliness issues because of the barn's isolated location, and (iv) there is no evidence that the building has any archaeological or ecological interest. Therefore, any approval for the current application would harm the consistent application of planning policies and consistency of decision making within the National Park rather than the amenities of the local area.

In terms of the benefits that might result from the grant of planning permission for the current application, very limited weight can be given to the suggestion that any new housing in the National Park is required to meet 'housing targets'. This is because the 'English National Parks and the Broads: UK Government Vision and Circular 2010', which is cross referred to in Paragraph 14 of the Framework, makes it very clear that the Government's intention is not to meet demand for housing in the National Parks; the priority in rural areas such as the National Park is to meet the need for affordable housing as set out very clearly in paragraph 54 of the Framework and the Authority's housing policies. Therefore, the principal public benefit that would be achieved by granting planning permission for the current applicant would be the longer term benefits of the delivery of an affordable house to meet local need through the applicant's private investment in the building.

Setting aside the issue of whether the purchase cost of the building was based on 'hope value', the cost of converting the building will still be in the region of £80,000, which is considered to be a substantial investment in a one-bedroom property that might be difficult to extend because of the restricted access to the property, the potential for an extended building to have a greater impact on the character of the surrounding landscape and the modest size of the building, which means that it is difficult to consider any significant extension to the building would be acceptable in design and conservation terms.

Therefore, it is unlikely the applicant would be able to do more than 'break even' if the property was to be converted and sold with a local occupancy restriction in the future. Consequently, the proposed conversion of The Barn to an affordable home to meet local needs with the applicant as the named first occupant would clearly benefit the applicant insofar as she would be able to live in a new house within the National Park that she could afford rather than provide a speculative investment opportunity.

The wider public benefits of granting planning permission would arise on the future sale of the converted barn at an affordable price to a person with an eligible local need who would not

otherwise be able to buy a house in the local area on the open market.

However, it also has to be taken into account that the Parish Council do not support this application because they are concerned that the building is outside of the settlement as well as the proposals represent over-development and their concerns about vehicular access. In contrast, the Parish Council have not given any indication yet that the provision of a one bedroom house would help to maintain the viability or vitality of the local community or that the offer of a legal agreement that would mean the converted barn would become an affordable house to meet local need in the future addresses their concerns.

Therefore, there is no evidence that suggests that granting planning permission for the current application would accord with the Authority's statutory duty to seek to foster the economic and social welfare of the local community even though there is compelling evidence that more affordable housing is needed within the local area, and this need is unlikely to be met before the converted barn might be sold by the applicant.

Conclusion

It is therefore concluded that the current proposals do not comply with the specific provisions of policy HC1(A) or saved Local Plan policies LH1 and LH2 because the applicant does not have an eligible local need for a new house in the National Park and this conflict is not offset or outweighed by other relevant planning considerations. Although, the proposals may give rise to some public benefits because the applicant is willing to enter into a legal agreement to maintain the affordability of the converted barn and restrict its future occupancy to a person (or people) with an appropriate local qualification, any approval for the current application would harm the future application of the Authority's adopted policies and consistency of decision making in the National Park. Moreover, the emerging Development Plan Document does not suggest that the local qualification in saved Local Plan policy LH2 will change, which means there is no support in the emerging development management to consider relaxing the local qualification on an exceptional basis.

This is of particular concern when taking into account there is high demand to live in the National Park and the applicant current circumstances are not exceptional not least because it has not been demonstrated that the applicant has a particularly strong local connection to Alstonefield or that there is an essential need for the applicant to live within the local area. Therefore, the offer of entering into a legal agreement restricting the future occupancy and maintaining the affordability of the converted barn that might justify approval of the current application could be too easily repeated and in these respects, any approval for this application may form a precedent for future decisions made by the Authority in similar cases.

Accordingly, in the absence of an eligible local need and in the absence of exceptional circumstances that would warrant such a departure from the Authority's adopted housing policies, the current application is recommended for refusal.

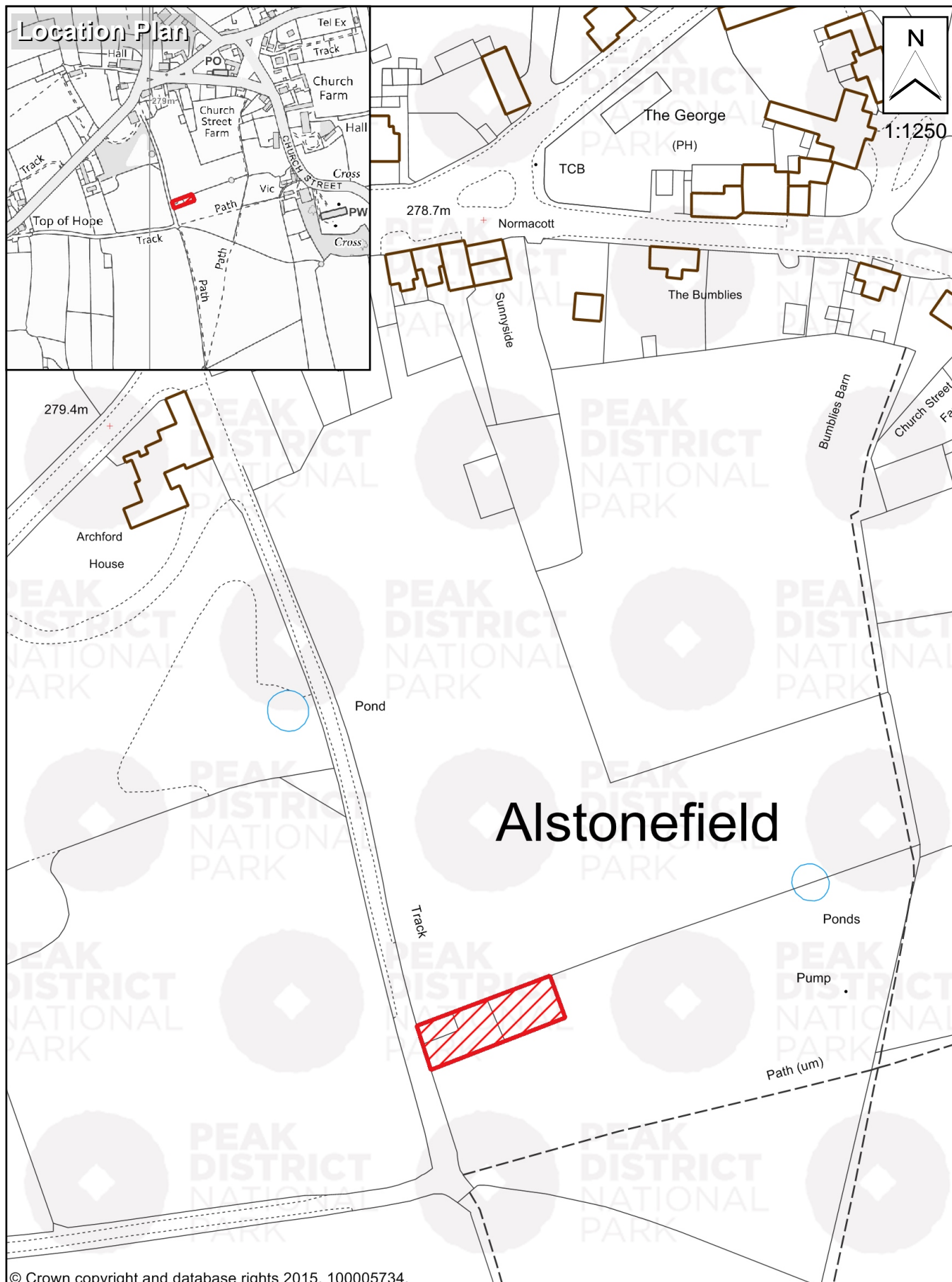
Human Rights

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

List of Background Papers (not previously published)

Nil

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Committee Date: 11/12/2015
 Item Number: 11
 Application No: NP/SM/0615/0548
 Grid Reference: 412978, 355506

Title: The Barn
 Back Lane
 Alstonefield



**PEAK
 DISTRICT
 NATIONAL
 PARK**

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**12. FULL APPLICATION – CONVERSION OF BARN TO LOCAL NEEDS DWELLING
ADJACENT TO THE B.5056, WINSTER (NP/DDD/0815/0796, P.691, 424118/359436,
24/11/2015/KW/CF/BT)**

APPLICANT: MISS E GOULD

Background

This application for the conversion of a barn to an affordable dwelling to meet local need was originally considered at the meeting of the Authority's Planning Committee in October 2015. Notwithstanding an officer recommendation of refusal, a motion for approval of this application was moved and seconded, subject to conditions and prior entry into an appropriate legal agreement. The reasons stated by members in justifying an approval centred on the view that the provision of an appropriate landscaping scheme could mitigate the landscape and visual impact of the proposed development. The proposals were found to be compliant with policies in the Development Plan and policies in the National Planning Policy Framework in all other respects.

The scope for conditions mitigating landscape harm had already been considered by officers and therefore the fact that this scheme was recommended for refusal highlights the fundamental concerns more isolated barns such as this present in terms of the conservation objectives of the National Park. The fact that the objection on landscape grounds was the main and only objection does not diminish the seriousness of that objection given the statutory purposes of national park designation.

Subsequently, under the terms of Standing Order no. 1.48, a further report to Planning Committee is now required setting out policy issues in more detail..

Standing Orders

In accordance with Standing Order 1.48, this report covers: (i) the policy implications e.g. whether the decision is a departure from the development plan or other key policy; (ii) the budget implications; (iii) a risk assessment; and (iv) an assessment of the robustness of the provisional reasons, including recommendations on any conditions.

Assessment

(i) Policy Implications

The key policy issue in this case is one of harm to landscape and historic character. While adopted policies offer scope for barn conversions in principle there is also the need to consider harm to the valued characteristics of the National Park as a matter of principle. In certain locations at a certain scale the level of change and levels of risk to the loss of historic character are great enough as to apply core policies as a point of principle. In this case it is considered that the proposed development would not conserve or enhance a heritage asset and would lead to a diminishment in the historic character of the National Park which is a core reason underpinning the designation of the Peak District National Park and its value to the nation.

A decision to grant permission for the current application is considered to be a departure from the Development Plan because the resolution to approve this application was based on an assessment of landscape and visual impact that differed from the conclusions reached in the officer report. The officer conclusions were made in light of internal specialist advice from the landscape architect whose views in turn draw are guided by the Landscape Strategy (see Appendix A). Officers have responded to this feedback with a recommendation based clearly and demonstrably on such evidence. Notwithstanding this specialist advice, Members were minded take a different view that a landscaping scheme could mitigate the impact of the converted structure with its new domestic curtilage and associated parking provision.

In policy terms, both the planning officer and landscape architect have recognised the requirements of Core Policy L1 and the Landscape Strategy and provided members with a sound recommendation in line with adopted policy. The Landscape Strategy is considered an exemplar of such documents produced under the European Landscape Convention. In being explicitly referenced in Core Strategy policy, it assumes more weight than simple guidance, and in a National Park (the highest landscape designation in the country) must be foremost in our planning decisions.

Whilst the revised landscaping scheme generally reflects the Planning Committee's suggestions, and has since been informed by the applicant's own landscape architect, a resolution to approve this application would still fundamentally conflict with the Landscape Strategy and Action Plan, which states that domestication of barns in open countryside, by conversion of traditional field barns standing in open countryside to a residential use, most often detracts from the scenic beauty and natural qualities of the surrounding landscape and conflicts with the historic settlement pattern of villages on the limestone plateau of the White Peak. This is clearly open countryside and this barn represents one of the instances in which such domestication would be harmful.

In seeking to mitigate this conflict officers could have concluded that a landscaping scheme was necessary in order to make the application acceptable and could have sought this rather than recommend refusal of the application. However, the specialist landscape advice remains that landscaping is not sufficient to mitigate the harm that is likely to arise, and as such it is concluded that the fundamental landscape objection to this proposal remains. Harm in this case is represented by the loss of character and the simple relationship of the barn in its open setting. Acceptance of the additions and changes necessary in order to bring about a domestic use in both the building and its curtilage would represent a harmful principle which could be replicated in similar locations and would result in the gradual loss of this resource of historic assets that allow one to read the story of the historic farmed landscape.

A decision to refuse permission for the current application would uphold the adopted development plan and the landscape strategy and action plan. Furthermore, it would represent a position that demonstrates application of policy fairly and consistently and would demonstrate a commitment to the conservation of National Park landscapes in line with adopted plans and strategies.

In such cases the point of principle is brought about by judgement. It is necessary to consider the threshold at which character can be lost and whereby the suburbanisation of the historic landscape becomes unacceptable. It is the view of officers and specialist landscape advisors that this threshold is met where the visual relationship of an individual barn to a settlement is lost. There are many instances whereby buildings on the fringes of settlements or in looser clusters form a coherent group and in these circumstances opportunities may be found to provide homes, jobs and services. However the judgement in this case is clear. The building has the appearance of being isolated and this brings about a particular character which can be read against the backdrop of the historic farmed landscape. This characteristic is worthy of protection and is the kind of building that could be the focus of alternative interventions such as grant funding and landscape scale partnership projects working alongside the farming community. Officers understand the desire to approve development in such barns as it is often seen as the easiest means of conservation in the current climate.

(ii) Budget Implications

It is not considered that a decision to approve this application would have any significant budget implications as the only costs arising would be officer time processing the decision notice and the necessary legal agreement.

(iii) Risk Assessment

The clear risk in this case remains that a further piece of evidence of the farming traditions of the Peak District would be lost and as a principle this is something that could be replicated all too easily.

There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently, especially where they are up-to-date, relate specifically to the development concerned and are otherwise consistent with more recent national planning policies in the Framework as they are in this case. In these respects, a decision to approve this application could not be considered to be applying the policies fairly and consistently, because it would place local needs above the statutory conserve purpose of the national park.

Should an approval be granted the 2015-2016 Annual Monitoring Report would need to identify this is a departure from the Development Plan.

(iv) Robustness of Provisional Reasons for Approval and Suggested Conditions

The provisional reasons put forward in the event of an approval were that despite the fact that members were not satisfied with the visual impact of the domestic curtilage and associated activities on landscape, they considered the current application could be made to accord with the Development Plan and national planning policies in the Framework by the use of conditions and legal agreement. In particular, members were concerned about the impact of domestic curtilage and associated activities on landscape quality. Subsequently, a revised landscaping plan has been submitted by the applicant to address these concerns.

Officers remain concerned about the robustness of these reasons in the context of the policy assessment above. If the revised landscaping scheme is considered by members to render the proposal worthy of approval, and if a legal agreement and the conditions suggested below are considered to make the development acceptable in planning terms, and in the absence of any other material considerations that indicate planning permission should be refused, it is sound to approve the application. However, it should be stressed that such a landscaping scheme was not requested of the applicant and presented to the committee in the first instance which indicates that both officers and specialists felt that such conditions could not overcome fundamental policy concerns.

A time limit for commencement is required, and the Authority's adopted guidance on affordable housing requires a start to be made on the development within two years, if it were to be approved, primarily because of the pace of change in terms of need and cost. However, two pre-commencement conditions are required to address ecological concerns and archaeological concerns raised in representations made by the Authority's respective specialists on the original application.

There remains significant concern about the robustness of applying conditions in such a case where the specialist view is that they would not have the stated effect, i.e. to mitigate harm. The assessment above highlights that while a judgement has been made there is shared acceptance of harm and therefore the principles of core landscape and conservation policies are at the forefront of this decision as they signify that National Park purposes are not being upheld. With regard to this advice and the provisions of saved Local Plan policies LC15, LC16 and LC17, policies L2 and L3 of the Core Strategy and national planning policies and Framework, officers are therefore not satisfied that the addition of these conditions would overcome the fundamental objection that the proposal is not compliant with policy L1 and the Landscape Strategy for the area.

If development is agreed against officer recommendation members would need to be confident that the revised landscaping plan makes the proposal compliant with L1. A condition would need to specify that amended plans are necessary in the interests of the proper planning of the local area.

The legal agreement would include obligations regarding to affordability and local occupancy criteria in accordance with the requirements of the Authority's adopted guidance on affordable housing. It is considered that the legal agreement would be directly related to the development; and fairly and reasonably related in scale and kind to the development as well as being necessary

to make the development acceptable in planning terms taking into account that the Authority's housing policies require the proposed development to be maintained as affordable housing to meet local need in perpetuity. Consequently, the requirement to enter into the proposed legal agreement before the permission is issued in order to control occupancy and affordability can be justified.

Finally, National Planning Practice Guidance says that permitted development rights should not be removed other than in exceptional circumstances. In the first instance, it is considered necessary to remove permitted development rights for extensions and outbuildings in accordance with the Authority's adopted guidance on affordable housing. If the current application were to be approved, it is considered that managing further extensions to the house and any additional outbuildings is important to ensure the house remains affordable and within the 'size limits' for affordable housing. It would also be important to manage future alterations to the property to minimise the impact of the proposed development and safeguard the character. It is therefore considered that the exceptional circumstances do exist in this case that justify removing permitted development rights. However, this condition would not serve to outweigh the fundamental landscape objections and therefore do not serve to make the scheme acceptable in principle.

Conclusions

The revised landscaping scheme and other conditions do not serve to make the proposal compliant with Core Policy L1 or the Landscape Strategy, and cannot mitigate for the loss of landscape quality and its historic character. The proposed use of conditions to seek to justify approval would render the decision unsound when set in the context of:

- national park purposes and duty;
- the proper application of purposes and duty;
- the adopted development plan, especially policy L1 and the Landscape Strategy; and
- the NPPF.

Refusal of this application would be consistent with local and national policy and would demonstrate that the Authority applies its policies and national policy consistently and fairly in the interests of all communities with an interest and stake in the National Park. The use of legal obligations is only relevant to the ongoing occupancy of the housing, which is only an issue if the landscape objections are overcome.

Whilst recognising the previous resolution made on this application by the Authority's Planning Committee and having considered the policy position in more detail and the extent to which conditions and legal obligations could be used to address these policy concerns, the officer recommendation to Members remains for refusal of this application.

Should members still be minded to approve this application it should be subject to the subject to prior entry into a s.106 legal agreement containing obligations relating to first occupancy, subsequent local occupancy restrictions and affordability, and subject to the following conditions:

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 following amended plans: Drawing No.s 7021-L-01; 1501-P1A; 1501-P5A; 1501-P6B; 1501-P7B; 1501-P8; 1501-P9 and 1501-P10 (received by the National Park Authority on 3 November 2015) and Drawing No.s 1501-P11 and 1501-P11 (received by the National Park Authority on 6 November 2015)

Archaeology

- 3 No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured.

The Written Scheme of Investigation shall include an assessment of significance and research questions; and

- (i) the programme and methodology of site investigation and recording;
- (ii) the programme and provision for post-investigation analysis and reporting;
- (iii) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (iv) provision to be made for archive deposition of the analysis and records of the site investigation; and
- (v) nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".

Ecology

- 4 No development shall take place until a scheme of mitigation measures for bats and birds has been submitted to and agreed in writing by the National Park Authority. Thereafter, the mitigation measures shall be carried out in complete accordance with the agreed scheme of mitigation prior to the first occupation of the dwelling hereby permitted.

Landscaping

- 5 All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be submitted and agreed in writing with the National Park Authority.

Conversion within Existing Shell

- 6 The conversion shall be carried out within the shell of the existing building

Underground Service Lines

- 7 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

- 8 The package treatment plant show on Drawing No. 1501-P1A shall be installed in complete accordance with the approved plans prior to the first occupation of the dwelling hereby permitted.

Parking and Access

- 9 Prior to the first occupation of the dwelling hereby permitted, a specification or sample of the material to be used for the surfacing of the drive, parking and manoeuvring areas shall be submitted to and approved in writing by the National Park Authority.
- 10 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 9 (above).

Residential Curtilage

- 11 Prior to the first occupation of the dwelling hereby permitted, the curtilage of the converted barn shall be defined with a drystone wall constructed in complete accordance with the approved plans in locally obtained natural stone, and the drystone wall shall be coursed and pointed to match the stonework of the existing boundary walls.

External Lighting

- 12 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

- 13 All external windows and doors shall be of timber construction.
- 14 At the time of its installation, the external flue pipe shown on the approved plans shall be painted black.
- 15 All pipework, other than rainwater goods and the external flue pipe shown on the approved plans, shall be completely internal within the building.
- 16 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.
- 17 The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.
- 18 The roof shall be clad with natural blues slates to match the existing slates in terms of size, texture and colour.

Permitted Development Rights

- 19 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.

Appendix 1 – Copy of Report from Planning Committee – 9th October 2015

8. FULL APPLICATION – CONVERSION OF BARN TO LOCAL NEEDS DWELLING ADJACENT TO THE B.5056, WINSTER (NP/DDD/0815/0796, P.691, 424118/359436, 21/08/2015/KW/CF)

APPLICANT: MISS E GOULD

Site and Surroundings

The building is a fairly substantial detached barn situated in an isolated and exposed position adjacent to the B5056 road, about 1km south of Winster. It is situated within a gently sloping field, about 16m to the west of the B5056, at right-angles to the main road and occupies a prominent position in the landscape, particularly when approaching the site along the B5056 in both directions.

The barn has a low two-storey form and is constructed mainly of random-coursed natural limestone under a natural blue slate roof. It has a fairly simple robust appearance, but has a pleasant symmetrical frontage with three door openings on the ground floor and three small 'vent slit' openings within the upper wall section. The external corners of the barn are dressed with dressed, natural gritstone quoinwork and the gable ends are provided with natural gritstone copings. The door and window openings are provided with dressed natural gritstone quoinwork surrounds and there is an attractive full-length first floor door opening in the screened west gable wall. The barn also has some attractive internal features with dressed gritstone plinth walls to the cattle stalls and a kingpost truss roof construction.

It is therefore considered that the barn is of significant architectural and historic merit with features that elevate the building above that of a humble field barn. Together with its landscape setting, these factors are sufficient for it to be classed as 'valued vernacular' building within the terms of the authority's Core strategy policy HC1 C and the barn forms part of a pleasing composition in the landscape that makes a significant contribution to the character and scenic beauty of its landscape setting.

Proposal:

The application proposes the conversion of the barn to local needs dwelling for the applicant who presently lives with her parents at Sacheveral Farm 1km to the west, and her partner who presently lives at Pikehall.

The submitted scheme proposes the conversion of the barn to a two-bedroomed local needs dwelling. The accommodation is provided over two floors with the central part of the first floor space left as a void over the ground floor sitting room. The overall usable floor area excluding the void area is 94m², which just exceeds the size of a 5 person local needs dwelling (87m²).

The scheme proposes no new openings in the walls. Two rooflights are proposed in a central position the southern roofslope with a smaller single rooflight on the northern roofslope, serving the bathroom.

RECOMMENDATION:

That the revised application be REFUSED for the following reasons:

- 1. The barn occupies a prominent, exposed and isolated position in this part of the**

White Peak landscape that should be safeguarded because of its intrinsic scenic beauty. The current proposals would fail to meet achieve this objective and the proposed residential conversion of the barn would spoil the character and setting of the barn by the introduction of a domestic use and associated developments in this sensitive location. The proposals would therefore be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8, and national planning policies in the Framework.

Key Issues

1. Whether the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of affordable local needs dwellings.
2. The potential impact of the proposed dwelling conversion on the character and setting of the barn and the surrounding landscape.
3. Ecological issues.

History

June 1974 – Refusal of outline planning consent for the renovation and reconstruction of the barn to a dwelling. It was refused on landscape grounds in view of its isolated and prominent position in open landscape.

December 2014 – Authority officer response to the agent following the submission of a pre-application enquiry seeking advice on whether the principle of the conversion of the barn to a dwelling would comply with the Authority's Core Strategy and Local Plan policies. This response was given following a site meeting.

The subsequent officer advice to the agent was that the barn was a strong, robust building of architectural and historic merit, which contributed to the character of the surrounding landscape. However, because of its prominent position in an open landscape officers advised that the introduction of a residential use into the building would seriously impact upon the internal and external character of the building itself and its wider landscape setting.

Officer's acknowledged the strong local need case advanced in support of the proposal, however, it was considered that this did not, in this case, outweigh the strong landscape impacts of a residential use being introduced into this building.

The agent was advised that if a formal planning application was submitted, this should be accompanied by information supporting the local need case, and the provision of financial costings to accommodate the residential conversion, which should include the provision of sewage facilities and undergrounding of services. The agent was also requested to investigate the possibility of accommodating the dwelling within the traditional farm building complex at Sacheverel Farm, which could be assimilated more easily into the landscape than the preferred option.

May 2015 – Application submitted for the conversion of the barn to a local needs dwelling. This was subsequently withdrawn by the agent in order to address the concerns of the Authority's officer and the parish council, and to ensure that support of the local community was registered and taken into account.

Consultations

External Consultees

County Council (Highway Authority) – No response to date

District Council – No response to date

Natural England - The proposal is unlikely to affect any statutorily protected sites. Natural England have not assessed this application and associated documents for impacts on protected species, but request that the Authority refers to their Standing Advice on protected species.

Parish Council – The meeting resolved to recommend the application for approval on condition that improvements can be achieved through the introduction of glazing bars and all external woodwork is painted an appropriate colour rather than the use of dark stain.

Internal Consultees

National Park Authority (Landscape Architect) – Recommends should be refused because of its impact on the visual and landscape character of the area. for the following reasons:

The barn is situated in the Limestone Plateau Pastures landscape character type of the White Peak landscape character area. Some key characteristics of which are:

- A rolling upland plateau
- Pastoral farmland enclosed by limestone walls
- Isolated stone farmsteads and field barns

Specifically “This is a landscape of isolated stone farmsteads and scattered stone barns, mostly dating from the period of Parliamentary Enclosure in the late 18th and early 19th centuries...” The overall strategy for the White Peak is: “Protect and manage the distinctive and valued historic character of the settled, agricultural landscapes, whilst seeking opportunities to enhance the wild character and diversity of remoter areas”

The Landscape Guidelines for the White Peak state that throughout the Limestone Plateau Pastures landscape Character type; Protect and Maintain historic field barns is a priority. Specifically:

“... Isolated field barns are a special cultural feature in the White Peak, especially in the Plateau Pastures. Where they can no longer be maintained in agricultural use, careful consideration needs to be given to appropriate alternatives. Changes to the building or its surroundings should be avoided, especially where these are not in keeping with the rural character of the landscape. Conversion to residential use would be particularly inappropriate in a region where settlement is strongly nucleated in small villages.”

In respect of the current proposal, the barn is a prominent landscape visual feature within this part of the White Peak. Due to the nature of the landform the barn is seen in isolation within the landscape, no other agricultural buildings being seen, within the immediate viewpoint. Some of the proposals such as roof lights, domestic curtilage and parking areas have an impact on the building clearly defining it as a domestic property. This is further exacerbated by the barns proximity to the road. It is clear from the Landscape Strategy that the development of isolated residential buildings is inappropriate for this landscape character area where settlement occurs in nucleated villages.

The proposal should, therefore, be refused on the impact on the visual and landscape character of the area.

National Park Authority (Archaeologist) – Recommends refusal of the current application for the following reasons:

The field barn proposed for conversion has an entry on the Derbyshire Historic Environment

Record (MPD2426), and was recorded during the PDNPA's archaeological survey of Ivonbrook Grange Farm in 1997 (feature 15). It is a well-made two storey barn pre-dating 1840 on historic map evidence. There was a small enclosure attached to the west side of the barn which has now been removed. The Historic Landscape Character of the area is recorded as post-1650 enclosures (Parliamentary Enclosure Award).

This field barn makes a significant contribution to the landscape character of the locality. In general, however, 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 introduce landscape clutter around the simple field barn structure by altering the entrance to create visibility splay and adding a new curtilage wall, parking and garden areas.

The Government has withdrawn advice on the conversion of redundant agricultural buildings in relation to National Parks in recognition of the potential this has to irreversibly change the valued landscape character of these places. It therefore seems inappropriate that a development of this nature should be put forward for approval at this point.

If this proposal does receive planning consent it is recommended that there be a full historic building record made of the building and wider site before any conversion takes place. In this case the following condition should be attached:

No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured.

The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

National Park Authority (Ecologist) – No overriding objections to the proposals subject to conditions, for the following reasons:

The building has been identified as suitable for bat roosting and nesting birds. A bat survey has been undertaken.

A site visit was conducted by the PDNPA ecologist. The ground floor area was examined for evidence of bat usage and breeding birds. On entering the barn a pair of swallows were observed within the roof space, a nest in the south east corner of the barn showed fresh signs of construction with a layer of damp mud, indicating the birds are likely to be attempting to breed within the barn, the barn also contains numerous old swallow nests and nests likely to be from songbirds such as pied wagtail.

The barn is of traditional stone construction, with wooden trusses supporting a blue slate roof,

waterproof membrane has been installed on one half of the roof, the rest is open and the undersides of the slates were visible. There are numerous large cracks in the walls, gaps above windows/doors and holes leading into the cavities, these present suitable roosting areas for bats particularly crevice dwelling species such as *Pipistrellus* sp, a number of these cavities contained no cobwebs. A small number of bat droppings were recorded on the internal walls of the barn in both the central area and in the northwest corner. No inspection of the first floor sections was undertaken.

The submitted bat report now includes emergent bat surveys, which observed that no bats were seen emerging from the barn, however, a small number of bats were observed foraging around the barn. The recommendations in the submitted bat report suggest provision for bat boxes and access points into the wall cavities to provide alternative roost locations for hibernating bats.

The barn is used by breeding swallows extensively and therefore provision should be made to provide alternative nesting opportunity for this species by the inclusion of nesting space via a suitable roof void or eave, preferably on the gable end of the building. These bat and bird enhancement and mitigations measures can be accommodated through the attaching of appropriate ecological conditions.

Representations

17 individual letters of support have been received in connection with this application, one of these is from a Staffordshire Ward councillor and another is anonymous. 12 of these letters are from Winster parish residents and adjoining/ nearby parishes. These make the following representations:

- The Gould family have always lived and farmed at Sacheveral Farm and it is extremely important that in rural areas the next generation are able to remain local so they can help with the family farm, thus bringing advantages and support for the services provided in local villages, and schools who's numbers continue to fall.
- The local house prices are just not affordable for local people who are being pushed out of the area, unless they are able to build new houses or convert barns in family ownership.
- Converting the barn to a local needs dwelling seems a much better alternative than letting it fall down as so many in the area already have. As the barn is very visible from the road, this would mean that if it did fall into disrepair it would be very noticeable and a real shame given the craftsmanship that went into building the barn.
- The barn is no longer suitable for modern agricultural purposes and its condition is deteriorating. It needs an alternative use before it joins the number of derelict disused barns in the area.
- The remains of the derelict barns in this area cause more harm to the landscape than a smart barn conversion would.
- Since the barn is already there, the landscape itself is not being significantly changed by this application.
- Already in the area there is a power station down the road from the barn which has a new metal building; there are the overhead cables and the Carsington wind turbines are also visible from the barn.

Main Policies

Relevant Core Strategy policies include: GSP1, GSP3, GSP4, DS1, HC1, HC2, L1, L2, L3, HC1, T1 & T7

Relevant Local Plan policies include: LC4, LH1, LH2, LC17, LT11 & LT18

National Planning Policy Framework

Policies HC1 of the Core Strategy and LH1 and LH2 of the Local Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because these policies set out the relevant criteria for assessing proposals for the re-use of existing buildings to meet local need.

It is considered that there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the National Planning Policy Framework with regard to the issues that are raised. This is because the Framework continues support the re-use of existing buildings specifically for affordable local needs housing in small rural communities that would not normally be made available for the provision of open market housing subject to normal planning considerations.

Notwithstanding this general support for principle of the provision of affordable housing to meet local need, the Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of the 12 core planning principles within the Framework.

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

Assessment

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

In assessing the principle of this proposal the key policies in relation to the provision of affordable local needs dwellings are Core Strategy policies HC1(A), and Local plan policies LH1 and LH2. In addition to this Core Strategy policy HC1 C I is also of relevance to this proposal.

Policy HC1(A) of the Core Strategy and Local plan policies LH1 and LH2 allow for new residential development through the conversion of an existing building of traditional design and materials in the countryside, where it addresses eligible local needs and provides homes that remain affordable with occupation restricted to local people in perpetuity.

This is also provided that the five criteria stated in Local Plan policy are met. These five criteria are as follows.

- i. there is a proven need for the dwelling;
- ii. the need cannot be met within the existing housing stock;

- iii. the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2);
- iv. the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity; and
- v. the requirements of Policy LC4 are complied with.

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

These policies are consistent with the National Planning Policy Framework ('the Framework'), which says at Paragraph 55 that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The National Planning Practice Guidance does not contain any further information on assessing need

Assessment of Need/Affordability

The applicant presently lives with her parents at Sacheveral Farm 1km to the west. She and her partner are forming a household for the first time. The applicant and her partner have strong connections with the local area, the applicant having resided in Winster parish in excess of the 10-year requirement to meet the Authority's local qualification criteria for persons setting up a household for the first time.

The applicants have been actively seeking a property in the locality to allow them to get on the property ladder. However, following a review of properties for sale in the locality, these are well in excess of their budget.

The agent also states that there are no suitable buildings available for conversion at the Sacheveral farmstead. There is a small traditional farm building attached to the farmhouse, which is presently in use for agricultural storage. This has been inspected by the Authority officer, who concurs that as it is still in agricultural use, it is not currently available to provide the residential accommodation currently being sought.

The agent states that the barn is currently in family ownership and has been valued at £25,000 in its current state. The conversion costs including the provision of underground mains electricity supply and provision of a private package sewage treatment plant are estimated to be in the region of £120,000, including the remedial works to the barn structure, with the applicant's partner carrying out the majority of the construction works himself. Although the barn appears to be in a reasonable structural condition, there are some visible cracks in the internal stonework below the roof trusses and some evidence of inadequate structural support for the roof structure. The westernmost kingpost truss frame has snapped at its base and is being supported via Acro props.

Further information has been submitted by the agent from a building contractor, which states that there is cracking of stonework in the roadside gable end, a new roof is required and timber roof frames need repairs and replacement and several cracks in the internal stonework. Their conclusion is that after close inspection of the building, if the building repair work is not carried out within the next 18-36 months, major damage to the building will occur.

The accompanying supporting information does not confirm that the applicant is willing to accept the Authority's standard S.106 legal obligation relating to local need/affordability, however, the Authority officer has since received verbal confirmation that this would be the case.

In respect of the size of the proposed local need dwelling, the submitted scheme proposes the conversion of the barn to a two-bedroomed local needs dwelling. The accommodation is provided over two floors with the central part of the first floor space left as a void over the ground floor sitting room. The overall usable floor area excluding the void area is 94m², which just exceeds the size of a 5 person local needs dwelling (87m²). Given that this a barn conversion, it is considered that the additional 7m² of floorspace is within acceptable parameters, subject to a planning condition being attached to retain the first floor void space. The retention of the void space would also allow the full-height space and the internal character the original barn to be appreciated.

Notwithstanding the above omissions, it is considered that sufficient information has been submitted to comply with criteria (i)–(iv) of the Authority's local Plan policy LH1 and the applicant's circumstances also easily meet the criterion (ii) of Local Plan policy LH2, which relates to the definition of people with a local qualification. In these respects, it would not be appropriate to consider conversion of the barn to an open market house to meet general demand under the provisions of HC1(C) despite the barn being of vernacular merit because the submitted application demonstrates that the impetus of open market values are not required for the conservation of the barn.

However, the proposal still has to comply with the requirements of criterion (v) of LP policy LH1, which states that the requirements of LP policy LC4 must be complied with. This requires the development to conserve, and where possible enhance the landscape, built environment and other valued characteristics of the area. These issues are examined in detail in the following section of this report, which deals with the potential landscape and visual impacts associated with the current proposals.

Issue 2 - The impact of the proposed dwelling conversion on the character and setting of the barn and the surrounding landscape.

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

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

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

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.

L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

LC8 and L3 otherwise set out further guidance relating to any new use of a traditional building with vernacular merit. L3 states, amongst other things, that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including other heritage assets of regional or local importance or special interest. Local plan policy LC8 reinforces policy L3, and states, amongst other things, that the new use should not lead to changes to the building's curtilage or require new access or services that would adversely affect its character or have an adverse impact on its surroundings.

It is considered that the current application does not meet the requirements of these policies in the Development Plan for the following reasons:

The barn is a prominent landscape visual feature within this part of the White Peak. Due to the nature of the landform the barn is seen in isolation within the landscape and no other agricultural buildings are seen in its setting from any immediate viewpoint or more distant vantage points. In this respect, officers concur with the views of the Authority's Landscape Architect that what makes this barn unique is that it stands in isolation separate from any farm buildings, most farm buildings in the area both modern and traditional are associated with a farm complex.

The relevant guidance in the Authority's Landscape Strategy and Action Plan for the White Peak state that throughout the Limestone Plateau Pastures landscape Character type protecting and maintaining historic field barns is a priority saying specifically:

"... Isolated field barns are a special cultural feature in the White Peak, especially in the Plateau Pastures. Where they can no longer be maintained in agricultural use, careful consideration needs to be given to appropriate alternatives. Changes to the building or its surroundings should be avoided, especially where these are not in keeping with the rural character of the landscape. Conversion to residential use would be particularly inappropriate in a region where settlement is strongly nucleated in small villages."

In this case, the barn sits in an isolated location in an open pastoral landscape. It is visible from close views from the adjacent road and from the wider landscape when approaching the barn in both directions along the B5056. Consequently, it is considered that the proposed conversion of the barn to a dwelling would have a significant adverse impact, not only on the character and immediate setting of the barn itself, but also on the scenic beauty of its wider landscape setting when considering the guidance in the Authority's Landscape Strategy and Action Plan.

Furthermore, officers acknowledge that the physical building conversion scheme is sympathetic to the character and appearance of the existing barn and involves no new openings (except for the three additional rooflights) and a restricted curtilage contained by new sections of drystone walling. However, it is considered that the building is in such an exposed and prominent position that the changes to the barn through the introduction of a residential use into the building, such as the glazing of openings, the separation of the barn from the field through the creation of the enclosed residential curtilage, and the activities generated around the barn would significantly and adversely impact upon the character and setting of the barn and the surrounding landscape.

Some of the proposals such as roof lights, domestic curtilage and parking areas would also have an impact on the building clearly defining it as a domestic property, which would detract from its intrinsic character. This is further exacerbated by the barns proximity to the road. It is clear from the Landscape Strategy that the development of isolated residential buildings is inappropriate for this landscape character area where settlement occurs in nucleated villages.

In this case, even at a distance, the visual effect of the works proposed, together with that of vehicles parking at the site and using the access, would be clear. Moreover, the domestication of a building that occurs from a residential use and associated domestic paraphernalia are difficult to control by condition and the domestication of an isolated field barn would have a significant and adverse impact on the landscape setting of the barn. Therefore, the character and appearance of the area and the valued scenic qualities of this part of the White Peak landscape would be significantly harmed by the proposed conversion of the barn and the proposed conversion would detract from the valued characteristics of the local area.

For these reasons it is considered that even though there is a strong and convincing justification for the principle of the conversion of the barn to a local needs dwelling, the proposal would still be open to strong landscape objections and would be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8. These policies and the Authority's adopted supplementary planning documents are considered to be consistent with the Framework because they promote and encourage development proposals that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

Paragraph 115 in the Framework also states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage. The proposals in the current application conflict with these objectives and therefore conflict with the statutory purpose of the National Park's designation. In these circumstances, landscape conservation must take precedence over the duty placed on the Authority to seek to foster the social and economic welfare of the local community and consequently; the current application is recommended for refusal.

Issue 3 – Ecological issues

Core Strategy policy L2 and Local Plan policy LC17 state, amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. National planning policies in the Framework promote and encourage the conservation and enhancement of the natural environment.

The building has been identified as suitable for bat roosting and nesting birds. A bat survey has been undertaken. A site visit was also conducted by the PDNPA ecologist at the time of the previous application. The ground floor area was examined for evidence of bat usage and breeding birds. On entering the barn a pair of swallows were observed within the roof space, a nest in the south east corner of the barn showed fresh signs of construction with a layer of damp mud, indicating the birds are likely to be attempting to breed within the barn, the barn also contains numerous old swallow nests and nests likely to be from songbirds such as pied wagtail.

Therefore, in the first instance, provision should be made to provide alternative nesting opportunity for this species by the inclusion of nesting space via a suitable roof void or eave, preferably on the gable end of the building if permission were to be granted for the current application.

As set out in the above report, the barn is of traditional stone construction, with wooden trusses supporting a blue slate roof, waterproof membrane has been installed on one half of the roof, the rest is open and the undersides of the slates were visible. There are numerous large cracks in the walls, gaps above windows/doors and holes leading into the cavities, these present suitable roosting areas for bats particularly crevice dwelling species such as *Pipistrellus* sp, a number of these cavities contained no cobwebs. A small number of bat droppings were recorded on the internal walls of the barn in both the central area and in the northwest corner. No inspection of the first floor sections was undertaken.

Consequently, the Authority's Ecologist advised that in order to establish the current extent of bat usage of the building a further bat activity survey was required to ascertain what species of bat are present within the roost and the nature of their use (i.e. feeding, breeding or hibernating). The bat report submitted with this current application now includes emergent bat surveys, which observed that no bats were seen emerging from the barn, however, a small number of bats were observed foraging around the barn. The recommendations in the submitted bat report suggest provision for bat boxes and access points into the wall cavities to provide alternative roost locations for hibernating bats. The Authority's Ecologist has since confirmed that these mitigation measures for bats can be achieved through the attaching of appropriate conditions to any permission for the current application

It is therefore considered that the proposals would comply with Core Strategy policy L2 and Local Plan LC17 subject to conditions securing appropriate mitigations measures for bats and birds.

Conclusions

Officers acknowledge that this is a genuine local needs case, which has generated a significant level of local support, and the applicant has demonstrated that there are no suitable alternative options available for her. It is also acknowledged that the position of the barn and the fact that as it is owned and is situated within the applicant's family's owned parcel of land this would be the preferred option.

It is considered, however, that even though there is a sufficient justification for the proposed dwelling, the current proposals cannot be accepted because the proposals conflict with landscape conservation objectives and the proposed barn conversion would significantly detract from the scenic beauty of the National Park.

Therefore any approval for the current application would be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8 and national planning policies in the Framework, which individually and collectively say great weight should be afforded to the conservation and enhancement of the valued characteristics of the National Park.

Accordingly, the current application is recommended for refusal because the proposals do not comply with the relevant policies in the Development Plan or national planning policies in the Framework.

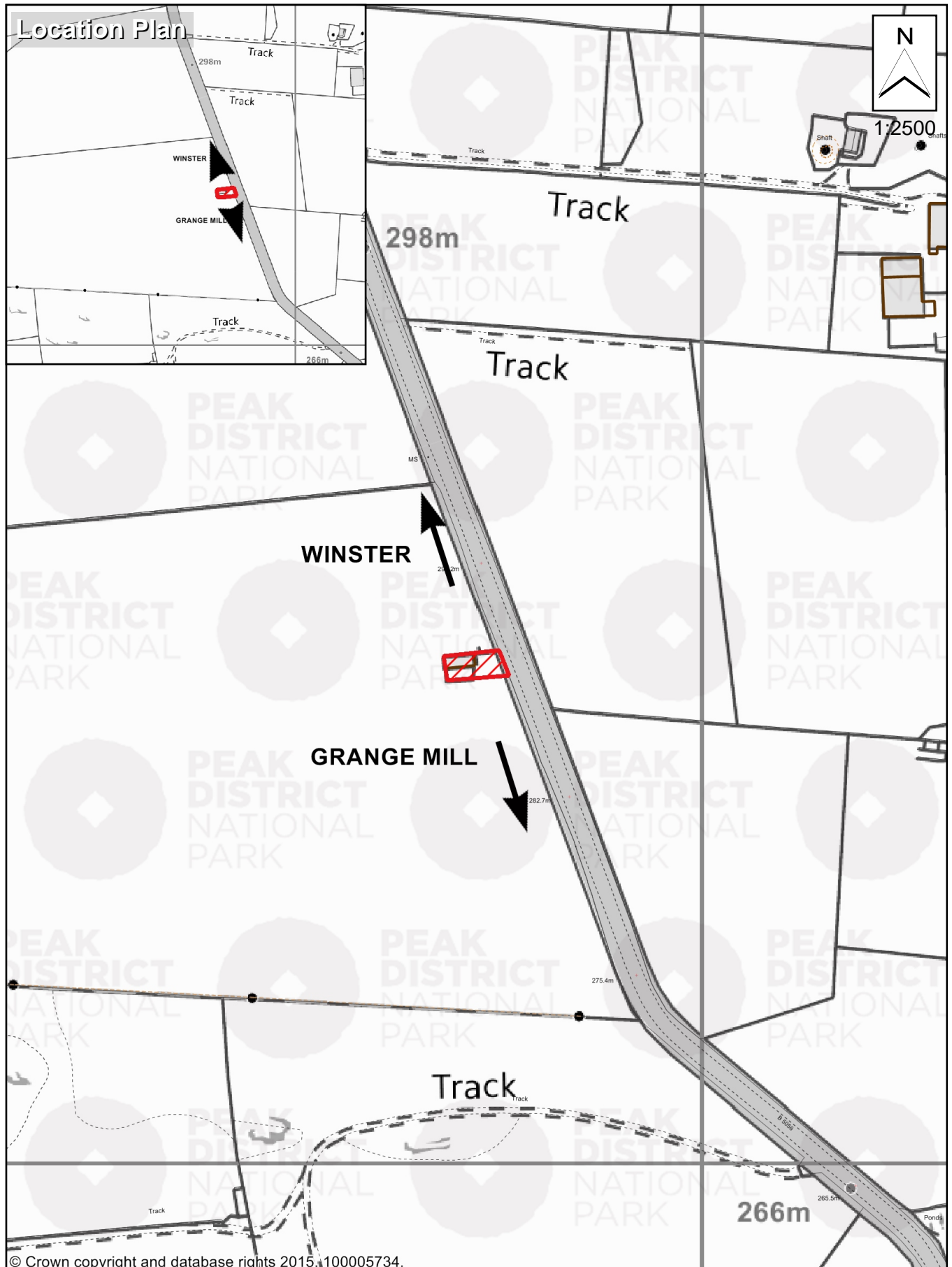
Human Rights

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

List of Background Papers (not previously published)

Nil

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13. FULL APPLICATION – RETROSPECTIVE PLANNING APPLICATION FOR A LEAN-TO AGRICULTURAL BARN FOR SMALL BEEF CATTLE HERD, MIXON MINES FARM, ONECOTE (NP/SM/0915/0896, P.663, CF/29/11/2015)

APPLICANT: Mr Alan Finnikin and Ms Sheena Ashbrook

Site and Surroundings:

Mixon Mines Farm, as it is described in this application, is situated approximately 2km to the north of the main grouping of properties at Onecote and a short distance to the east of the original farm house at Mixon Mines Farm. The farmhouse at the former Mixon Mines Farm was separated from the remainder of the land and buildings at Mixon Mines some time ago, and a new dwelling was established in a modern farm building that was separated from the nearby farmhouse by 2007. This modern farm building, incorporating the new dwelling previously known as 'The Barn' has since been reclad and extended without the benefit of planning permission.

A blockwork compound was also constructed on the land at Mixon Mines between 2007 and 2008 and this compound lies close to the extended and reclad building that contains 'The Barn'. The compound continues to be used for the storage and distribution of heavy commercial vehicles, lorry bodies and cabs, as part of a trade and export business carried out by the current applicants with the benefit of a lawful development certificate. The main building containing what was 'The Barn' and the compound both lie close to a public right of way and overlook an informal yard area. The application site adjoins this yard area but lies at a lower level. The application site therefore lies adjacent to a footpath and close to, but detached from the main part of the pre-existing development at what is now known as Mixon Mines Farm. The application site also lies within the Upper Valley Pastures in the South West Peak, which is a particularly attractive area of the National Park characterised by the scenic beauty of the River Hamps and the upland landscape setting of the river valley.

Proposal:

An unauthorised building with a brown profile sheeted asymmetric roof, and brown profile sheeted walls above concrete panels has been erected on the application site. The current application seeks retrospective planning permission for this building. The submitted plans show that the existing building measures 22m x 8m, with an eaves height at 4m and ridge height at 4.7m above the adjacent ground level relative to the lower levels of the yard area on which the building has been erected. The eaves of the south facing slope of the shallow pitched roof are at the ground level of the higher yard closer to the main building and compound. The north facing elevation of the building is open fronted and opens on to the yard at the lower level. Some non-native species have been planted along the east side of the building, which partially disguises the concrete panelling that extends beyond this side of the building for 4.5m at a height of 3m above the lower yard area.

There is also a section of concrete panelling extending 10.5m beyond the western side of the building, which is partly required as a retaining wall because the building appears to have been dug in to an existing slope. A track down from the higher yard also appears to have been dug out along the western side of the building and some levelling carried out to create the lower yard area to the south of the new building. However, the applicants are not seeking permission for any engineering works because it is said (by the applicants) that no earth movements have been carried out to facilitate the erection of the building. Nonetheless, granting retrospective planning permission for this application would also have the effect of authorising any engineering works that have been carried out on the site alongside authorising the retention of the building.

The submitted application states that retrospective planning permission is being sought for a lean-to agricultural barn for small beef cattle herd. However, the applicants do not appear to own any livestock at the present time and the Authority has no evidence that the applicants have operated a farm business from the land at Mixon Mines at any time over the last twenty years. At

the present time, the building appears to be used as a log store and for purposes incidental to the applicants keeping horses on their land.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. By virtue of the siting and design of the building, granting retrospective planning permission for this application would be contrary to saved Local Plan Policy LC13, because the building does not relate well to the existing buildings at Mixon Mines and it is not sited in the least obtrusive location on land in the applicant's control.**
- 2. By virtue of the siting and design of the building and its landscaping, including recent engineering works and planting of species not in keeping with the character of the local area, the retention of the building would have an unduly harmful visual impact on the character of the surrounding landscape and would detract from the remaining significance of the former mine workings on the site. Therefore, retention of the building would be contrary to policies saved Local Plan policy LC4, contrary to policies GSP1, GSP2, GSP3, L1 and L3 of the Core Strategy, and contrary to national planning policies in the Framework.**
- 3. In the absence of an agricultural appraisal to support this application, and in the absence of a business plan that demonstrates the applicant's stated intentions of keeping a beef herd on the land are reasonably likely to happen, it cannot be demonstrated that the benefits of approving this application would outweigh or offset the identified and demonstrable harm to the valued characteristics of the National Park that would result from the retention of the building. Therefore, retention of the building would be contrary to the principles of sustainable development set out in national planning policies in the Framework and policy GSP1 of the Authority's Core Strategy.**

Key Issues:

- The impact of the proposed building on its landscape setting; and
- Whether the proposed development is of a suitable size and scale, and where possible makes best use of existing buildings and landscape features; and
- Whether the benefits of granting planning permission offset the limited agricultural justification for the proposed building.

History

- | | |
|------|---|
| 2014 | Erection of the building, subject of the current application, without the benefit of planning permission (Enforcement 14/0591) |
| 2013 | Lawful Development Certificate granted for the existing use of the blockwork compound for parking, sale and storage of vehicles (NP/SM/0313/0218). |
| 2012 | Enforcement Notices issued in respects of (i) a material change of use of the land at 'The Barn' at Mixon Mines from agriculture and residential accommodation to a mixed use for domestic use, including residential accommodation; private workshop; open air storage, including storage of construction materials; and the storage and distribution of heavy commercial vehicles, including the trade and export of lorries, cabs and lorry parts and (ii) unauthorised operational development including the cladding of an existing farm building and construction of a two-storey projecting gable feature off the same building. |

Subsequently, both Notices were appealed and both were withdrawn prior to the determination of the appeals primarily to allow for the current applicants to apply for a lawful development certificate for the change of use of a limited amount of land in control and to facilitate further discussions relating to redeveloping the site to address the unauthorised operational development that had taken place. The applicants have stated they intend to submit a planning application seeking to deal with the unauthorised development at Mixon Mines as soon as possible.

2007 Lawful development certificate granted for use of 'The Barn' as a residential property more than 4 years before the date of this application (NP/SM/0707/0712)

Consultations

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

District Council: No response to date

National Park Authority (Conservation Archaeologist): Comments as follows:

The proposed building in the above application falls within a site on the Staffordshire Historic Environment Record (HER 20161), relating to a large group of mining earthwork features identified on aerial photography from the 1960s. The HER site extends over a large area around Mixon Mines and Mixon Grange. In addition, there is a SHINE record (Natural England's selected heritage inventory) covering the proposal site, relating to Mixon Mine post-medieval copper mine and mapped from historic Ordnance Survey.

The historic mapping does not show specific features or buildings in the location of the unauthorised agricultural barn. It lies immediately to the west of a change of level which might indicate spoil-tipping. Recent aerial photographs suggest that this part of the site has been more recently landscaped to create a level area. This landscaping and levelling and subsequent construction of the barn, may have impacted the legibility of the earthworks associated with the historic mining site and may therefore have resulted in a relatively minor loss of significance to the undesignated heritage asset represented by the mining earthworks around Mixon Mines and Mixon Grange.

If the barn was not already built, the Conservation Archaeologist would suggest that the applicant provide a heritage impact assessment study in order to interpret and understand the mining earthworks in the area and the potential impact of the agricultural barn. In the current case, because the barn appears to have been constructed in an area of previous disturbance which is peripheral to the main areas of mining activity, this would not be a useful exercise. The applicant should however be made aware of the historic significance of the site and the need to consult on future development plans to ensure appropriate conservation of the heritage resource.

Parish Council: In the first instance, the Parish Council commented that there would ordinarily be no objection to the building of a barn for agricultural purposes. However, in the light of the unresolved planning enforcement issues concerning this property being monitored by the Authority, the Parish Council is disappointed that the Enforcement Team has not been aware of the erection of a barn on this site (i.e. the building, which is subject of the current application). The Parish Council also raised concerns about the environmental impact of slurry storage on this site in its original comments on this application.

Subsequently, the Parish Council visited the site with officers and one of the applicants and their agent, and since have submitted a revised response. In the second response on this application, Onecote Parish Council would like to make the following recommendations:

1. Retrospective planning consent is allowed with the proviso that the barn is used only for

agricultural purposes.

2. When the barn is no longer required for agricultural purposes, then it should be demolished.
3. The building should be subject to Building Regulation and Environment Agency approval.
4. Consideration needs to be given to the handling of effluent given the building's close proximity to the ponds and river at the bottom of the slope below it.
5. The Council considers the sloping roof a cause for concern. It would be too easy for children, animals or even vehicles to access the roof from the surrounding land particularly if the area is obscured by snow. We therefore recommend a safety barrier across the lower side of the roof to prevent access from the adjacent land.

Representations

No further representations have been received by the Authority during the statutory consultation period.

Main Policies

Local Plan policy LC13 is directly relevant to the key issues at stake in the determination of the current application because it sets out specific criteria to assess the acceptability of new agricultural development within the National Park. LC13 states that new agricultural buildings will be permitted provided that they:

- (i) are close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features; and
- (ii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
- (iii) avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
- (iv) do not require obtrusive access tracks, roads or services. These should be designed with particular respect for the landscape and its historic patterns of land use and movement, and any landscape change likely to result from agricultural or forestry practices.

The supporting paragraphs to this policy also require that applications should be accompanied by full explanations of the agricultural proposals with which they are associated to allow for proper assessment whilst the Authority's Supplementary Planning Guidance (entitled Agricultural Developments in the Peak District National Park) provides further guidance for new agricultural buildings and indicates that if an applicant does not supply sufficient information to justify a new agricultural building then the application may be refused

The Authority's Supplementary Planning Guidance (SPG) on agricultural development also offers further guidance on the design of modern farm buildings and makes a clear distinction between the acceptability of a modern farm building which is consistent with the character of a farmed landscape and a building of unacceptable design where there is no functional justification for its size and massing. Paragraph 3.6.4 of the SPG goes on to say that most modern farm buildings are now typically constructed from a portal frame and clad in timber or sheeting which are often of a subtle color that would allow the building to assimilate into the landscape, and these are the types of modern farm buildings the Authority is most likely to find acceptable under the provisions of LC13.

Wider Policy Context

The provisions of LC13 are supported by a wider range of design and conservation policies in the Development Plan including policies DS1, GSP1, GPS3, L1 and L3 of the Core Strategy and saved Local Plan policy LC4.

DS1 states that agricultural development is permissible within the National Park but farm buildings should also meet the requirements of landscape conservation policies GSP1, GSP2 and L1 to ensure that the provision of new farm buildings does not result in conflict with the 'conservation purpose' of the National Park even where they may be reasonably required for the purposes of agriculture.

GSP3 and LC4 are applicable to all development in the National Park but are especially relevant to the current application because they reinforce the provisions of LC13 in respects of safeguarding the amenities of the local area, and they promote design solutions that would be sensitive to the distinctive character of both the natural and built environment of the National Park.

L3 is also relevant although the application site is not within the setting of a listed building or sited within a designated Conservation Area. The Authority's Conservation Archaeologist has advised that the local area has some significance in terms of industrial archaeology and earthworks associated with the former mine workings at Mixon Mines and these workings should be treated as a non-designated heritage asset.

Landscape Strategy and Action Plan

The Authority's Landscape Strategy and Action Plan is also a relevant consideration because policy L1 of the Core Strategy requires development to respect and reflect landscape conservation priorities and objectives set out in the Authority's Landscape Strategy and Action Plan, which says that the application site is located in an area identified as the Upper Valley Pastures in the South West Peak.

The local area is characterised by the scenic beauty of the River Hamps and the upland landscape setting of the river valley and it is noted in the Action Plan that new agricultural buildings can impact on the character of this landscape setting. The Action Plan goes on to say opportunities should be taken to guide site selection for new farm buildings and that diversification of farm holdings has had a significant impact on the wider area, causing damage to archaeological features and the historic landscape of particular scenic beauty.

National Planning Policy Framework

The relationship between policies in the Development Plan and the National Planning Framework has also been considered and it is concluded that they are consistent because the Framework promotes sustainable development sensitive to the locally distinctive character of its setting and places great weight on the conservation of the scenic beauty of the National Park, its wildlife, and its heritage assets.

Assessment

Agricultural Justification

Saved Local Plan policy LC13 states, amongst other things, that new agricultural buildings will be permitted if they are close to the main group of buildings and make the best use of existing buildings. The supporting paragraphs to this policy require that applications should be accompanied by a full explanation of the agricultural proposals with which they are associated to allow for proper assessment. This policy accords with core planning principles in the Framework whilst the Authority's Supplementary Planning Guidance on Agricultural Developments in the

Peak District National Park provides guidance for new agricultural buildings. This indicates that if an applicant does not supply sufficient information to justify a new agricultural building, then the application may be refused. The policy equivalent to LC13 for new farm buildings in the emerging Development Management DPD also requires new farm buildings to be properly justified.

In this case, the submitted application did not include an agricultural appraisal and, as noted above, there is no evidence to suggest that a farm business has been operated by the applicant on land in the applicant's control at Mixon Mines at any time in the recent past. At present, the building that has been erected on site, for which this application seeks retrospective planning permission, appears to be in use as a log store and for purposes incidental to keeping horses on the land. There is sufficient land in the applicants' control and the building is of an appropriate enough design to consider that a small beef herd could be accommodated at Mixon Mines. However, in the absence of any further information on the applicant's stated intention to keep cattle, there is very little evidence to demonstrate this is reasonably likely to happen, especially when taking into account the building has stood on the site for around 12 months but does not appear to have been used for agricultural purposes at any point over the last year.

It is therefore considered that there is a very limited case for the retention of the building, albeit it is acknowledged that a building of the type that has been erected could be of an appropriate size and scale to farm the land in the applicant's control, which appears to extend to just under 40 acres (c.15ha).

Siting

In terms of siting, policy LC13(i) says new farm buildings should be close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features. In this case, it is acknowledged that there are no other buildings on land in the applicant's control that could reasonably be used for accommodating livestock albeit the farm buildings that were on the land have been converted to other uses. It is also acknowledged that some attempt to use existing landscape features has been made by virtue of the building being sited in a hollow and has apparently being dug in to a certain extent. Some screen planting has also been provided but the species that have been used are not typical of the local area.

However, it is considered that the siting of the building is not in accordance with LC13(i) because the siting of the building is remote from the existing development at Mixon Mines Farm, it has had to be provided with a relatively large amount of concrete paneling (seemingly to retain earth and create a sheltered yard area) that have a significant visual impact, and it is 'perched' in a relatively elevated position above the river giving rise to further concerns about its visual impact and potential for dirty water run off. There is no further evidence submitted with the application that demonstrates the siting meets any operational requirements of a farm business, and no appraisal of whether the site represents the least damaging practicable option on land in the applicants' control. It is also difficult to conclude that the proposals would conform to LC13 (iv); although the applicants maintain that no hardstandings or new access tracks have been required to facilitate the erection and current uses of the building, this seems unlikely because of its siting and the evidence provided by the Authority's Conservation Archaeologist.

Landscape and Visual Impact

Therefore, by virtue of the proposed siting for the building, it has an adverse visual impact that is not mitigated for by the screen planting because it appears as sporadic development in open countryside and which is poorly related to the existing developments at Mixon Mines. As this application is for retrospective planning permission for development undertaken without seeking any advice from this Authority, there has been no opportunity for officers to guide site selection for the new building. Moreover, given that its current uses are not agricultural in nature, this apparent diversification of what was once a farm holding has had a significant impact on the wider area, causing further (if limited) damage to the significance of archaeological features in

the local area. Its retention would also detract from the character of the surrounding landscape and, as also noted above, no appraisal has been submitted with the application that provides evidence that the siting of the building represents the least damaging practicable option on land in the applicants' control.

Therefore, it is considered that retention of the building would not be compliant with LC13(iii) because it has not been demonstrated that the building has been sited in the least damaging practicable location on land in the applicant's control. Moreover, because of the harmful visual impact of the building on the character of the surrounding landscape, its retention would also demonstrably fail to comply with policies GSP1, GSP2, L1 and L3 of the Core Strategy and saved Local Plan policy LC4, which seek to safeguard landscape character and the special qualities of the historic landscape setting of the building.

Design

LC13(ii) requires new farm buildings to respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design. Further guidance on the appropriate design of modern farm buildings is provided in the Authority's SPG on agricultural development. As built, the building is problematic in design terms primarily because of the high flanking concrete paneling that extends at 3m in height and at some length from either side of the building (4.5 and 10.5m respectively). There are also concerns raised by the Parish Council that the roof dropping to the ground level of the higher yard area is a safety hazard, not least because of the proximity of a public footpath.

In this case, there are no opportunities to amend the design of the building because it has already been completed and the planting that has already been carried out would need to be replaced because the species used are not characteristic of or in keeping with the surrounding landscape. It is therefore considered that, as built, the building would not meet the requirements of LC13(ii) or the specific design criteria set out for design and landscaping in saved Local Plan policy LC4. The inappropriate design of the building and associated landscaping exacerbates the harmful visual impact of the building on the character of the surrounding landscaping arising from its siting. It is acknowledged the building might be able to meet the functional requirements of a farm business running a small beef herd. However, there is no certainty as to when farming operations might be likely to be commenced by the applicants, taking into account that the building has been site for around a year but has not been used for accommodating livestock.

Neighbourliness

By virtue of its siting and the intervening distances between the proposed building and the nearest residential properties (other than the applicants' own house), it is highly unlikely that the building would be unneighbourly or detract from the living conditions of any other nearby local residents. Therefore, the application is considered to be in accordance with LC4 and GSP3, which seek to safeguard the residential amenities of properties affected by development proposals. There are no obvious highway safety concerns or issues relating to traffic generation. However, these factors do not offset or outweigh the overriding objections to the retention of the building on design and landscape grounds.

Sustainability

In the absence of any proper agricultural appraisal, or any forward plans that show how the applicants intend to start up a farm business based on a beef dairy herd, it is difficult to see how granting planning permission for the retention of the building would achieve any particular socio-economic benefits through the applicants developing a farming business on their land at Mixon Mines. However, the building does detract from the environmental quality of the local area and is therefore not a sustainable form of development taking into account the building appears to be required solely as a log store and for the keeping of horses at this time, which are uses that would of some benefit to the applicants but would not amount to a public benefit that could be

afforded any weight in the determination of this application.

Conclusion

It is therefore concluded that the current application does not meet the criteria set out in LC13 for agricultural developments. Its harmful impact on landscape character exacerbated by its design, siting and landscaping means that the retention of the building would conflict with the wider range of design and conservation policies in the Development Plan and the Framework. In the absence of any overriding operational need for its retention, there are also no wider public benefits that might be achieved by granting planning permission for the current application that would otherwise offset or outweigh the harmful impact of the building and associated works.

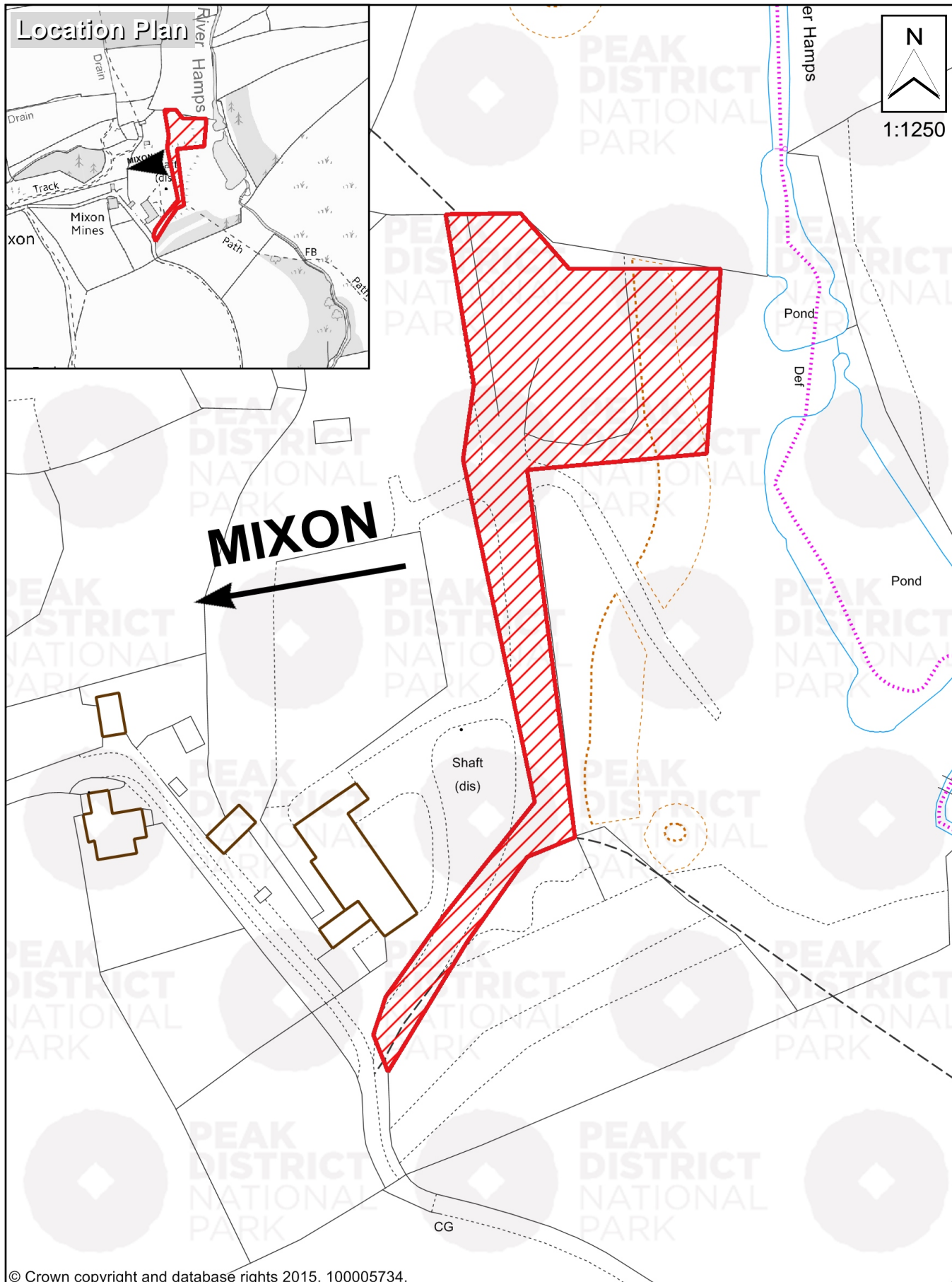
Accordingly, the current application is recommended for refusal.

Human Rights


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

List of Background Papers (not previously published)

Nil



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Committee Date:	11/12/2015	Title: Mixon Mines Farm Onecote	 PEAK DISTRICT NATIONAL PARK
Item Number:	13		
Application No:	NP/SM/0915-0896		
Grid Reference:	404529, 357330		

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14. FULL APPLICATION – PROPOSED CONVERSION OF FORMER HOUSE TO FORM ACCESSIBLE HOLIDAY LET ACCOMMODATION, SMELTERS COTTAGE, HATHERSAGE (NP/DDD/0915/0913, P6103, 424783 / 381751, 23/11/2015/AM)

Applicant: Ms Yvonne Whittaker

Site and Surroundings

The application site is located in open countryside, approximately 2km to the east of the centre of Hathersage. The site is located in an isolated position on the hillside of Callow Bank, set back approximately 260m from the highway to the west (The Dale). Access to the application site from The Dale is along a public highway known as Callow Bank which has no public right of vehicular access. Callow Bank is maintained by the Highway Authority with unbound surfacing materials.

The application site is located within Enclosed Gritstone Upland as identified by the Authority's Landscape Character Assessment. The site is outside of, but adjacent to, the Eastern Moors character area which is Section 3 Moorland, open access land and Natural Zone for the purposes of the development plan.

The majority of the site is taken up by the remains of a building, formally occupied as a cottage. It is common ground between the applicant's agent and officers that the former domestic use of the building has been abandoned due to the substantially deteriorated physical condition of the building and the length of time since it was last occupied. This point has also previously been established by a Planning Inspector at appeal in 1998.

The remains of the former cottage have no roof and significant sections of external walls have collapsed. The remaining external walls are bowing significantly and are currently supported by scaffolding to prevent further collapsing of the structure. In addition, part of the hillside immediately to the rear of the site appears to have been excavated to lower the land at the rear of the walls.

The nearest neighbouring property is Mitchell Field Farm, which is located approximately 300m to the south west of the application site.

Proposal

The development description states that this application seeks planning permission for the conversion of the former house to holiday accommodation. Notwithstanding this description, having had regard to the plans and details submitted with the application, Officers consider that the proposed development is more accurately described as the substantial re-building and alteration of the former cottage to create a dwelling which would be occupied as holiday accommodation. A new access from Callow Bank would also be created to an enlarged area of curtilage to the rear of the building to provide parking and turning space.

The proposed plans and the plan attached to the submitted structural report show that a significant proportion of the remaining walls would either be demolished and rebuilt or partially rebuilt. The size, form, materials and fenestration detailing of the proposed rebuilt dwelling has been designed to reflect that of the original cottage and in part based upon historic photographs. The proposed dwelling would have a total of three bedrooms.

A new link extension of a contemporary style housing a further reception room is proposed between the cottage and the existing single storey shippon which would be retained and converted to create an accessible downstairs bedroom. The link extension would be partially cut into the ground levels and have a flat roof which would be seeded with grass. The rear wall of the link would be stone to match the cottage; the front elevation would be three glazed panels with

timber frames.

Part of the field to the rear of the building would be excavated further to create parking and turning space for two vehicles and a bin storage area. A new electric gate would be installed to allow access from Callow Bank with access provided to the field to the rear. The outer edge of the bank would be provided with a stock proof fence and the inner edge provided with a post and wire fence. A store would be built into the banking to provide external storage. The bank would be 'screen planted' with hedging species, with trees planted within the field along the edge of the bank. The stone wall to the front of the building would be extended to create a garden and second patio area.

RECOMMENDATION:

That the application be REFUSED for the following reasons:-

- 1. The application site is in an isolated and unsustainable location in the open countryside. The substantial rebuilding, alteration and extension of the former cottage to create a new dwelling to be occupied as holiday accommodation in this location would have a harmful impact upon the landscape character of the National Park and harm the historic and archaeological significance of the ruins of the former farmstead contrary to Core Strategy policies GSP1, GSP3, RT2, L1 and L3 and saved Local Plan policies LC4 and LC16. The proposed development would represent unsustainable tourism development within the National Park contrary to the Framework.**
- 2. The proposed development would lead to the intensification in use of an existing substandard access to The Dale where exit visibility is severely restricted due to road alignment and the topography of the adjacent land. Approval of the proposed development would therefore be likely to interfere with the safe and efficient movement of vehicular traffic on the adjoining highway, contrary to Core Strategy policy GSP3 and saved Local Plan policy LT18.**

Key Issues

- Whether the development is acceptable in principle.
- The impact of the development upon the landscape character and cultural heritage of the National Park.
- Whether the development would be served by a safe access.

Relevant Planning History

1997/8: NP/DDD/0297/061: Refusal of planning permission for the re-construction of farmhouse at Callow Bank Farm (referred to as Smelters Cottage in the current application).

The subsequent appeal was dismissed following a Hearing. The Inspector's decision to refuse planning permission is an important material consideration in the current application.

In dismissing the appeal the Inspector determined that, due to the condition of the building and the fact that it had (at that time) been vacant for some 26 years, any former residential use rights have been abandoned. The Inspector stated that there was a general acceptance that the renovation of the structure would be impossible and that it would be necessary to rebuild the structure. The condition of the building has further deteriorated in the 16 years since the appeal decision in 1998 and it has remained unoccupied; there is therefore no reason for the Authority to take a different view of the lawful use of the building in this case.

Finally, the Inspector determined that the location is isolated in the countryside, set in the bottom of a valley separated from the nearest neighbours by nearly half a kilometre (Mitchell Field Farm) and over a kilometre (Overstones Farm). These are the only other buildings visible from many locations in the local area, which as the eastern edge of Stanage Edge as a backdrop. The Inspector concluded that while the existing building is inconspicuous in the wider landscape, the reconstructed dwelling would harm the character and appearance of this part of the National Park.

2014: NP/DDD/0914/0994: Planning application for partial re-building of and alterations to former smelter's cottage and shippon to form accessible holiday accommodation, alterations to existing access, and enlargement of car parking area. Application withdrawn by agent prior to determination.

Consultations

Highway Authority – Make comments on the application which are summarised below:

The premises are located in a remote, unsustainable location with future occupiers heavily reliant on the private car.

The site is accessed via a section of public highway known as Callow Bank which has no public rights of vehicular access and there are proposals to re-classify its status to bridleway only along its entire length (Proposed B8 Hathersage on the Derbyshire Definitive Map). Its construction comprises of unbound surfacing materials and it lacks street lighting, drainage and formal pedestrian/equine margins. The carriageway width varies over its length but it is generally of single vehicle width and there are no formal passing places.

The Highway Authority considers that the proposals would result in the intensification in vehicular use of the junction with The Dale, the geometry of which is substandard to current layout guidance, as well as the access route that would be likely to result in additional maintenance obligations.

The perceived increase in vehicle movements resulting from the proposals may lead to increased vehicular/equine/pedestrian conflict on Callow Bank therefore, In the event of Consent being granted, it's recommended that the applicant undertakes an investigation into, and any subsequent implementation of, a scheme of inter-visible passing places (to reduce the likelihood of overlong reversing manoeuvres on the proposed bridleway) and a series of dwell areas for horses/pedestrians.

Additionally the applicant should clarify with the relevant refuse collection department what their access requirements would be and ascertain details of what will be acceptable to them in terms of number and location of bins including a collection point. Bin storage/collection points should not obstruct public highway, access, exit visibility, parking or turning provision. Two parking spaces are acceptable; however it is recommended that turning space should be provided suitable for use by at least a supermarket home delivery type vehicle e.g. 9m x 9m provided clear of all parking provision.

The Highway Authority requests that the Authority hold the application in abeyance until such time that the extant use of the site has been established and the applicant has had the opportunity to submit additional / revised details to address the above.

Officers have advised the Highway Authority Officer that the former use of the building as a dwelling is considered to have been abandoned. The agent has also submitted additional written information in respects the other issues raised. No further comment has been received from the Highway Authority.

District Council (Environmental Health) – No response to date.

However during the course of the 2014 application the District Council Environmental Health Officer stated no objection subject to the imposition of planning conditions to ensure an assessment of and appropriate mitigation for any ground contamination.

Hathersage Parish Council – No objections and make the following comments:

This property is part of an historic settlement on the outskirts of Hathersage and on an ancient drovers route to Sheffield. This route is the access road to the property and is already the legitimate entrance to Mitchell Fields and Smelters Cottage (previously known as Calow) and is adequate for vehicles, pedestrians and horses to pass safely. We do not wish the property to deteriorate further, it is already a sad eyesore. We consider the proposal is for sympathetic restoration providing much needed holiday accommodation for disabled people.

PDNPA Cultural Heritage – The Authority's Conservation Archaeologist makes the following comment.

The building referred to in this application as 'Smelters Cottage' appears on the authority's Historic Environment Record as an '18th/19th century farmstead' noted in farm survey work. The application is accompanied by a 'heritage appraisal' document by the Jessop Consultancy, including the results of documentary and archive research and a built heritage appraisal of the standing buildings. This seems to be an acceptable study of the available sources and I recommend that it meets the information requirements of NPPF para 128.

The site – known as 'Callow Farm (the 'Smelters Cottage' name only originating with the present owner) – seems to have been built around 1720 as an upland farmstead, and was in continuous occupation until 1967; the heritage appraisal identifies 5 phases of development during this period. The appraisal identifies no functional association with the nearby cupola furnace which appears to have been located on the hillside above, perhaps 200m to the north where a series of earthwork ponds is visible. The 'Callow Fields Cupola' is likely to have originated somewhat later – perhaps 1737-1745 – although documentary research suggests that the sites were linked for a period with evidence that a smelter at the cupola was renting out 'a house at Callow' in 1803. The sites were however in separate ownership soon after this date and the cupola appears to have fallen out of use around 1820.

The built heritage significance of the site is therefore as a record of the development of an upland farmstead between about 1720 and the 20th century. It seems unlikely that the site has high significance in terms of belowground archaeology, although if for example substantial deposits of kitchen midden material were present this would be of significance in relation to material culture studies.

The proposed conversion of the building as an accessible holiday let aims to retain as much historic fabric as possible, though it is clear – given the ruinous state of the building at present – that this will be more a case of taking down and rebuilding than of straightforward conversion. This will consequently involve a substantial loss of significance with regard to the legibility of the building complex. The rebuilding process will also involve some ground impacts: the application documents mention rebuilding structural walls on new foundations, reducing ground levels to the rear, and introduction of services; there may also be internal excavation to create new floor surfaces and for underpinning work if required.

Should the principle of domestic conversion be considered acceptable in terms of policy and landscape impact, and the benefits of the restoration proposals considered to outweigh the proposed loss of significance of the undesignated built heritage asset, then the local planning authority should require a scheme of pre-conversion building recording and in-conversion built

heritage and archaeological monitoring to record and advance understanding of the heritage asset in line with NPPF para 141.

Representations

Two letters of representation have been received at the time this report was written. One letter supports the application and the other objects. The reasons given for support or objection are summarised below.

Support

- There are no facilities for disabled people in what is such a beautiful area. This will give these unfortunate people a chance to enjoy staying in wonderful surroundings.

-

Object

- The Author notes the renaming of the property in order to imply some connection with the lead smelting in the immediate area as evidenced in the heritage report submitted with the current application. Simply because a smelter rented a room in the farmhouse for a brief period appears to have effected a change of use for this building from being a simple farmhouse.
- There is no reference in the application to any water or soil tests having been undertaken. Contamination from lead is likely to be an issue as lead persists over very long periods in the ground. It is recognised as a serious health hazard.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3 and RT2

Relevant Local Plan policies: LC4, LC16, LC17, LC24, LR6, LT11 and LT18

The Authority's development strategy (Core Strategy policy DS1) says that in the countryside outside of the Natural Zone, that the conversion or change of use of traditional buildings for visitor accommodation will be acceptable in principle.

Core Strategy policy RT2 is particularly relevant and says that proposals for self-catering accommodation must conform to the following principles:

- A. The change of use of a traditional building of historic or vernacular merit to self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in the open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted.
- B. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.
- C. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

Saved Local Plan policy LR6 says that where permission is granted for holiday accommodation its occupancy by an individual shall be restricted to no more than 28 days per calendar year.

Core Strategy policy GSP1 requires all development proposals to be consistent with the National Park's legal purposes and duty. Core Strategy policies L1, L2 and L3 along with saved Local Plan policies LC4, LC16 and LC17 seek to ensure that all development conserves and enhances the National Parks valued landscape character, biodiversity and cultural heritage.

Core Strategy policy GSP3 and saved Local Plan policy LC4 otherwise seek a high standard of design and landscaping which conserves and enhances the site, building and the surrounding area along with the privacy, security or amenity of any neighboring property or land use. Saved Local Plan policies LT11 and LT18 seek to ensure that all new development is provided with safe access and satisfactory parking and turning arrangements.

National Planning Policy Framework (the Framework)

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

Paragraph 28 in the Framework states that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development. Planning policies should support the sustainable growth of all types of business both through conversion and well-designed new buildings and should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Relevant policies in the development plan are consistent with national planning policies within the Framework because they promote sustainable tourism development in the context of the National Park's protected landscape by supporting appropriate conversion of traditional buildings in the open countryside but seek to preclude new build development.

Assessment

Whether the proposed development is in accordance with RT2:

This application relates to a former cottage which is in a ruinous condition. It is common ground between officers and the applicant's agent that any former residential use rights have been abandoned due to the condition of the building and the length of time since it was previously occupied. There is some discrepancy over when precisely the cottage was last occupied. The submitted application states that the cottage was occupied until 1987, whereas in 1998 a planning appeal decision letter indicates that all parties agreed that the cottage was occupied until 1972. In either case, it is considered well established that any former residential use rights associated with the property have been abandoned and that the remains of the property in effect have a 'nil' use.

The submitted application proposes to redevelop the site to create a three bedroom dwelling and associated domestic curtilage which would be occupied as holiday accommodation. The application proposes to largely demolish the remains of the former cottage along with other alterations and extension to facilitate the creation of the development.

A structural survey has been completed and a report submitted in support of the application. The report says that a large part of the south east section of the main two storey section is unstable and will need to be dismantled and re-built on new foundations. The remaining walls would need to be dismantled to first floor level and rebuilt. The drystone walling to the north west of the two storey section would also need to be re-built. The roof and roof structure has also completely collapsed and would need to be re-constructed.

Having visited the site and assessed the building, taking into account the submitted structural survey report and plan, officers consider that renovation or conversion of the remains of the former cottage is not possible and that the structure of the former house would need to be substantially rebuilt. This is the same conclusion reached by the Planning Inspector in 1998 and it is reasonable to conclude that the structural condition of the former cottage has further deteriorated in the intervening years.

It is therefore considered that the proposed development is not in accordance with policy RT2 A because the proposal is not for the conversion or change of use of a traditional building. The proposal development is, as a matter of fact, the erection of new building for holiday accommodation in the open countryside. The application site is in an isolated position where policy RT2 C makes a strong presumption against newly built holiday accommodation because this would represent an unsustainable form of development. This would also be contrary to guidance in the Framework which promotes sustainable tourism development in the context of the National Park's protected landscape by supporting appropriate conversion of traditional buildings in the open countryside but seek to preclude new build development.

The application site is located in a particularly sensitive position in the landscape, on the edge of open moorland. The site is visually isolated and is not seen in the context of any nearby built development other than Mitchell Field Farm which is located over 300m away (the next nearest property is over 1km away). The visual isolation of the site is readily apparent from Callow Bank, open access land on higher ground and from the highways to the south west and south east.

Due to the isolated and prominent nature of the site, the impacts of the proposed development would be readily apparent. Whilst the existing structure is relatively inconspicuous in the wider landscape, the proposed building and domestic curtilage would have a greater impact. Increased activity at the site when the holiday accommodation is occupied would also be noticeable; this would include guest and service vehicles accessing and parking at the site and domestic activity within the curtilage and at night. Lights from the proposed development at night would be particularly noticeable in this isolated location which is characterised by profound darkness. This is an issue which Inspectors have acknowledged as being important in the National Park.

With regard to the Highway Authority's advice it is considered likely that the development would necessitate the improvement of Callow Bank up to the application site. This could include the creation of passing places and upgrading the surface of the track for domestic and delivery vehicles. The creation of a more formal driveway and passing places to the site would have a harmful impact on the character and appearance of the local area and the wider landscape.

It is therefore considered that the proposed development would have a harmful impact upon the surrounding landscape contrary to Core Strategy policy RT2 A and L1. The proposed development would not therefore represent sustainable tourism development in the National Park contrary to paragraphs 28 and 115 within the Framework.

Whether the development is required to conserve a heritage asset.

In this case the remains of the former cottage form the basis of the design of the proposed new dwelling. The submitted application is supported by a planning statement which says that the remains of the former cottage has historic and archaeological significance. A heritage appraisal has been submitted with the application in accordance with paragraph 128 of the Framework. The heritage appraisal has been assessed by the Authority's Conservation Architect.

The site appears to have been built around 1720 as an upland farmstead, and was in continuous occupation until 1967. The heritage appraisal identifies five phases of development during this period. The appraisal identifies no functional association with the nearby cupola furnace which appears to have been located on the hillside above, approximately 200m to the north where a

series of earthwork ponds is visible. The 'Callow Fields Cupola' is likely to have originated somewhat later, perhaps 1737-1745, although documentary research suggests that the sites were linked for a period with evidence that a smelter at the cupola was renting out 'a house at Callow' in 1803. The sites were however in separate ownership soon after this date and the cupola appears to have fallen out of use around 1820.

The built heritage significance of the site is therefore considered to be as a record of the development of an upland farmstead between about 1720 and the 20th century. Given the condition of the buildings it is considered that the site does not have significant archaeological or historic significance and advice from the Authority's Conservation Archaeologist is that it is unlikely that the site has high archaeological significance.

Having had regard to the submitted heritage appraisal and advice from the Authority's Conservation Architect it is therefore considered that little weight can be given to the assertion within the submitted planning statement that the development would retain a strong link with the historic lead mining industry of the area.

The submitted planning statement says that the proposed development would conserve the significance of the structure by sensitively restoring the cottage, utilising the existing building materials on site. Whilst it is acknowledged that the proposal is to re-use existing materials as far as possible and to minimise the amount of rebuilding that is required following the existing internal layout, it is considered that due to the deteriorated condition of the buildings that the proposed development would necessitate demolishing a substantial part of the existing structure and rebuilding on new foundations. It is therefore considered that, if allowed, the proposed development would actually substantially harm any significance that the remaining structure possesses contrary to Core Strategy policy L3 and the Framework.

Whilst externally the main cottage would appear similar to the former building, internally the building would be a modern structure. In addition a new extension of a contemporary design, with glazed walls and a flat roof, would be erected to connect the proposed dining area to the existing shippon which would be converted to a bedroom. Furthermore a new parking area would be formed to the rear of the cottage by excavating into the field and the former gated access to the yard to the front of the structure would be blocked up by new drystone walling.

It is therefore considered that any benefits of restoring the building would not outweigh the significant harmful impact the development would have upon the landscape character of the National Park or the harm of creating a new holiday accommodation in an unsustainable and isolated location in open countryside.

Highway safety

Access to the application site is via Callow Bank which is an unsurfaced highway with no public rights of access for vehicles. The highway is single width with no passing places or pedestrian/equestrian margins. Callow Bank is used by the applicants and nearby farms to provide access to their property and surrounding fields.

In this context, it is reasonable to conclude that an increase in vehicle movements to and from the proposed development could lead to increased conflict between users of Callow Bank. Therefore if permission was granted, officers agree with the Highway Authority that a scheme to provide passing places and dwell areas for pedestrians and horses would be required. The agent has indicated that the applicant would be willing to comply with any condition requiring Callow Bank to be upgraded before the development commences. Such a condition would be considered reasonable and necessary on highway grounds if permission is granted, but these works would also have a further harmful impact on the character and appearance of the area.

There are no objections to the proposed parking and turning arrangements on highway safety grounds subject to the imposition of planning conditions requiring these to be provided prior to the first occupation of the development.

Officers do have significant concerns in regard to access visibility from Callow Bank at its junction with the highway (known as The Dale). The Highway Authority advises the geometry of this junction is substandard to current layout guidance and that the proposed development would result in the intensification in its use by vehicles.

Having visited the site, officers agree with the Highway Authority's assessment and consider that visibility is limited in both directions due to the alignment of the highway and adjacent topography. The highway at this point is subject to the national speed limit (60mph) and given the gradient it is considered that vehicles would be likely to be travelling at speed downhill.

The proposed development would result in the intensification of the use of the junction by vehicles. It is therefore considered that the proposed development would not be served by safe access and that, if allowed, the proposed development would be likely to give rise to an increased risk of accidents at the junction contrary to saved Local Plan policy LT18. Officers disagree with the agent's assertion that the proposed development would actually improve highway safety, especially as each occupant of the holiday accommodation would be likely to be visiting the site for the first time.

Other issues

Given the distance from the application site to the nearest neighbouring property, there are no concerns that the development would harm the amenity, security or privacy of any neighbouring property.

There is no evidence to indicate that the application site, the existing structure, or the trees to be removed provide any habitat for protected species. There is no objection in principle to the trees which would be felled as these are in poor condition provided that they were replaced with an appropriate scheme of new planting which could be agreed prior to the commencement of the development.

The Environmental Health Officer has recommended conditions to investigate and mitigate any ground contamination that may be present. The agent has argued that it is unlikely that any ground contamination is present on the site but that the applicant would be willing to accept a condition requiring mitigation to be submitted for approval and carried out if ground contamination is identified, which is considered to be a reasonable approach.

It is acknowledged that the proposed development would include accommodation designed to be occupied by disabled people, but this would not overcome strong objections to the principle of the proposed development which would harm the valued characteristics of the National Park.

Conclusion

It is considered that the proposed development is in conflict with Core Strategy policies RT2, L1 and L3 because the proposal is for new build holiday accommodation in an isolated and unsustainable location in the open countryside. The development would harm the landscape character of the National Park and the historic and archaeological significance of the ruins of the former farmstead on the site. The proposed development would therefore not represent sustainable tourism development within the National Park contrary to the Framework.

Any approval of the proposed development would lead to the intensification of the existing junction between Callow Bank and The Dale which has substandard visibility in both directions due to the alignment of the highway and surrounding topography. The use of this access by

occupants of the proposed holiday accommodation would be likely to harm highway safety. It is therefore considered that the proposed development would not be served by safe access contrary to Saved Local Plan policy LT18.

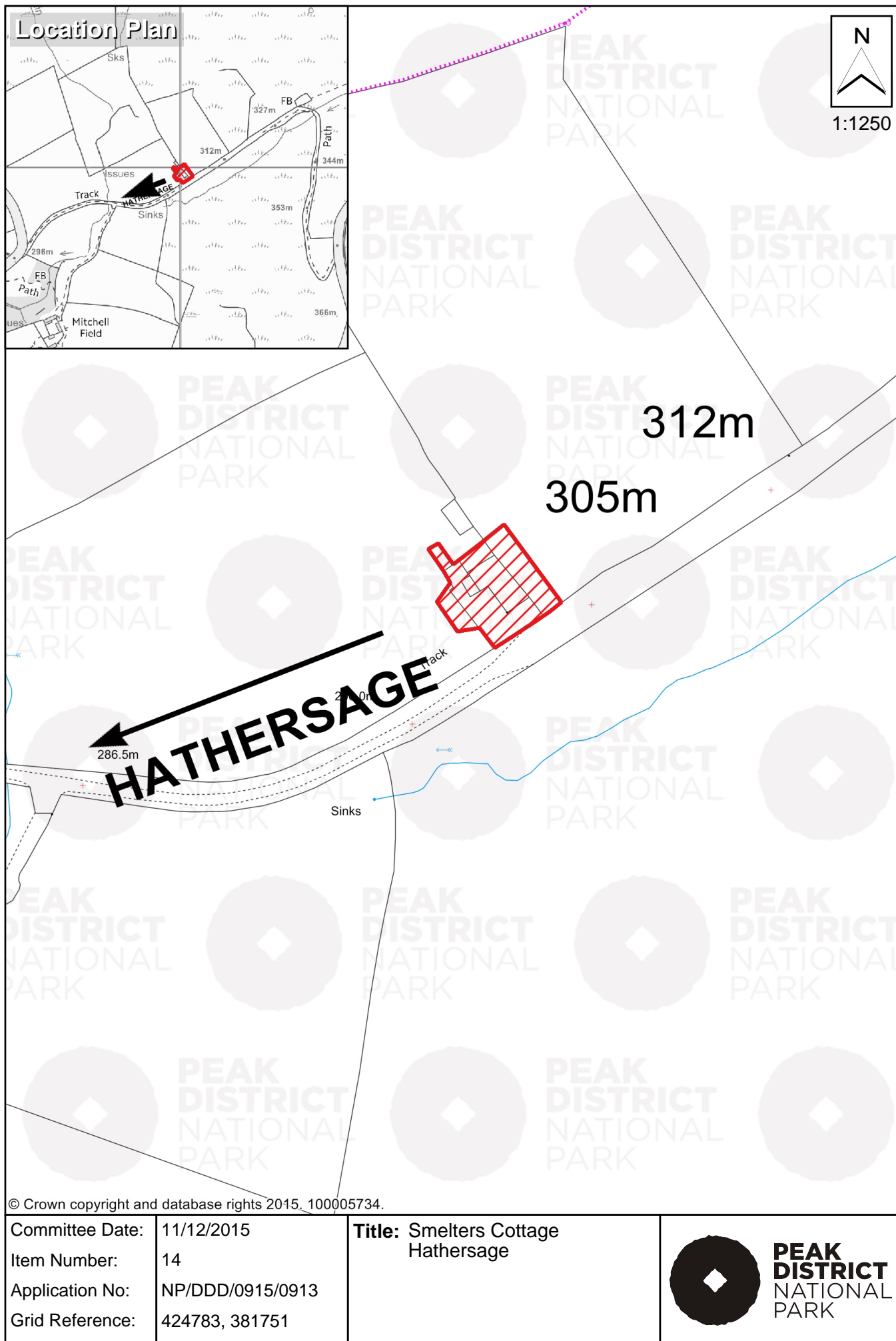
Officers have taken into account all material considerations, including the issues raised in representations, including the Parish Council, but none of these override the substantial objections to the scheme outlined in the report. In the absence of any further considerations indicating an exception to the development plan is warranted, the current application is recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil



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15. FULL APPLICATION – DEMOLITION OF FARMHOUSE AND ERECTION OF REPLACEMENT DWELLINGHOUSE; DEMOLITION AND REBUILDING OF STABLES TO FORM ADDITIONAL LIVING ACCOMMODATION; ERECTION OF STABLE BUILDINGS AND GARAGING AT BLEAKLOW FARM, HASSOP (NP/DDD/1115/1053, P4718, 421762 373510, 06/11/15/KW)

APPLICANT: MR PETER HUNT

Site and Surroundings

Bleaklow Farm is a vacant farmstead situated in an isolated hilltop position close to the ridge of Longstone Edge, 900m north of Rowland hamlet. The farmstead is situated in a slight hollow and is bounded to its north, east and west sides by mature tree plantations. Although it is situated in a remote and isolated position it is not unduly prominent in the wider landscape, but is visible from a public footpath which passes directly through the farmstead.

The farmstead originally comprised a derelict farmhouse with adjacent outbuildings to the west and north sides, forming a courtyard. There is a further detached traditional outbuilding to the north of the farmhouse and formerly to the north of the courtyard buildings was a dilapidated range of modern farm buildings.

The former farmhouse was vacant and in a poor structural condition and appearance and had been the subject of inappropriate additions, including a 16.7m long x 4.5m wide single-storey extension attached to its western side. The building forming the western end of the courtyard complex is a traditional single-storey stable building which was showing signs of deterioration with visible structural cracks in the external walls. The building forming the northern side of the courtyard complex is an attractive, traditional two-storey barn of some architectural merit and is in a good structural condition. The openings to this barn are provided with attractive dressed surrounds and quoinwork. Some of these dressed surrounds have recently been replaced with matching stonework to match exactly the original. This barn is clad with a corrugated sheet roof. The detached traditional outbuilding to the north of the courtyard complex is of some architectural interest with attractive opening surrounds and detailing. This is clad with a corrugated sheet roof.

Consent was granted in June 2014 for the demolition of the existing farmhouse and erection of a replacement farmhouse of a larger, but similar size and character to the original farmhouse. The approved scheme included the replacement of the single-storey extension with a contemporary extension, part rebuilding of the stable building at the western end of the courtyard, and the erection of a secondary courtyard of buildings behind the main building courtyard to accommodate stabling and garaging.

The applicant then began constructing the replacement dwelling, which has been constructed up to first floor level. However, following an officer site inspection it was subsequently discovered that the replacement dwelling was being constructed to significantly larger dimensions than that given approval, and other unauthorised design changes had been made to the scheme.

A meeting was held with the applicant and agent and they were advised by officers that the unauthorised changes to the size and design of the dwelling were unacceptable. Rather than revert to the originally approved scheme, the applicant has chosen to submit this retrospective planning application to build the replacement dwelling to the larger dimensions and amended design, as presently constructed.

The originally submitted scheme also included the upgrading of the southern access track to the farm complex. This was the source of local concerns, including Rowland parish meeting. These issues were discussed in detail as part of the previous planning application, and the upgrading works were approved, subject to conditions to prevent the stabling element of the scheme

becoming a commercial stables.

There are, therefore, two vehicle accesses presently serving the complex. There is an improved access to the north of the complex off the Longstone Edge road. The second access track is to the south of the complex and passes through several fields and alongside a disused quarry to the south-east before meeting the single-track lane, which then passes through Rowland. This 600m length of access track was recently upgraded by the applicant, who resurfaced it with compacted limestone chippings.

Proposals

Retrospective planning is being sought for the same elements of the scheme that were previously approved, but with an amended size/design for the main farmhouse and an amended design for the rear porch building. The other elements, i.e. the contemporary extension, part rebuilding of the western stable building and the creation of the secondary rear stabling/garaging courtyard largely stay the same as previously approved, although there are some nominal increases in the dimensions and the window opening sizes in the rear two-storey extension and an additional first floor window added.

The farmhouse as originally approved was detailed on the lines of the existing farmhouse having a double-fronted symmetrical frontage form with a two-storey rear projecting wing extension. The overall massing and footprint was slightly larger than the present farmhouse.

In this amended scheme the design concept remains that of a double-fronted symmetrical frontage form, with a rear projecting, two-storey gabled extension however, the size of the main farmhouse element has been significantly increased. Some of the design elements have also been changed. The main differences in dimensions and design from that originally approved are as follows:

Original Farmhouse	Originally Approved Scheme	As Built
Main frontage length ~ 9.0m	Main frontage length ~ 11.4m	Main frontage length ~ 13.2m
Gable width ~ 4.8m	Gable width ~ 6.5m	Gable width ~ 7.5m
Footprint ~ 198.4m ²	Footprint ~ 233.72m ² (17%)	Footprint ~ 263.0m ² (32.5%)
Volume ~ 638.0m ³	Volume ~ 1060.0m ³ (66%)	Volume ~ 1325.57m ³ (107%)
	3.4 x 3.0m rear lean-to porch.	5.3m x 5.3m (max. dimensions) multi-splayed rear porch.
	Single sash window openings to main frontage elevation.	Twin sash window openings to main frontage elevation.

The scheme also involves the erection of a substantial range of single-storey stables and garaging in the area to the north of the courtyard complex currently occupied by a dilapidated range of modern farm buildings. The stabling/garaging block is arranged in an 'L' plan form which links in with the existing traditional barns creating a further courtyard of buildings behind the main farmstead courtyard complex. The external dimensions of the external 'L' plan arrangement measure 26.3m x 28.3m. The gable widths of the stables/garages are 5.0m/5.75m respectively. This provides stabling for four horses with associated tack/feed/storage buildings and garaging for four vehicles. The garaging takes the form of open-fronted car ports. The buildings are to be clad with roughly coursed natural limestone.

The former walled dewpond which is situated immediately adjacent to the north-east side of the farmhouse is to be reinstated.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposed replacement dwelling would be significantly larger than the original farmhouse, and would be of an inappropriate design, character, form, massing and detailing that would be more intrusive in the immediate locality when viewed from the adjacent public footpath. Consequently, the current proposal would reflect the character and appearance the original farmhouse and its setting and would not provide the overall enhancement to both the appearance of the original dwelling site and its setting as was achieved in the previously approved scheme in 2014. The proposed scheme would therefore be contrary to Core strategy policies GSP1, GSP2, GSP3 and L1, and Local plan policies LC4 and LH5, as well as guidance in the Framework.**
2. **An appropriate scheme for the replacement farmhouse has previously been approved and, consequently, there is insufficient justification for the increase in its size, form, massing and design changes as now proposed. In the absence of an overriding justification for the proposal as amended, the current proposal would not represent a sustainable pattern of development, and would be contrary to the principles of good design and sustainable development set out in the Authority's Core strategy policies GSP1, GSP3, DS1 and L1, and saved Local plan policies LC4 and LH5, and in national planning policies in the Framework.**

Key Issues

1. Whether the principle of the proposed replacement dwelling complies with Local Plan policy LH5.
2. Whether the proposed dwelling is of a similar size to the dwelling it will replace (LH5 criterion iii).
3. Landscape and visual impact and design.
4. Impact on neighbours.
5. Environmental Management.
6. Ecological Issues.
7. Access and Parking.

History

August 2013 – Full planning application submitted for the demolition of the farmhouse and erection of a replacement dwelling, which proposed the same size, massing and footprint of buildings as now being proposed, with the exception of a proposed two-storey side extension on the eastern end of the rebuild farmhouse.

The application was subsequently withdrawn by the applicant following concerns raised about the size and massing of the rebuilt farmhouse, and the excessive use of glazing in the single-storey extension attached to the western side of the dwelling. Following the withdrawal of this application, further discussions were held with the Authority's officers, including the Authority's Historic Buildings Architect, culminating in the submission of a revised proposal.

June 2014 – Full planning consent for the replacement farmhouse, demolition and rebuilding of stables to form additional living accommodation, erection of stable buildings and garaging.

August 2015 – Application for discharge of several conditions on the June 2014 approval. This confirmed that condition 1 could not be discharged as the development as partially built had not been lawfully implemented in accordance with the approved plans. The applicant was also reminded that many of the conditions being sought for discharge should have been discharged prior to the commencement of the development.

The applicant was also advised that in respect of the unauthorised building works, the Authority was considering the expediency of taking formal enforcement action and it was the officer's firm view that the unauthorised building should be demolished and then re-built in accordance with the existing permission. Following subsequent meetings with the applicant and agents, it was agreed that enforcement action would be held in abeyance to permit consideration of a planning application for the revised dwelling design as currently built. This agreement was subject to no further construction work on the dwelling being undertaken.

Consultations:

Highway Authority – No comments

District Council – No reply to date.

Rowland Parish Meeting – No reply to date.

Great Longstone Parish Council – No reply to date.

Natural England – No reply to date.

Authority Footpath Officer – There is a public footpath through the farmyard, the line of which should not be obstructed. The planning layout appears to adequately protect the route. Willing to be further involved if the developer has any queries.

Authority's Ecologist – No response to date, however, the previous application proposals were considered to be acceptable, subject to the attaching of conditions requiring the submission and agreement of appropriate mitigation in respect of the bat and great crested newt interests identified on the site. The restoration of the dew pond immediately adjacent to the eastern side of the farmhouse was also welcomed.

Following the commencement of construction works on the previously approved scheme, concerns were initially raised that the ecological conditions requiring the submission of ecological mitigation measures for the great crested newts had not been carried out in accordance with the Natural England licence. It was subsequently found that the NE licence had been amended, but the Authority had not been informed and the relevant ecological conditions attached to the decision notice had not been formally amended. The Authority Ecologist's further comments on the current proposal will be reported orally at the committee meeting.

Main Policies

Relevant Core Strategy policies:

Policy GSP2 states amongst other things that, when development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complimenting the locality and helping to achieve biodiversity objectives.

Policy GSP3 states amongst other things that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Particular attention will be paid to, amongst other things, impact on the character and setting of buildings; scale of development appropriate to the character and appearance of the National Park; design in accordance with the National park authority design guide; form and intensity of proposed use or activity; impact on living conditions of communities; impact on access and traffic levels, use of sustainable modes of transport.

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

Core Strategy policy L2 requires that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate to their setting.

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

Relevant Local Plan policies:

Policy LC4 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Particular attention will be paid to, amongst other things, the amenity, privacy and security of the development and of nearby properties.

Policy LC17 seek to ensure that no harm is caused to protected species as a result of development being carried out, and that where appropriate safeguarding measures are exercised.

Policy LR7 relates to the provision of facilities for the keeping and riding horses and states, amongst other things, that such development will be permitted provided that it does not detract from the landscape or valued characteristics of the area either individually or cumulatively. It should be located adjacent to existing buildings or groups of buildings and should not be likely to cause road safety problems.

In the case of commercial stables/riding centres, they should have good access from strategic and secondary road networks and to an adequate bridleway network that can accommodate the increased activity without harming the valued characteristics of the area or their enjoyment by others. Furthermore, such development should not constitute a nuisance to local residents, landowners or farmers by noise, smell or other adverse impact

Policy LH5 (Replacement Dwellings) states that the replacement of unlisted dwellings will be permitted provided that:

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

Wider Policy Context

National Planning Policy Framework

The National Planning Policy Framework was published in March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Other Relevant Core Strategy Policies:

GSP1, GSP4, DS1, CC1

Other Relevant Local Plan policies:

LR7, LT11, LT18.

In addition to policies LC4 and LH5, the draft Development Management Policies Development Plan Document (DPD) was presented to and agreed by members at the Authority Meeting on 2nd October 2015.

At the October Authority Meeting members agreed that from this stage, some limited weight may be attached to the emerging DPD as a material planning consideration; as an agreed statement of the Authority's intended position on development management policy.

Policy DMH9 of the emerging DPD is of particular relevance to this application. This specifically relates to Replacement Dwellings and states that these will be permitted provided that:

- (i) the dwelling to be replaced is not listed individually or as part of a group listing, and
- (ii) the dwelling to be replaced is not considered to have cultural heritage significance, and

Where the original dwelling complies with these principles development will only be permitted where:

- (iii) the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape, and
- (iv) the replacement dwelling will not create an adverse impact on neighbours residential amenity, and
- (v) in the event that the replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling where the existing dwelling is in residential use, and

- (vi) where there is specific evidence of general housing demand in the Parish for dwellings of the size proposed to be replaced, the replacement dwelling is restricted to that size and/or type.

Further detailed advice on design is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.

Assessment

Introduction

At the time of the previously approved application 2014 it was accepted that existing farmhouse was in a poor structural condition and appearance, and whilst it has been left vacant for some time, officers were satisfied that it still retained its established use rights as a dwelling.

The key consideration in this case, which seeks retrospective planning approval for the partially constructed dwelling of an increased size and amended design therefore, concerns the assessment of the current proposal against the replacement dwelling policy LH5 in the Local Plan. This sets out 5 provisions (listed above) which all need to be met if development is to be permitted in compliance with the policy.

Issue 1 - Whether the principle of the proposed replacement dwelling complies with Local Plan policy LH5.

Local Plan policy LH5 permits the replacement of unlisted dwellings, provided that the proposals meet all the policy's five criteria.

Policy LH5 (ii) specifies that a replacement dwelling will only be permitted where it is not preferable to repair the existing dwelling. The application site property had been the subject of several inappropriate extensions to all sides, which detracted from the character of the original farmhouse. The original farmhouse had an unkempt appearance and, together with the attached extensions, was in need of significant repair and refurbishment. The stable building forming the western end of the courtyard is an attractive building, but was in a poor structural condition. The two-storey barn forming the northern side of the courtyard is of particular architectural interest and is in a good structural condition. The detached single-storey traditional building to the north of the courtyard building is also of architectural interest and is in a good structural condition. The roofs of these traditional buildings, however, were clad with inappropriate corrugated sheeting.

The overall effect was of a farm complex that is out of keeping with the local vernacular with the farmhouse having a 'tired' and unkempt appearance that would require significant repair and refurbishment. The attached extensions to all sides of the farmhouse were of an inappropriate design, form and materials that detracted from the original character of the farm group. Officers considered, therefore, that it would clearly not be preferable to repair and retain the existing dwelling due to its present appearance and the unsympathetic additions.

Officers also considered that the site represents an opportunity for enhancement both in building and landscape terms, by an appropriate redevelopment of the site. The principle of a replacement dwelling is, therefore considered to meet criterion (ii) of Local Plan policy LH5.

Issue 2 - Whether the proposed dwelling is of a similar size to the former farmhouse it will replace (LH5 criterion iii)

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

any particular site and its setting.

Whilst this consideration cannot be divorced from landscape impact it does need to be satisfied if the scheme is to be judged as policy compliant. The existing dwelling, as extended, had a footprint of 198.4sqm. This amended replacement dwelling now has a footprint area of 263sqm, that is, around a 32% increase. This comparison is based on the existing floor areas currently used as dwelling accommodation. The proposed scheme also proposes the rebuilding of the traditional stable building on the western side of the courtyard and incorporation of the floorspace within the rebuilt building to additional living accommodation. This increases the dwelling footprint by a further 72.08sqm and effectively increases the overall dwelling footprint by 69%. The footprint of the rebuilt stable building is increased by 11.33m an increase of only 18% and officers consider that the rebuilding of the stable building is required in order to restore and maintain the integrity of the courtyard building complex.

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

In this case the original dwelling, including later additions had a volume of around 638 cubic metres. The amended replacement house, subject of this current proposal, has an above ground volume of 1325.57cubic metres which equates to a 107% increase in the size of the existing dwelling accommodation. This would, therefore, clearly be well in excess of the normally accepted allowance of 25% on top of the original dwelling which is the guideline volume given in the Local Plan for domestic extensions.

The majority of this volume increase is taken up by the increase in the frontage length of the main dwelling from 8.5m to 13.2m and the increase in gable widths from 4.5m to 7.5m, together with the resultant increases in the volumes of the roofs. Whilst the previously approved scheme involved increases in the footprint and volume over that of the original farmhouse, it was considered that these were within acceptable parameters and did not significantly change the humble, character, appearance and detailing of the original farmhouse.

It is considered that the overall massing and form of replacement dwelling as now partially built detracts from the humble character and form of the original dwelling as extended. These disparities are exacerbated by the significant increase in the main frontage length by 4.2m and the over-wide gable width. Consequently, it is considered that the form, proportions and appearance of the main two-storey dwelling cannot be regarded as being of a similar size as the former farmhouse and therefore the current proposal does not meet the terms of Local Plan policy LH5 criterion (iii)

Whilst the replacement dwelling is significantly larger than the existing, it is considered that its acceptability depends upon whether the proposals would contribute to the character of the area or offer up other planning gain that would outweigh any concerns about the increase in size.

Issue 3 - Landscape, Visual Impact and Design

Clause (i) in policy LH5 requires that the replacement dwelling must contribute to the character and appearance of the area and clause (v) states that it should not be more intrusive in the landscape either through increased building mass or the greater activity created.

Due to its remote position away from public roads, its position in a slight hollow and the existing tree screening that surrounds it, the Bleaklow complex is not particularly prominent in the wider landscape. It is however, particularly prominent when approaching the complex from the south-west along the public footpath route, which then passes immediately alongside and through the eastern side of the farm complex. From these viewpoints, the amended design, form and

massing of the dwelling will be easily apparent. Rather than the fairly humble and restrained appearance of the former farmhouse or the previously approved scheme, the replacement dwelling as now proposed has more 'presence' being larger and with the proportions of a grander manor style farmhouse. The simple single sash openings on the main frontage have been replaced with two-light sash window frames, which again detract from the simpler, humble character of the original farmhouse and design concept originally advanced for the previously approved scheme.

These inappropriate design changes are also exacerbated by the amended form of the rear entrance porch. This has changed from a simple traditional lean-to form, on a rectangular footprint, to a larger, multi-splayed form, with a zinc roof, which does not follow the local building tradition.

It is therefore considered that the design concept of the current proposal is inappropriate in terms of its visual impact, design, form, proportions and appearance. Consequently, the current proposal does not meet the terms of Local Plan policy LH5 criteria (i) and (v) as the resultant dwelling does not respect the form of the original farmhouse and through its increased mass fails to contribute to the character and appearance of the locality.

Moreover, the previously approved replacement dwelling, although larger than the original farmhouse still reflected and respected the humble character, form and detailing of the original main farmhouse. This previously approved scheme was also arrived at following lengthy detailed pre-application discussions with applicant and agent and was considered to represent an overall improvement and enhancement to the building complex.

It is therefore considered that an appropriate scheme for the replacement farmhouse has been approved and there is insufficient justification for the increase in its size, form, massing and design changes. In the absence of an overriding justification for the proposal as amended, the current proposal would not represent a sustainable pattern of development, and would be contrary to the principles of good design and sustainable development set out in the Authority's Core strategy policies GSP1, GSP3, DS1 and L1, and saved Local plan policies LC4 and LH5, and in national planning policies in the Framework.

Other elements of the scheme

The scheme also involves the erection of a contemporary single-storey extension, a substantial range of single-storey stables and garaging in the area to the north of the courtyard complex currently occupied by a dilapidated range of modern farm buildings. The stabling/garaging block is arranged in an 'L' plan form which links in with the existing traditional barns creating a further courtyard of buildings behind the main farmstead courtyard complex. The external dimensions of the 'L' plan arrangement measure 26.3m x 28.3m. The gable widths of the stables/garages are 5.0m/5.75m respectively. This provides stabling for four horses with associated tack/feed/storage buildings and garaging for four vehicles. The garaging takes the form of open-fronted car ports. The buildings are to be clad with roughly coursed natural limestone.

The most significant change concerns the replacement of the single-storey addition to the western side of the farmhouse, with an extension of largely the same form, but of a contemporary design and materials

This domestic extension was added to the farmhouse following the grant of planning permission in 1980. It was accepted as it created an enclosed courtyard with the adjacent traditional outbuildings. Whilst having an acceptable form and constructed of natural limestone, this building has a concrete slate roof and its detailing and opening proportions are considered to be inappropriate.

The proposed extension replaces the existing addition with a contemporary building that links the farmhouse to the rebuilt stable building that forms the western end of the courtyard complex. This is designed to reflect a simple open-fronted outbuilding with the south-facing wall clad with a combination of vertical boarded timber and large areas of glazing. The roof is to be clad with shallow-pitched metal roof cladding. The design approach here is to create a simple contemporary building based on that of an agricultural building, rather than to have a pastiche of a traditional agricultural outbuilding. As with the previously approved scheme in 2014, your officers consider that the form of the building is appropriate and emphasises that it is a subsidiary element to the main farmhouse. The contemporary style and materials are appropriate and provide a pleasing foil to the traditional buildings in the remainder of the courtyard complex.

The scheme requires the single-storey stable building which forms the western end of the courtyard to be rebuilt as it is in a poor structural condition. This is largely to be rebuilt the same size as the existing, but with a small 2.0m extension to bring its south gable in line with the frontage wall of the farmhouse and also in order to visually recess the intervening contemporary link extension in between the traditional forms of the farmhouse and the stable building. The stable building is to be provided with opening details that reflect the style of the existing stable building. The rebuilding of the stable building forms an essential component in re-establishing the integrity of the courtyard complex. Internally, this is to be used as additional living accommodation, which is considered to be an acceptable alternative to its previous stabling use.

The proposed new 'L' plan range of stable/garage buildings to the rear of the main farmhouse courtyard form a secondary courtyard with the adjacent traditional outbuilding and are considered to be of an acceptable form with traditional materials (natural limestone walling/natural blue slate roofs) used throughout. These are also considered to be acceptable in design and massing terms. The stabling is intended to be ancillary to and for the personal use of the occupiers of the farm complex and is not to be used for commercial purposes. Officers consider that provided that the stabling is used on this basis, it is acceptable and complies with the requirements of Local Plan policy LR7. It is considered therefore appropriate to attach a planning condition requiring that the stabling remains ancillary to and for the personal use of the occupants of Bleaklow farmhouse.

The scheme also involves the repair and refurbishment of the remaining two traditional buildings within the farm complex. Some repair works have already been undertaken on the two-storey barn which forms an integral part of the main courtyard complex. These refurbishments also involve the replacement of the existing corrugated sheet roofs with natural gritstone slates and sympathetic window frame replacements. The refurbishment of these buildings is welcomed as they contribute greatly to the character and setting of the farm complex.

Notwithstanding that the other elements of the scheme are acceptable, it is considered that the amended size, form and design of the replacement dwelling, including the inappropriate rear porch element would not comply with the terms of Local Plan policy LH5 and should be recommended for refusal on these grounds and as there is also a more appropriate scheme already approved for the replacement dwelling.

Issue 4 - Impact on Neighbours

It is considered that the proposal meets criteria (iv) of policy LH5 (and policy LC4) as, due to the isolated position of the property, there will be no impact on the residential amenities of neighbouring properties.

Issue 5 - Environmental Management

Core Strategy policy CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources, must take account of the energy hierarchy and must achieve the highest possible standards of carbon reductions and water

efficiency. A minimum sustainability standard equivalent to that required by the government of affordable housing shall be achieved unless it can be demonstrated that this is not viable.

This present submission is accompanied by a schedule of environmental management measures, which are considered to be acceptable, with the exception of the reference to the provision of solar photovoltaic panels. No supporting information or elevational details have been submitted giving precise details of the type of solar panels or where they are to be installed on the development site. Therefore, it is considered that additional information needs to be submitted in respect of the provision of solar panels, to ensure that they would not compromise the architectural integrity of the scheme. It is considered, however, that these details can be provided and implemented through the attaching of a planning condition, in order to ensure compliance with SPD and Core Strategy policy CC1.

Issue 6 – Ecological Issues

Core Strategy policy L2 and Local Plan policy LC17 require that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate to their setting.

The application is accompanied by an updated great crested newt survey and mitigation strategy and relies on the bat report findings and mitigation strategy dated July 2013 submitted with the previous application. The Authority Ecologist's comments are awaited, but based on the comments in respect of the previous application it is considered likely that sufficient mitigation and enhancement measures in respect of bats and birds have been provided in the report. In respect of great crested newts it was considered that the mitigation strategy was sufficient subject to a timetable of works being submitted to and agreed by the Authority.

It is also noted that there is opportunity to provide further enhancement of this site by restoring the dew pond to the south of the site. This pond is surrounded by a mosaic of habitats and its restoration would make an excellent contribution to potential breeding sites in the area.

It is therefore considered that the impact on protected species can be adequately mitigated for and further ecological enhancement can be achieved, subject to the attaching of appropriate ecological conditions. The scheme therefore complies with the terms and objectives of Core Strategy policy L2 and Local Plan policy LC17.

Access and Parking

There is ample provision of car parking and garaging facilities within the site complex to cater for the dwelling and the associated ancillary stabling. The highway authority has confirmed that they have no objections to the scheme on highway grounds, subject to conditions requiring that the offices, stables and outbuildings be ancillary to the occupiers of the Bleaklow Farm.

The key concerns previously raised by Rowland Parish Meeting and the third party representations in respect of the 2014 approval, related to the use of the approach lane from Rowland hamlet and the resurfacing of this public highway with a tarmac surface by the applicant without the consent of the highway authority, and the re-establishing of the access track off this lane along the hillside up to Bleak House.

In respect of the resurfacing of the section of lane between Rowland hamlet and the access entrance to Bleak Farm, this was carried out by the applicant without the consent of the highway authority. Prior to this resurfacing, the lane had the appearance of a rough limestone track which was in keeping with the rural character of the locality. Notwithstanding that the tarmac surfacing detracts from the rural character of the locality, the Highway Authority confirmed that this is a public highway that they have responsibility for and there is no intention to require the applicant to remove the tarmac surface and reinstate it back to its former condition and appearance. This

matter was dealt with in some detail in the report in June 2014.

Conclusion

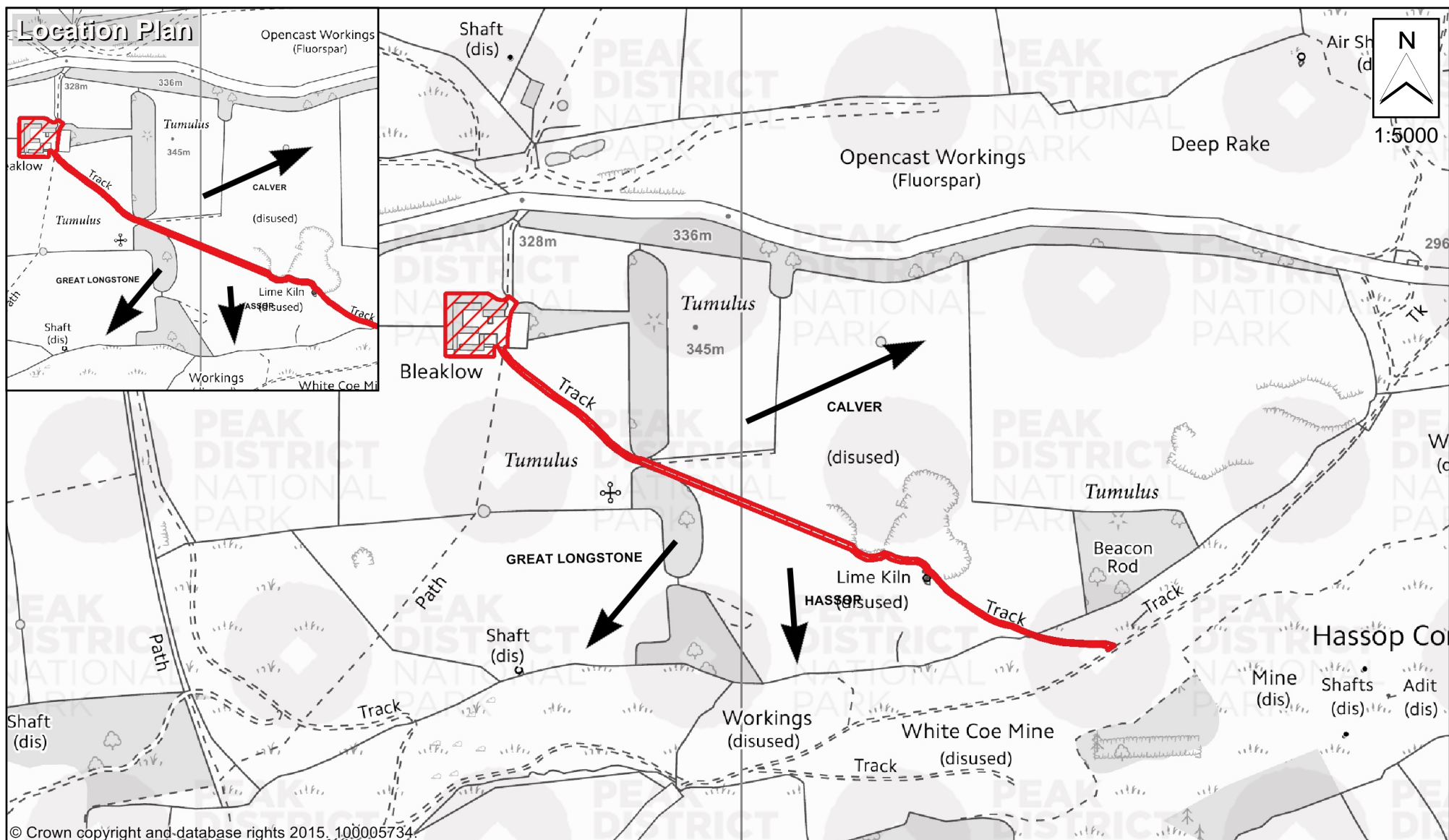
In conclusion, whilst there are several positive elements to the overall scheme, the proposed replacement dwelling, as under construction, is significantly larger than the original farmhouse, and is of an inappropriate design, character, form, massing and detailing that would be more intrusive in the immediate locality when viewed from the adjacent public footpath. Consequently, the current proposal would detract from the character and appearance the original farmhouse and its setting and would not provide the overall enhancement to both the appearance of the original dwelling site and its setting as was achieved in the previously approved scheme in 2014. The proposed scheme would therefore be contrary to Core strategy policies GSP1, GSP2, GSP3 and L1 and Local plan policies LC4 and LH5, as well as guidance in the Framework.


Human Rights

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

List of Background Papers (not previously published)

Nil



Committee Date:	11/12/2015	Title:	Bleaklow Farm Hassop	 PEAK DISTRICT NATIONAL PARK
Item Number:	15			
Application No:	NP/DDD/1115/1053			
Grid Reference:	421762, 373510			

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16. FULL APPLICATION - ERECTION OF STEEL FABRICATION WORKSHOP ON PREVIOUSLY DEVELOPED LAND, PITTMERE LANE, TIDESWELL MOOR, TIDESWELL (NP/DDD/0915/0888, P.6009, 414620 / 378500, 26/11/2015/AM)

APPLICANT: MR A BETTNEY

Site and Surroundings

The application site is located in a relatively remote location to the north side of Pittmere Lane on Tideswell Moor, approximately 2.3km to the north of Tideswell. The site is clearly outside of any designated settlement and is in open countryside for the purposes of the development plan.

The site comprises approximately 0.6 ha (1.5 acres) of land on which is two dilapidated buildings and an area of hardstanding. One of the buildings, a Nissen hut to the rear of the site, appears to be currently used for storage. Various bits of scrap, timber pallets and a touring caravan are also currently stored on the land.

Access is via a track from Pittmere Lane. The nearest neighbouring property in this case is Bushey Heath Farm which is located approximately 240m to the east.

Proposal

This application seeks planning permission for the erection of a steel fabrication workshop on the site. The proposed development would be occupied Tideswell Welding Services Ltd and used to fabricate steel work for engineering and construction companies and for farmers.

The submitted plans show that the existing buildings and areas of hardstanding on the site would be removed and that a new portal framed building would be erected on the eastern part of the site partially dug into the rising ground levels. The proposed building would be 24.8m long by 15.8m wide, 6m high to eaves and 7.4m high to ridge. The walls and roof would be clad with steel sheeting, the roof coloured light grey and the walls coloured green. The sheeting would finish approximately 2m above the ground with the remainder of the wall clad with rubble limestone. A large door opening with an aluminium door is proposed on the front (south west) elevation coloured green to match the sheet walls with pedestrian access to the side (north west) elevation.

The proposed building would have a total floor space of 360m², the majority of which would be taken up by the workshop area with a smaller ancillary store, office and toilet with a canteen area at first floor level. The area in front of the building would be provided with a tarmac surface with an access to the north to eight parking spaces. One parking space for disabled persons is proposed adjacent to the main building.

The plans show that the existing trees within the application site would be retained and that additional areas of trees would be planted to create screening for the development. The plans also propose additional planting to the existing tree belt to the south of the building.

RECOMMENDATION:

That the application be REFUSED for the following reasons.

1. **The application site is located in a remote location in open countryside. The principle of the erection of the proposed steel fabrication workshop on this site is therefore contrary to Core Strategy policies DS1 and E2 which along with policy E1 and LT7 seek to direct such development to within named settlements or to farmsteads or smaller groups of buildings in sustainable locations. The proposed development would therefore represent unsustainable economic development in the countryside contrary to the National Planning Policy Framework.**
2. **The proposed development would have a significant harmful visual and landscape impact and the noise and disturbance associated with the manufacture of steel and associated vehicle movements would be likely to have a harmful impact upon the tranquillity of the site, the local area and the residential amenity of Bushey Heath Farm contrary to Core Strategy policies GSP1, GSP3, L1 and LC4.**

Key Issues

- Whether the principle of the proposed development is in accordance with the development plan and the National Planning Policy Framework.
- The impact of the proposed development upon the area and the valued characteristics of the National Park.

History

2013: NP/DDD/1112/1155: Application for a certificate of lawful use or development - Use for general industrial and storage purposes. The application was refused by the Authority for the following reasons:

“Department of the Environment Circular 10/97 places the onus of proof firmly on the Applicant and requires the evidence produced to be sufficiently precise and unambiguous to justify the grant of a Certificate on the balance of probability. The Authority does not consider that the evidence submitted in support of the application discharges this burden of proof.

Having considered the evidence supplied by the Applicant, and evidence from its own records, the Authority is not satisfied that the Applicant has shown, on the balance of probabilities, that the land has been used for the purposes outlined in the application for a continuous period of ten years or more prior to the date of the application”.

The Officer report states that the Authority's evidence contradicts the applicant's claim, as it clearly shows that there have been a number of changes of use on this site from one unauthorised sui generis use to another and that none of the uses shown have been a mixed use for general industrial and storage purposes. In addition, the evidence submitted by the Applicant was not sufficiently clear or precise to justify the grant of a certificate in the terms sought.

Consultations

Highway Authority - Requests further information from the applicant in regard to the size, number and frequency of traffic movements likely to be generated by the proposed use.

District Council - No response to date.

Parish Council - Support the application and consider that the proposal is good for local employment and business needs.

Representations

One representation has been received to date. The letter supports the application as it will enable a local employer to continue his business in the locality where the core business lies. The site is already well screened and there would be limited impact on the area, in fact this site would reduce current impacts with less travel miles.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, CC1, E2

Relevant Local Plan policies: LC4, LE6, LT7, LT10 and LT18

National Planning Policy Framework

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 28 of the Framework says that policies should support economic growth in rural areas by taking a positive approach to sustainable new development and support the sustainable growth and expansion of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

E2 is directly relevant for proposals for business development in the countryside outside of the Natural Zone. E2 A says that businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. Re-use of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building. E2 C says that business use in an isolated existing or new building in the open countryside will not be permitted.

L1 says that all development must conserve and where possible enhance the scenic beauty and landscape character of the National Park.

LE6 sets out detailed criteria to assess proposals for business development against where it is acceptable in principle. GSP3 and LC4 are also directly to the current application because they seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. Policies LT10 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 is located in an isolated position in the open countryside, some 2.3km to the North of Tideswell and 3km to the east of Peak Forest. The evidence presented in the 2013 application for a certificate of lawful use on the site and the evidence held on the Authority's file indicates that this site has been put to a variety of different uses over the past 45 years. However the Authority's decision in 2013 is clear that the site has no lawful use for any industrial or other purpose.

E2 C makes clear that business development in new or existing buildings on isolated sites such as the application site will not be permitted. The proposed development is therefore considered to be contrary to E2.

The Authority's development strategy directs business development to the larger named settlements within the National Park in accordance with E1 or to smaller settlements or farmsteads located in sustainable locations in the countryside in accordance with E2. The Authority's policy approach is considered to be consistent with the Framework because it encourages appropriate new business development in sustainable locations within the National Park. It is therefore considered that full weight should be given to relevant policies in the development plan.

Harm / benefits of proposed development

The submitted application describes the application site as previously developed land. The evidence on the Authority's file indicates that the site has been put to a variety of uses in the past including building and coal yard, storage, garaging, workshop repairs, parking HGV and quarrying vehicles, sand blasting, welding and fabrication work, skip and vehicle storage, sorting of waste, lime burning, chicken rearing and plant refurbishment. It is clear from the Authority's refusal of a lawful development certificate that none of these uses are now lawful and therefore the proposed development should not be judged against the potential impact of taking up any of these other uses on the site.

It is however legitimate to acknowledge that there are dilapidated buildings and hard standings on the site which are visible from the local area, particularly from along Pittlemere Lane and the public footpaths to the south west of the site. The existing structures do have a negative visual impact and therefore the potential to remove these structures as part of any scheme is a material consideration as this would achieve some enhancement.

The proposed building would, however, be substantially larger and taller than the existing structures on the site and despite the use of dark coloured sheeting it is considered inevitable that the proposed development would actually result in a greater visual and landscape impact than the existing condition of the site. Staff, delivery and servicing vehicles would also be visible parked on the proposed areas of hardstanding to the south of the building. It is acknowledged that the building would be bounded by the existing tree belts but clear views into the site from the south would remain which would not be sufficiently mitigated by the proposed planting which would take a significant time to mature.

It is also considered that the use of the proposed building and site for the manufacture of steel structures would be very likely to generate noise and other disturbance which would be noticeable in the locality and harm the tranquil character of this isolated site. The proposed use would also be likely to generate significant vehicle movements from staff, deliveries and servicing. It is therefore considered that the proposed development would result in a net harmful impact upon the local area and the valued characteristics of the National Park contrary to GSP1, GSP3, L1 and LC4.

The submitted planning statement says that applicant's business is currently uses buildings in Rainow and therefore the proposed relocation of the business would bring the business closer to the company's six employees who all live in the Tideswell area and closer to steel stock suppliers who are based in Matlock and Sheffield. A letter has also been submitted with the application which shows that the applicant has considered existing premises in the Tideswell area but that none of these were suitable.

It is acknowledged that that the proposal would reduce the length of vehicle movements associated with staff and deliveries but this would not justify the relocation of the proposed business to an unsustainable location within the National Park. The letter submitted with the application indicates that the applicant considered re-locating to the existing industrial estate on Merverill Road, Tideswell or the adjacent but that the units are too small and are restricted to 'medium' industrial use. Hope Construction Materials have also been approached but there are

no available buildings at that site.

It is acknowledged that the applicant has considered alternative sites within Tideswell, but it is considered that the submitted information falls short of demonstrating that the application site is the only site where the business could be re-located. No evidence has been submitted of any search for a suitable site within another settlement within the National Park, for example at Bakewell where there are vacant sites and plots. But in any case, difficulties in finding or a lack of a suitable site would not justify development which would have an unacceptable impact and would be sited in an unsustainable location.

Therefore whilst the Parish Council's comments are noted it is considered that the proposed development would result in a harmful impact upon the local area and the National Park and that any benefits of allowing the scheme would not override these impacts or justify allowing a scheme which would have a harmful impact and be contrary to the development plan.

Other Issues

The proposed development would use the existing access from Pittlemere Lane, there is adequate visibility in both directions from this access and therefore officers' concerns that the proposal would be likely to have any harmful impact upon safety. There is ample space within the application site for staff, delivery and service vehicles to park and turn either in the designated parking spaces or in the open yard area to the front of the building.

The nearest neighbouring property is Bushey Heath Farm which is located approximately 300m to the west of the application site. This includes the farm house and a range of barns which have been converted to holiday accommodation. The land between the application site and Bushey Heath Farm is also used as a camp site. Given the distance it is considered likely that noise from the proposed use, especially grinding steelwork would be audible from Bushey Heath Farm. It is considered that in this tranquil location that the noise would be likely to have a harmful impact upon the amenity of occupants of Bushey Heath Farm contrary to GSP3 and LC4.

Conclusion

The principle of the proposed development is contrary to E2 because the proposed steel fabrication workshop would be located on an isolated site in an unsustainable location within open countryside.

The erection of the proposed building and the creation of the parking and yard area would have a significant harmful visual and landscape impact and noise and disturbance from the steel manufacturing process and from vehicle movements would be likely to harm the tranquillity of the area and the amenity of neighbouring properties contrary to GSP1, GSP3, L1 and LC4.

No exceptional circumstances have been put forward to justify the proposed development and therefore the proposal would represent unsustainable development contrary to GSP1, GSP3, CC1, L1, E2, LC4 and LT7 and 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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Location Plan

TIDESWELL

LITTLE LONGSTONE

Tideswell Moor

PEAK DISTRICT NATIONAL PARK

Shaft (dis)

Shaft (dis)

Shaft (dis)

Pond

PITTMERE LANE

386.2m

386.2m

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Committee Date:	11/12/2015	Title: Land on Tideswell Moor Pittlemere Lane Tideswell	 PEAK DISTRICT NATIONAL PARK
Item Number:	16		
Application No:	NP/DDD/0915/0888		
Grid Reference:	414620, 378500		

1:2000

TIDESWELL

Tideswell Moor

LITTLE LONGSTONE

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Committee Date:	11/12/2015
Item Number:	16
Application No:	NP/DDD/0915/0888
Grid Reference:	414620, 378500

Title: Land on Tideswell Moor
Pittlemere Lane
Tideswell



**PEAK
DISTRICT**
NATIONAL
PARK

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17. FULL APPLICATION – DEMOLITION OF EXISTING SHED AND REPLACEMENT WITH SINGLE STOREY OFFICE BLOCK AT MAIN ROAD, HASSOP ROAD, CALVER (NP/DDD/0815/0782, P.9612, 423888 / 376403, 18/11/2015/AM)

APPLICANT: MR D DUROE

Site and Surroundings

The application site is within Calver, approximately 44m to the south of Calver Crossroads at the A623/B6001 junction and outside of the designated Calver Conservation Area.

The site is occupied by a corrugated black metal sheet building which was used a number of years ago for vehicle repairs but has more recently been used for storage. The building has large sliding doors on the roadside elevation to provide access.

The nearest neighbouring properties are the 'Little Shop' to the north of the building and Calver Nurseries to the south west. A bowling green is located to the rear (north west). Single storey domestic properties are located to the south east of the adjacent highway, set back from the roadside. There are a number of commercial properties located around this traffic light controlled main road junction.

Proposal

This application seeks planning permission for the demolition of the existing building and the erection of a new single storey office building.

The amended plans submitted by the agent show that the proposed building would occupy the entire site and measure 12m long with a gable wall width of 6.8m. A single storey element under a 'lean-to' roof would extend a further 2.2m to the rear of the site, inset from each of the main gable walls by 0.6m. The external walls of the building would be clad with natural gritstone under a blue slate pitched roof with a maximum eaves height of 2.6m and a ridge height of 4.6m.

The openings would be limited to two openings on the roadside (east) elevation which would be provided with dark grey coloured aluminium window and door frames. Two smaller window openings are proposed on the rear (west) elevation along with four roof lights.

The building would be split into two self-contained office units, each measuring 35m² in floor area. Each unit would also be provided with a toilet and kitchen area.

No off-street parking spaces are proposed on the site. The application instead proposes that space to park four vehicles would be provided on the existing parking area adjacent to Polly Froggatt Field, (Calver village football field) approximately 200m to the north of the application site, on the northern side of the road junction. A letter from the treasurer of Calver & District Sports Association has also been submitted agreeing to this proposal which would be subject to a legal agreement.

RECOMMENDATION:

That subject to the prior entry into a planning obligation under section 106 to secure the permanent provision of four parking spaces on the car park adjacent to Polly Froggatt Field that the application be approved subject to the following conditions:

- 1. Statutory time limit for implementation.**

2. Development to be carried out in accordance with specified amended plans.
3. No development shall take place until a scheme showing how the site compound, site operatives' vehicles, delivery vehicles and demolition/construction works are likely to affect the adjacent classified road, pedestrian footway, cycle facility and other premises in the vicinity, including locations and traffic management has been submitted to and approved in writing by the Authority. The approved scheme shall be implemented in full and be maintained for the duration of the demolition and construction works.
4. No development shall take place until the dropped vehicular crossing has been removed and the footway re-instated in accordance with a scheme which shall have first been submitted to and approved in writing by the National Park Authority.
5. Prior to the first occupation of the development a scheme for bin storage shall be submitted to and approved in writing by the Authority. The scheme shall be implemented and maintained thorough the lifetime of the development.
6. Conditions to secure architectural details and material specifications including natural limestone walls, gritstone detailing, finish of window and door frames, roof lights and verge details.
7. The building which is the subject of this application, shall be used for offices only and for no other purposes (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Key Issues

- Whether the development is acceptable in principle.
- Whether the design of the proposed building is acceptable.
- Whether the proposed development would harm the amenity, security or privacy of neighbouring properties or highway safety.

History

2014: NP/DDD/0914/0973: Planning permission refused for the demolition of shed and replacement with two storey new office block. The reasons for refusal were:

1. *"The proposed building would have a dominant and poor design which by virtue of its size, form, massing and detailing would harm the character and appearance of the local area contrary to Core Strategy policy GSP3, saved Local Plan Policy LC4, the Authority's supplementary planning guidance 'design guide' and paragraph 64 of the National Planning Policy Framework."*
2. *"Insufficient space has been provided to allow vehicles to enter and exit the proposed parking spaces in a forward gear. Vehicles utilising the parking spaces would need to either enter or exit the parking spaces in reverse gear over the highway and intervening footway and cycle way, a manoeuvre which would be likely to adversely affect the safe movement of pedestrians and vehicles on the highway. Therefore it is considered that the development would not be served by safe access contrary to Core Strategy policy GSP3 and saved Local Plan policy LE6 and LT18."*

Consultations

Highway Authority – No objection subject to imposition of conditions and make the following comment.

The current application seeks a reduced scale office development (2 offices only) with no on-site parking. The applicant has a written agreement with the local sports association to provide four off street parking spaces in an existing car parking facility. This Authority would recommend that this parking is secured by an appropriate legally binding agreement (e.g. Section 106 Agreement) for the lifetime of the development. Whilst remote from the offices the applicant has demonstrated a suitable level of parking and as such an objection would be unlikely to be sustainable at appeal.

It is recommended that the dropped vehicular crossing at this location is removed and the footway and grass verge formally reinstated, including the installation of full height kerbs, to reduce the likelihood of vehicles being parked on the footway at this location.

This Authority would not wish to see obstruction of the public highway in close proximity to the signalised junction. The applicant should be asked to provide a demolition/construction method statement details should include material equipment/storage areas and traffic management etc.

District Council – No response to date.

Parish Council – The Parish Council raises serious reservations about the application on the following grounds.

- It is highly unlikely that the proposed parking arrangement to support this development at the Calver Sports Association ground would be utilised in view of its distance away from the development which would involve crossing two main roads. It is highly likely that individuals would either park closer either on the main road adjacent to the site or on Sough Lane which is already congested in association with parking for access to the supermarket at Calver Crossroads.
- Question the need for more office accommodation in Calver.
- Inaccuracies on the submitted application form.

Representations

One representation letter has been received. The letter objects to the proposed development for reasons summarised below. The letter can be read in full on the Authority's website.

- The whole of the site area is to be re-developed which leaves no space for surface water disposal or waste storage on the applicant's land.
- On three sides of the building the adjacent land is not in the applicant's ownership. There are several obstacles abutting the development including a holly tree and a shed used for storage by the bowling club.
- The proposed aluminium window and doors are out of keeping with other properties in this location.
- Surface water currently is discharged to a soak away on the neighbouring property. The proposed guttering would discharge to this soak away and not contained within the curtilage of the new development.

- There is no provision for bins or skips within the development.
- There is no provision for visitor parking within the development.
- There is no proven demand for offices within the area.

Main Policies

Relevant Core Strategy policies: GSP3, DS1 and E1

Relevant Local Plan policies: LC4, LE6, LT10 and LT18

The Authority's development strategy (DS1) says that in named settlements development for business uses is acceptable in principle. E1 is directly relevant for business development and E1 A says that new sites and buildings will be permitted within or on the edge of the named settlements provided that the proposal is of a scale that is consistent with the needs of the local population. Wherever possible proposals must reuse existing traditional buildings or previously developed sites, and take up opportunities for enhancement.

GSP3 and LC4 say that all development must conserve and enhance all valued characteristics of the site and buildings and that particular attention will be paid (amongst other things) to siting, landscaping and building materials, design in accordance with the design guide, impact on living conditions of communities and access and traffic levels.

LE6 is more specific, relating directly to employment sites and says that where development is acceptable in principle, it will only be permitted provided that every practicable means is used to minimise any adverse impact, paying particular attention to (amongst other things) visibility, site access and parking.

The relevant development plan policies are considered to be up-to-date and in accordance with the more recently published National Planning Policy Framework (the Framework) because both documents seek to promote appropriate sustainable economic development in rural areas which conserves and enhances the National Park.

Assessment

The application site is located within Calver which is a named settlement for the purposes of the Authority's development plan. The existing metal sheet building takes up the entire application site and is of no architectural or historic merit and therefore the demolition of the existing building and its replacement with a new office building, which enhances the site and of a size consistent with the needs of the local population would be acceptable in principle.

The submitted application proposes a building to house two offices (each with a floor space of approximately 35m²) each with ancillary kitchen and toilet. In this case, no specific justification or explanation for the need for the office space has been provided, and it is assumed that the development is speculative. The Parish Council has raised concerns that there is no identified need for the offices.

Policy E1 requires development to be consistent with the needs of the local population. Officers have taken into account the concerns raised but consider that the proposed floor space is relatively modest and can be considered to be consistent with the likely needs of the local population, especially taking into account that the development would replace the existing building.

The proposed development would therefore be acceptable in principle provided that the

development enhances the site and was acceptable in all other respects.

The design of the proposed building has been revised following the refusal of the last application in 2014. The proposed building has followed Officers' advice in that the building is now single storey and has been designed to reflect a simple traditional building clad in natural materials. The width of the gable wall has been further reduced and the pitch of the roof increased following negotiations with the agent which will significantly reduce the massing of the building on the site. The two proposed openings on the front elevation reflect the type of openings found under the eaves of outbuildings and are acceptable. The proposed roof lights have been moved to the rear roof slope to minimise their visual impact.

It is therefore considered that the revised design is acceptable and is in accordance with GSP3 and LC4. The proposed building would be smaller and also a significant visual enhancement in materials and appearance within the street scene as compared to the existing metal sheet building. If permission is granted conditions are recommended to secure architectural details and specifications for materials. In particular Officers would recommend that the walls of the building are clad with roughly coursed limestone rather than coursed gritstone because this is the predominant building material within Calver. The use of powder coated aluminium frames deeply recessed behind the external face of the wall is considered to be acceptable subject to an appropriate frame detail and recessive colour finish.

The application site does not include any space for off-street parking for occupants, deliveries or other visitors. The applicant proposes that four off-street spaces would be retained for use at the existing car park adjacent to Polly Froggatt field and proposes that a planning obligation under Section 106 can be used to secure this.

The highway at this point (the B6001) is relatively busy and the site is located within 50m of its junction with the A623. The footway at this point is also relatively well used by customers visiting the adjacent shop and nursery. It is therefore considered that any manoeuvres by vehicles either reversing into or out of the site or parking on the footway could potentially harm the safety of pedestrians, cyclists and vehicles using the highway.

Concern has been raised by the Parish Council that the four proposed parking spaces would be too distant from the site and that it is likely that occupants and visitors would park on the adjacent highway or on Sough Lane. The proposed parking areas are approximately 200m from the application site and having walked the route and carefully considered the issue Officers, on balance, agree with the Highway Authority that the proposed parking areas would be suitable and would not be so far from the site that occupants and visitors would be discouraged from using them.

As the car park at Polly Froggatt field is outside of the application site and the applicant's control it is not possible to impose a planning condition requiring the permanent provision and maintenance of the proposed parking spaces. It would be necessary for the applicant to enter into a planning obligation with the owner of the car park and the Authority prior to the issuing of any final decision to ensure that the parking spaces are provided and maintained in perpetuity.

Officers also agree with the Highway Authority that a condition to agree a site construction compound is necessary to ensure that construction vehicles, plant and materials are managed in a way which avoids obstruction of the highway and any other highway safety issues. A condition to remove the dropped kerb and re-instate a full-height kerb along with the footway and a grass verge is also considered to be necessary to prevent and discourage vehicles parking on the footway. A scheme for the storage of any bins within the building would also be necessary to prevent bins being stored on the adjacent footway.

Subject to the prior entry into a planning obligation and imposition of the above planning conditions it is considered that the proposed development would be served with adequate

parking and that the development would not harm highway safety in accordance with LT11 and LT18.

The proposed building would be on a similar footprint to the existing building and would have a lower eaves and ridge height, so there are no concerns that the development would lead to any loss of light or have an overbearing impact upon any neighbouring properties. There are no concerns that the proposal would lead to any over-looking as the front openings face towards the road and the two small rear windows face towards the bowling green.

The proposed office use would be acceptable on this site and would not give rise to any noise or other disturbance which could harm the amenity of the area. Given the location of the building and the distance from any neighbouring residential property it is not considered necessary to restrict the hours of operation of the development or delivery / servicing activities. Given the concerns about parking it is considered necessary to restrict the use of the building to offices only because other uses could give rise to additional parking or servicing requirements. The change of use to a market dwelling would also be contrary to policy HC1.

The proposed building would have a connection to the main sewer which is acceptable. Surface water would drain through the existing drainage which serves the main building. There is no evidence that this drainage has caused any flooding or is unacceptable from a planning point of view. It is also noted that there is a small holly tree adjacent to the site. The holly tree is not significant in the street scene and appears to have grown around and away from the existing building, therefore the development would be unlikely to have any harmful impact upon the tree.

It is therefore considered that the proposed development would not harm the privacy, security or amenity of the local area.

Conclusion

The proposed development is acceptable in principle and the amended design is of a high quality and in accordance with relevant development plan policies and the adopted design guide. The proposal would not harm the amenity of any neighbouring property or other land uses and subject to the prior entry into a legal agreement to secure parking spaces it is considered that the development would not harm highway safety.

Therefore subject to prior entry into a legal agreement and the conditions outlined in the report it is considered that the proposal is in accordance with the development plan. Relevant policies are in accordance with the Framework and, in the absence of any further material considerations, the proposal is therefore recommended for approval.

Human Rights

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

List of Background Papers (not previously published)

Nil



Committee Date: 11/12/2015
 Item Number: 17
 Application No: NP/DDD/0815/0782
 Grid Reference: 423888, 374774

Title: Main Road
 Hassop Road
 Calver Sough
 Calver



**PEAK
 DISTRICT
 NATIONAL
 PARK**

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18. FULL APPLICATION – CHANGE OF USE OF A SINGLE DWELLING TO PART DWELLING AND PART HOLIDAY LET ACCOMMODATION AT 6 NEW ROAD, EYAM (NP/DDD/0915/0843, P.5648, 422205 / 376403, 18/11/2015/AM)

APPLICANT: MR PAUL WAKELAM

Site and Surroundings

6 New Road is a two storey semi-detached dwelling located in a relatively modern housing estate in Eyam. The property is constructed from rendered walls above brick under hipped roofs clad with natural blue slate. Windows and doors are white uPVC. Access to the site is via New Road. The nearest neighbouring properties are 5 and 7 New Road.

Proposal

This application seeks planning permission for the change of use of the dwelling to part dwelling and part holiday let accommodation. The application form states that the proposed development has already taken place and was completed in July 2015. The application is therefore retrospective.

The submitted plans show that the extension built after planning permission was granted in 2002 was converted to a two bedroom dwelling with kitchen and living room on the ground floor. This now forms a self-contained dwelling which is proposed to be occupied as holiday accommodation. The 'original' part of the dwelling would retain its own kitchen and lounge and three bedrooms and therefore would also form a self-contained dwelling.

The proposal is therefore for the change of use of part of the dwelling to create a dwelling which would be occupied as holiday accommodation. Both dwellings would share parking space and access to the front of the building and garden space to the rear. The plans show that an internal access would be maintained between the two dwellings at ground and first floor.

RECOMMENDATION:

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

1. The development hereby permitted shall be used for holiday accommodation ancillary to 6 New Road, Eyam and for no other purpose, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended. The holiday accommodation shall not be occupied by any one person for more than 28 days in any calendar year. The existing house known as 6 New Road, Eyam and the holiday accommodation hereby permitted shall be maintained as a single planning unit.

The owner shall keep an up-to-date written register of the details of all occupiers of the holiday accommodation hereby permitted, including their names and their main home addresses, and shall make it available for inspection by the local planning authority at all reasonable times.

Key Issues

- Whether the proposed development is supported by relevant policies within the Development Plan and specifically with reference to Core Strategy policies DS1 and RT2.
- The effect of the proposed development upon the character appearance and amenity of the area and whether it would conserve and enhance the valued characteristics of the

Peak District National Park.

History

2002: NP/DDD/1101/492: Planning permission granted conditionally for extension to dwelling.

2013: NP/DDD/0513/0402: Planning permission granted conditionally for conversion of window into a door on front elevation.

Consultations

Highway Authority – No objection subject to applicant demonstrating one additional off-street parking space.

District Council – No response to date.

Parish Council – The Parish Council state that it supports the application subject to three clauses which are that the property should not be used as a holiday let, that a local needs clause should be included and that the property cannot be sold off as a separate unit and should remain as a single dwelling.

This application proposes the use of the dwelling to part dwelling and part holiday let and must be determined on its own merits. The application does not seek permission for a local needs dwelling, which is a different development. Officers have therefore treated the Parish Council's comments as an objection to the proposed holiday accommodation.

Representations

One representation has been received to date. The letter makes the following general comments which are summarised below. The letter can be read in full on the Authority's website.

- Consideration needs to be given to the increased number of vehicles travelling in and out of the cul de sac both from a safety and parking point of view. More than half of the residential properties have small children that either reside on the street or regularly visit.
- The other main issue that we feel should have been addressed prior to the B&B opening its doors more than six months ago was the intrusive nature of having visitors in such close proximity to and overlooking 7 New Road.

Main Policies

Relevant Core Strategy policies: GSP3, DS1 and RT2

Relevant Local Plan policies: LC4, LR6, LT11 and LT18

National Planning Policy Framework

Paragraph 115 in the National Planning Policy Framework (the Framework) states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage. Paragraph 17 of the Framework sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the Framework states that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development. Planning policies should support the sustainable growth of all types of business both through conversion and well designed new buildings and should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Development Plan

Relevant policies in the Development Plan are broadly consistent with the Framework because they promote the conversion of existing buildings, and leisure and tourism development in the Peak District where it is consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests. GS1 also sets re-affirms the application of the Sanford Principle whereby conservation of the National Park landscape takes precedence over recreational interests where there is irreconcilable conflict between the two statutory purposes of the National Park's designation.

Policy DS1 states that in the countryside, amongst other things, extensions to existing buildings and the conversion or change of use of traditional buildings for visitor accommodation, preferably by re-use of traditional buildings will be acceptable in principle. GSP3 and LC4 require a high standard of design in accordance with adopted design guidance and for all development to conserve the amenity, security and privacy of any neighbouring properties or land uses.

Policy RT2 is relevant in regard to the principle of the use of part of the application building as a self-contained holiday let. RT2 says that proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:

- A. The change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted.
- B. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.
- C. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

LR6 says that where permitted the occupancy of holiday accommodation by any one individual will be restricted to no more than 28 days per calendar year.

LT11 and LT18 say that safe access and adequate parking and turning arrangements are a prerequisite of any development in the National Park.

Assessment

DS1 in principle allows for the creation of holiday accommodation in settlements, preferably by re-use of traditional buildings. RT2 specifically allows for the change of use of a traditional building of historic or vernacular merit except where the new use of the building would create unacceptable landscape impact in open countryside. The National Planning Policy Framework also supports the provision of sustainable tourist facilities in the National Park either through the conversion of existing buildings or the erection of well-designed new buildings.

The application building is semi-detached residential dwelling located on a modern estate within Eyam. The original building has been substantially extended to the side and rear following the grant of planning permission in 2002. This application seeks planning permission for the use of the 2002 extension as a self-contained two bedroom holiday let which would be linked internally to the rest of the property and would also share the existing parking and garden areas.

The property is located within Eyam and the proposal does not propose any new extensions or alterations to the building. Therefore there are no concerns that the proposed development would have any harmful impact upon any valued characteristic of the National Park.

The proposal does not involve the conversion of a traditional building of vernacular merit envisaged by RT2, but it would utilise part of the existing residential accommodation, in effect turning it over for use by paying guests and retained under the control of the occupants of the main house. The proposal therefore very similar to providing bed and breakfast accommodation at the house, but guests would have their own private living space and kitchen.

Concern has been raised in representations about the potential increase in vehicle movements, parking requirements related to the proposed development and for the potential for visitors to overlook 7 New Road which is located to the north.

The proposed development would change the existing five bedroom dwelling to a three bedroom dwelling and two bedroom holiday let. The total number of bedrooms would therefore be unchanged but it is accepted that the occupants of the holiday accommodation would be more likely to arrive in a separate car, possibly two. However, it is considered that any potential disturbance from an increase from three to four cars at the property would not have any significant impact upon residential amenity or harm highway safety. There is also space within the front parking area for four vehicles to park.

There are no material changes to the layout of the building any no changes to external window and door openings. It is therefore considered that the proposed development would not have any greater impact in terms of overlooking or loss of privacy to any neighbouring property compared to the existing use and occupation of the building as a single dwelling house.

It is therefore considered that the proposed development is acceptable and in accordance with relevant development plan policies. The comments from the Parish Council are noted but this application must be determined on its own merits and the proposed holiday let has been found to be in accordance with the development plan and the Framework. Any alternative proposal to use the property as a local needs dwelling would be determined on its own merits and it would be unreasonable to seek to restrict the proposed development to be occupied as a local need dwelling.

Conclusion

The proposed conversion of part of the existing dwelling to a holiday let is considered to be in accordance with the Authority's tourism and conservation policies because the development would create self-catered holiday accommodation in a sustainable location and without any harm to the National Park's valued characteristics of the amenity of the local area. In the absence of any further material considerations the proposal is therefore recommended for approval.

If permission is granted a condition to restrict the occupancy of the dwelling to holiday accommodation only and ancillary to the main dwelling would be recommended. This is in accordance with LR6 and because the creation of an unrestricted dwelling would not be in accordance with HC1 or LH1. The proposed holiday let also shares parking, garden and is connected internally to the main dwelling and therefore needs to remain ancillary for amenity reasons. As the application is retrospective conditions to secure the approved plans or to state the statutory time limit for implementation are not necessary.

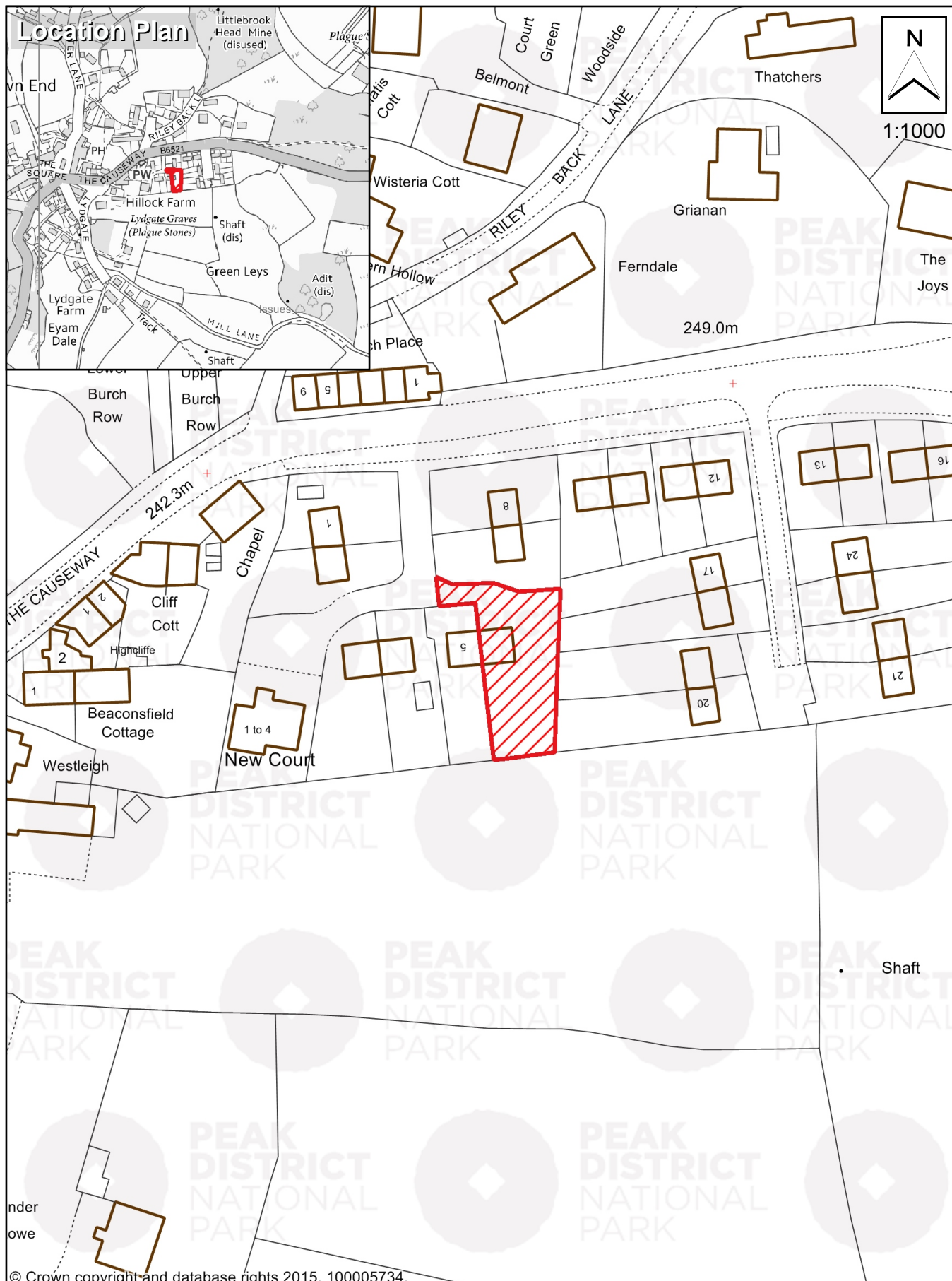
Human Rights

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

1. **APPEALS LODGED**

There were 4 Appeals lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0615/0606 3136775	Erection of lambing shed at Thornbridge Hall, Ashford-in-the-Water, DE45 1NE	Written Representations	Delegated
NP/GDO/0215/0090 3137811	Erection of a portal-framed farm building next to existing modern farm building at Upper Green Farm, Onecote	Written Representations	Delegated
NP/DDD/0715/0636 3138412	Retrospective application for extension, alteration and a garage at Braeside, Mill Lane, Stoney Middleton	Householder	Delegated
NP/HPK/0715/0612 3134661	Agricultural Workers Dwelling at Heys Farm, Highgate Road Hayfield	Written Representations	Delegated

2. **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

3. **APPEALS DECIDED**

There were 2 appeals decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/S/1214/1273 3081096	Erection of two agricultural buildings at Cliffe House Farm, Loxley Road, High Bradfield, S6 6LJ	Written Representations	Dismissed	Committee
<p>The Inspector considered that the development would have failed to conserve or enhance the natural beauty of the National Park, and its statutory purposes. It would have also conflicted with the relevant policies of the Local Plan and the Development Framework as it was major development and the need for it to be sited in the National Park had not been justified. The large scale, mass and height of the proposed buildings would have appeared dominant, intrusive and incongruous in the pastoral landscape of the countryside when viewed from the public footpath and from the road to the north, and the proposal would have affected the setting of a nearby Grade II Listed Building at Fair Flatts Farm. Taking all that into consideration, the Inspector dismissed the appeal.</p>				
NP/DDD/0415/0271 3131600	Domestic garage at Swallow Cottage, Pilhough Road, Rowsley, DE4 2NE	Householder	Dismissed	Delegated

The Inspector in considering the appeal felt that the development would have been visible from the public highway and would have looked out of place in the landscape. He also considered that the proposal would have had a significant harmful impact on the character and appearance of the area, and on its special qualities that contribute to the valued characteristics of the National Park. The appeal was therefore dismissed.

4. **RECOMMENDATION:**

That the report be received.

20. LOCAL GOVERNMENT OMBUDSMAN COMPLAINT (C355/JRS)

Purpose of the report

1. This report informs Members of a complaint which has now been dealt with by the Local Government Ombudsman in respect of a case in Rowsley. The matter was considered by the Audit Resources and Performance Committee on 6 November 2015. At that meeting it was agreed that at this stage a short report would be provided for Planning Committee, but that a micro-scrutiny review panel be set up to consider the lessons to be learned from this case. The micro-scrutiny panel would comprise the following Members:

- Chair of Audit, Resources and Performance (Cllr Andrew McCloy)
- Vice Chair of Audit, Resources and Performance (Cllr Chris Furness)
- Chair of Planning (Paul Ancell)
- Emma Sayer
- One other Member of the Planning Committee

The Chair of Planning approached Cllr Caroline Howe to fill this last place and she has agreed. The panel is currently trying to arrange to meet either in December or early January. They will be assisted by the appropriate officers, including the Director of Conservation & Planning. The expectation is that the panel will meet and review the lessons to be learned from this case by considering the practicalities and process of consulting on planning applications and judging the impact of developments on neighbours.

Recommendation:

That the report be noted.

Background

3. The background to this case was set out in full in the Audit, Resources and Performance Committee report on 6 November so only a summary is provided in this report.

Local Government Ombudsman has investigated this case and the Investigator came to the decision that there had been fault by the Authority due to the failure of the Authority to consider material planning considerations and to apply its own planning policies or consider separation distances and the overbearing impact on a neighbouring property when granting planning permission for an extension. The concerns of the complainant initially arose through a failure to consult them directly on an application for an extension to the neighbouring property in 2012. The application was publicised through a standard yellow site notice, but the neighbour was not directly consulted.

Having found fault, the Investigator agreed that an extension of some form would have been acceptable, but not the approved extension. The Investigator therefore asked the Authority to commission the District Valuer to assess the diminution in value of the property, assessing the difference in value between a scheme that would have been acceptable and the scheme as approved and now substantially built. The District Valuer has now done this and has concluded that the difference is £35,000; the complainant had said that the diminution in value was £90,000–£100,000.

4. The recommended actions set out in the Ombudsman's final letter are set out below:

Recommended action

79. The Authority should:

- *apologise to Mr and Mrs T for granting planning permission for a neighbouring extension without applying its own planning policies and without giving them an opportunity to raise concerns;*
- *pay Mr and Mrs T £35,000;*
- *ensure staff responsible for approving planning applications check whether adjacent properties are likely to be affected and apply planning policies consistently.*

5. The Audit, Resources and Performance Committee agreed that the Authority should abide by these recommendations and resolved:

1. **To authorise arrangements to pay the diminution in value of a complainant's property following the 'before' and 'after' valuation of £35,000 in settlement of a Local Government Ombudsman case.**
2. **To appoint a Micro Scrutiny Review Panel to consider the lessons learnt from the complaint.**
3. **The following Members were appointed to the Micro Scrutiny Review Panel:**
Chair of Audit, Resources and Performance Committee – Cllr A McCloy
Vice Chair of Audit, Resources and Performance Committee – Cllr C Furness
Mrs E Sayer
Chair of Planning Committee – Mr P Ancell
One other Member of the Planning Committee to be identified by the Chair of Planning Committee.
4. **That attendance at Micro Scrutiny Review Panel meetings be approved duties for the payment of travel and subsistence allowances.**

6. A full report will be brought to Audit, Resources and Performance Committee once the micro-scrutiny panel has considered the issues it has been asked to look at.

Are there any corporate implications members should be concerned about?

7. Financial: The diminution in value of £35,000 will be funded from the Planning Services budget, which will also meet the Planning Consultant's and the District Valuer's fees.
8. Risk Management: There is a risk that the complainant will remain dissatisfied but the Authority will have responded to resolve the complaint in a reasonable way as judged by the Local Government Ombudsman.
9. Sustainability: No issues to highlight.
10. Background papers (not previously published) – Local Government Ombudsman's decision dated 19 October 2015
11. Appendices – None
12. **Report Author, Job Title and Publication Date**

John Scott, Director of Conservation & Planning, 3 December 2015