

Public Document Pack

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



Our Ref: A.1142/1441

Date: 7 January 2016



NOTICE OF MEETING

Meeting: **Planning Committee**Date: **Friday 15 January 2016**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 11/12/2015** (*Pages 1 - 22*)
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 12 No. One Bedroom Flats, Endcliffe Court, Ashford Road, Bakewell (NP/DDD/1215/1135 P.11903 420931/368985 6/1/2016/CF)** (*Pages 23 - 32*)
Site Plan
7. **Full Application - Retrospective Planning Application for a Lean-to Agricultural Barn for Small Beef Cattle Herd, Mixon Mines, Onecote (NP/SM/0915/0896, P.663, CF/29/11/2015)** (*Pages 33 - 42*)
Site Plan

8. **Full Application - Use of Land and Buildings for the Hosting of Weddings/Functions (8 Per Annum) and the Installation of Two Acoustic Screens to Pavilion Building and External Steps at Brookfield Manor, Hathersage (NP/DDD/0615/0601, P.5565, 423149 / 382957, 22/12/2015/AM) (Pages 43 - 60)**
Site Plan

9. **Full Application - Erection of Steel Fabrication Workshop on Previously Developed Land, Pittlemere Lane, Tideswell Moor, Tideswell (NP/DDD/0915/0888, P.6009, 414620 / 378500, 23/12/2015/AM) (Pages 61 - 68)**
Site Plan

10. **Full Application - Extensions to Factory Building and New Car Park, Carbolite, Aston, Hope (NP/HPK/1015/0996, P.3659, 07/12/2015, 418336 / 383094, MN) (Pages 69 - 82)**
Site Plan

11. **Listed Building Consent - Conversion of Barn to Residential Dwelling at Highlow Farm House, Highlow, Hathersage (NP/DDD/1115/1050, P.6190, 421958 / 380117, 30/12/2015/AM) (Pages 83 - 94)**
Site Plan

12. **Full Application - Conversion of Barn to Residential Dwelling at Highlow Farm House, Highlow, Hathersage (NP/DDD/1015/0969, P.6190, 421958 / 380117, 29/12/2015/AM) (Pages 95 - 108)**
Site Plan

13. **Full Application - Development of Single Subterranean 'Eco House' Self-Build Dwelling for Existing Local Residents, Associated Access and Extensive Soft Landscaping Scheme to Provide Ecological, Environmental, Landscape and Scenic Enhancement at Land Adjacent The Old Vicarage, Heads Lane, Bolsterstone (NP/S/1015/1008, P.3597, 427078 / 396736, 23/12/2015) (Pages 109 - 120)**
Site Plan

14. **Full Application - Proposed Use as a Single Dwelling, North Lees Hall, Hathersage (NP/DDD/1115/1111, P.6193, 423536 / 383448, 24/12/2015/AM) (Pages 121 - 128)**
Site Plan

15. **Listed Building Application - Alterations to Kitchen and Toilet Area of the Listed Wing of Aldern House, Peak District National Park Authority, Aldern House, Baslow Road, Bakewell (NP/DDD/1215/1148, P.2760, 421961 / 369440, 4/1/2016/CF) (Pages 129 - 132)**
Site Plan

16. **Full Application - Retrospective Planning Application for Field Shelter on Land at Friden Cottages, Friden (NP/DDD1015/0949, P5886, 417291 / 360997, 19/10/2015/SC) (Pages 133 - 140)**
Site Plan

17. **Full Application - Extension and Overcladding of Existing Utility Room to the Side, Including a New Pitched Roof and Walling in Timber at Pinfold Croft, Pinfold Hill, Curbar (NP/DDD/1115/1062, P.1074, 425026 / 374703, 04/01/2016/AB) (Pages 141 - 148)**
Site Plans

18. **Full Application - Extensions and Alterations to Existing Dwelling at 2 Booths Edge Cottages, Sheffield Road, Hathersage (NP/DDD/1115/1067, P.4318, 424094 / 380833, 29/12/2015/AM) (Pages 149 - 158)**
Site Plan

19. **Monitoring & Enforcement Quarterly Review - January 2016 (A.1533/AJC)** (Pages 159 - 164)
20. **Head of Law - Planning Appeals (A.1536/AMC)** (Pages 165 - 166)

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.

Recording of Meetings

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

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

General Information for Members of the Public Attending Meetings

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite

the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at www.travelineeastmidlands.co.uk.

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 11 December 2015 at 10.00 am

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

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr C Carr, Cllr D Chapman, Cllr Mrs N Hawkins,
Mr R Helliwell, Cllr Mrs C Howe, Cllr H Laws, Ms S McGuire,
Cllr Mrs K Potter and Cllr Mrs J A Twigg

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

Apologies for absence: Cllr P Brady, Cllr J Macrae and Cllr G Weatherall.

1/15 MINUTES OF PREVIOUS MEETING OF

The minutes of the last meeting of the Planning Committee held on 13 November 2015 were approved as a correct record.

2/15 MEMBERS DECLARATIONS OF INTEREST

Items 6 & 7

- The Chair acknowledged that all Members had received an email and booklet from the applicant at Riverside Business Park and James Atkinson of Counter Context for items 6 & 7.
- Cllr Mrs K Potter declared a personal interest as she regularly attends Bakewell Town Council meetings, although she has never stayed for the planning discussions.
- Cllr Mrs J Twigg declared a personal interest as a district and county councillor for Bakewell and that she knew many of the speakers and representatives and had received emails relating to the applications
- Mr R Helliwell declared a personal interest in that he knew one of the speakers and the applicant for this application.

Item 9

- Cllr Mrs K Potter and Cllr Mrs C Howe declared a personal interest as they had been given a photograph during the site visit

Item 10

- Cllr C Carr declared a personal interest in that he knew the applicant but has not discussed the application with them.

Item 12

- Cllr A McCloy declared a personal interest in that he had received emails from the Applicant and the District Council on this item.
- Mr R Helliwell declared a personal interest as he is a customer of the agent's employer, Bagshaws.

Item 14

- Mr R Helliwell declared a personal interest as he knew one of the speakers, Cllr Bill Gordon
- Mrs S McGuire declared a personal interest as she knew two of the speakers, Cllr Bill Gordon and Mrs Heather Rodgers.
- Cllr Mrs J Twigg declared a personal interest as she knew the agent Mr G Smith and two of the other speakers, Cllr Bill Gordon and Mrs Heather Rodgers.

Item 15

- Mr R Helliwell declared a personal interest in that he knew the applicant but had not discussed the item.

Item 16

- Cllr D Chapman declared a personal and prejudicial interest as the applicant is a close friend and he will leave the meeting during this item and take no part in the debate or voting.

Item 20

- Cllr Mrs K Potter declared a personal interest as she had organised and attended a site visit at the Vicarage, Church Lane, Rowsley.

3/15 PUBLIC PARTICIPATION

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

4/15 OUTLINE APPLICATION: PROPOSED COMMERCIAL/RETAIL-LED DEVELOPMENT, MIXED USE DEVELOPMENT, ASSOCIATED WORKS AND DEMOLITION OF EXISTING BUILDINGS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL

Members had visited the site on the previous day.

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

- Mr Peter Stubbs - Resident of Holme Lane, Objector
- Mr Colin Bateman - Objector
- Mr Jim Harrison – Supporter
- Mr Neil Goldsmith NLP – Agent

Members raised an issue regarding Highways and why a report had not been included from the Highways Authority, Derbyshire County Council, Officers stated that the report had not yet been received. Officers confirmed that the installation of a new bridge already had planning permission, although funding had not been found by developers. The Authority is working with the developers to try and locate funding to enable the bridge to be built.

Members were concerned regarding development taking place prior to the installation of a new bridge and the impact on the residents of Holme Lane and felt the development can not take place until the bridge was built.

Members also expressed concerns regarding the plan for retail units so close to the centre of Bakewell and the economic impact this could have on the town centre.

Officer clarified the first sentence of reason 2 of the recommendation by adding "The proposals are contrary to saved Local Plan policy LB7 because they do not constitute the comprehensive redevelopment of the Riverside Business Park predominantly for employment uses, nor do they include an appropriate mix of uses as provided for by policy LB7.

The officer concluded that in light of the recommendation, even if a comparative exercise had been carried out between this application and the Aldi application, the Aldi Application would still have been a positive recommendation. The Aldi Application was acceptable in planning terms whilst the Riverside Application is not, for reasons beyond that only one additional food store is acceptable in Bakewell

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

RESOLVED:

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. The proposals are contrary to saved Local Plan policy LB7 because they do not constitute the comprehensive redevelopment of the Riverside Business Park predominantly for employment uses, nor do they include an appropriate mix of uses as provided for by policy LB7.. 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.

Stella Maguire joined the meeting at 11.05 following the vote.

5/15 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

Members had visited the site on the previous day.

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

- Mr Peter Stubbs - Resident of Holme Lane, Objector
- Mr Colin Bateman - Objector
- Mr Mark Krassowski - Supporter
- Mr Neil Goldsmith NLP – Agent

The revised design of the hotel was acceptable and in keeping with the history of the site and the Authority acknowledged that another hotel is required in Bakewell with few sites available for such a development. Overall support for the proposal but issues with access means the officer recommendation is to refuse.

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

RESOLVED:

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.**

The meeting adjourned at 11.50 for a short break and reconvened at 11.55.

6/15 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

Members had visited the site on the previous day.

Members discussed the recommendation in the report for a second opinion on ecology but due to the strength of the support from Natural England, Officers felt a second opinion was not needed.

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

RESOLVED:

- 1. That the 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.

7/15 (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

Members had visited the site on the previous day.

The officer explained that the two applications were separate but inter-related because of their similarities. The extant planning consent allowed development up to the year 2040. If the current proposals were refused, the existing permission would continue to apply, however the officer's view was that the proposals embodied exceptional circumstances since they do not increase the level of reserves from the site, there is a reduced timeframe for the remaining development, from 2040 to 2035, and there are significant long term biodiversity benefits and landscape enhancements compared to the existing approved scheme.

One letter had been received since the report had been finalised, raising a number of issues including noise, dust levels, cleanliness and safety on the road. The officer confirmed that there had been no complaints about this site and that conditions would continue to control these matters.

Members agreed this was a well run site and that the proposals for a new restoration scheme fit well with the landscape. Some concerns were expressed regarding bat habitat and impact of number of lorries on local residents but a report from the Environmental Health Officer confirmed there were currently no problems. The Director of Conservation and Planning confirmed that the report from the Authority's Ecologist was sufficient.

The recommendations of approval for both applications were moved, seconded, voted upon and carried.

RESOLVED:

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.

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

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 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); 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.

8/15 FULL APPLICATION - CHANGE OF USE OF CAMPING BARN TO AGRICULTURAL WORKERS DWELLING AT BUTTERLANDS BARN, GREENHILL LANE, ALSTONEFIELD

Cllr David Chapman declared an interest as he knew the applicant.

Members had visited the site on the previous day.

This application was originally considered at the meeting of the Planning Committee in November 2015. Notwithstanding an officer recommendation of refusal, a motion to defer a decision on this application pending a site visit was carried. The resolution for a site visit was made because the second reason for refusal of this application in the original officer report related to the availability of alternative accommodation at the main farmstead.

In accordance with Standing Orders, a motion to continue the meeting beyond three hours was moved, seconded, voted upon and carried.

Following the site visit members felt that there was no alternative but to recommend the item be deferred for consideration of an endangered species surveys with a mind to approve the application.

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

RESOLVED:

That the application be deferred pending the submission of an endangered species survey with a mind to approve the application.

The meeting adjourned for lunch at 13.10 and reconvened at 13.35

Mr P Ancell

Cllr D Birkinshaw, Cllr C Carr, Cllr D Chapman, Cllr Mrs N Hawkins, Mr R Helliwell, Cllr Mrs C Howe, Cllr H Laws, Ms S McGuire, Cllr Mrs K Potter and Cllr Mrs J A Twigg

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

9/15 FULL APPLICATION - CHANGE OF USE OF BARN/FORMER BLACKSMITH'S WORKSHOP TO DWELLINGHOUSE, THE BARN, BACK LANE, ALSTONEFIELD

This revised application was originally considered at the meeting of the 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 with deferral for discussions on the terms of the S106 agreement.

The original recommendation to refuse the application was moved, seconded and voted upon but not carried.

Director of Conservation and Planning suggested two proposals:

1. Section 106 agreement to be signed but not applicable to current occupant, only to future occupants.
2. Open Market conversion approved based on the character landscape of building and lack of landscape harm.

A motion to approve an open market conversion of a valued vernacular merit with no landscape harm was moved and seconded. Permitted development right would be removed. The motion was moved, seconded, put to the vote and carried

RESOLVED:

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.**

**10/15 FULL APPLICATION - CONVERSION OF BARN TO LOCAL NEEDS DWELLING
ADJACENT TO THE B5056, WINSTER**

Members had visited the site the previous day.

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

- Mr Craig Barks

This application 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.

Amended plans had been received to include a large wall to conceal cars and waste bins from the view from the road.

A motion to restore the barn subject to a Section 106 agreement governing occupancy was moved, seconded, voted upon and carried.

RESOLVED:

That the application be approved subject to 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.

11/15 FULL APPLICATION - RETROSPECTIVE PLANNING APPLICATION FOR A LEAN-TO AGRICULTURAL BARN FOR SMALL BEEF CATTLE HERD, MIXON MINES FARM, ONECOTE

Officers stated that the proposal related to Mixon Mines not Mixon Mines Farm.

A motion to defer the application pending a site visit was moved, seconded, voted upon and carried.

RESOLVED:

That the application be DEFERRED pending a sit visit to consider the landscape impact.

12/15 FULL APPLICATION - PROPOSED CONVERSION OF FORMER HOUSE TO FORM ACCESSIBLE HOLIDAY LET ACCOMMODATION, SMELTERS COTTAGE, HATHERSAGE

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

- Heather Rogers – Local Resident - Support
- Mr Brian Ward – Local Historian - Support
- Cllr Bill Gordon (Parish Council) - Support
- Mr Gerry Smith, Smith & Roper Architects – agent

Officers noted the good design of the plans to reconstruct the cottage but due to the large amount of work needed this would be designated a new build rather than restoration.

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

RESOLVED:

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.

13/15 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

Consent had been given for demolition and rebuild of farmhouse. A new design had been submitted and work had already begun so permission would be retrospective. The new development was too large and not in keeping with the original dwelling.

Since the report officers have received an objection to the proposal from Rowland Parish Meeting based on the size.

Members raised concerns regarding the delay in detecting the changes to the work taking place. Officers explained that the Authority does not have a building inspector as other Authorities do.

The recommendation for refusal moved, seconded, voted upon and carried.

RESOLVED:

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.
3. Enforcement action to commence in the New Year.

Cllr Norma Hawkins and Cllr David Chapman left the room at 15.10.

Cllr Kath Potter left the room for 5 minutes at 15.15

Cllr Harold Laws left the room at 15.25

14/15 FULL APPLICATION - ERECTION OF STEEL FABRICATION WORKSHOP ON PREVIOUSLY DEVELOPED LAND, PITTMERE LANE, TIDESWELL MOOR, TIDESWELL

Cllr D Chapman had declared a prejudicial interest and left the room for this item.

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

- Cllr Rod Baraona, Tideswell Parish Council – Support
- Ms Bettney – Applicant
- Joe Oldfield – Agent, and shared the 3 minutes speaking allocation with Ms Bettney.

Director of Conservation and Planning stated he had advised the applicant in his previous role in the private sector, left the meeting and took no part in the debate.

Five letters of support have been received since the completion of the report and were summarised for the committee.

A motion to defer the item pending a site visit was moved, seconded, voted upon and carried.

RESOLVED:

That the application be DEFERRED pending a site visit.

15/15 FULL APPLICATION - DEMOLITION OF EXISTING SHED AND REPLACEMENT WITH SINGLE STOREY OFFICE BLOCK AT MAIN ROAD, HASSOP ROAD, CALVER

The recommendation to approve subject to a Section 106 agreement was moved, seconded, voted upon and carried.

RESOLVED:

That subject to the prior entry into a planning obligation under section 106 to secure the permanent provision of four parking spaces for staff 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).

16/15 FULL APPLICATION - CHANGE OF USE OF A SINGLE DWELLING TO PART DWELLING AND PART HOLIDAY LET ACCOMMODATION AT 6 NEW ROAD, EYAM

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

RESOLVED:

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.

17/15 HEAD OF LAW REPORT

RESOLVED:

That the report on appeals lodged and decided be received.

18/15 LOCAL GOVERNMENT OMBUDSMAN COMPLAINT

The Chair announced that following a decision at Audit, Resources and Performance Committee on 6 November 2015, a micro scrutiny review panel had been appointed to consider the practicalities and process of consulting on proposals and how the impact of developments on neighbouring properties is judged. The panel would meet on Friday 8 January 2016. Cllr Kath Potter had been invited to speak to the panel as Chair of Rowsley Parish Council.

RESOLVED: That the report be noted.

The meeting ended at 3.55 pm

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6. OUTLINE APPLICATION – PROPOSED 12NO. ONE BEDROOM FLATS, ENDCLIFFE COURT, ASHFORD ROAD, BAKEWELL (NP/DDD/1215/1135 P.11903 420931/368985 6/1/2016/CF)

APPLICANT: COUNTY ESTATES (BAKEWELL) LTD

Site and Surroundings

Deepdale Business Park lies approximately 1km to the northwest of Bakewell's town centre and is accessed from the A6 Ashford Road. The site is designated for employment uses (B1 & B2) by saved policy LB6 in the Local Plan, and to the rear of the site there are a range of units occupied by various tenants. At the front of the site, there are two units known as Media House and Endcliffe House, which overlook the A6.

Media House and Endcliffe House have a curved plan form and are built primarily from natural stone and have pitched roofs clad with blue slates. These buildings have now been converted to residential apartments under permitted development rights for conversion of B1(a) offices to C3 dwellings. These two units are now part of Endcliffe Court, which has been subdivided from the remainder of Deepdale Business Park. Planning permission has also recently been granted for a further block of six residential apartments adjacent on Endcliffe Court.

Proposals

The current application seeks outline permission for the erection of two new buildings within the remainder of the Business Park to the rear of Endcliffe Court, which would both accommodate six one-bedroom flats. In this case all matters have been reserved, which means that the precise details of the appearance of the building, means of access from the A6, landscaping, layout and scale would not normally be included with the submitted application.

However, the submitted application does include plans that show the proposed buildings would be almost identical to Media House and Endcliffe House in terms of their design aesthetics and the materials used in their construction albeit one new building would have a simple rectangular plan and one new building would be on an 'L' shaped plan rather than a curved plan like the existing 'apartment blocks'. The plans also show that each flat would have an internal floor area of around 54m² and the occupants of the flats would be provided with parking spaces within the curtilage of the respective plots (Plot 3 and Plot 11a) on the Business Park.

RECOMMENDATION:

That the current application be REFUSED for the following reasons:

- 1. The current application proposes new housing to meet general demand without supporting the conservation and enhancement objectives of the National Park. Therefore the current application conflicts with core policy HC1 and saved Local Plan policy LH1. Furthermore by failing to address any wider public benefit to the local area or the National Park as a whole, no other material considerations exist in support of national planning policies.**

- 2. In the absence of any exceptional circumstances that warrants the provision of open market housing to meet general demand, and in the absence of any evidence that the proposed housing would positively respond to local housing needs or contribute to the provision of affordable housing within the local area: the proposals do not constitute a sustainable pattern of development and are therefore contrary to the presumption in favour of sustainable development in policy GSP1 of the Core Strategy and national planning policies in the Framework.**

Key Issues

- Whether there are exceptional circumstances that would justify a departure from the Authority's adopted housing policies, national planning policies in the Framework and Government Guidance in English National Parks and the Broads: UK Government Vision and Circular 2010.
- Whether it is reasonable to accept the loss of land safeguarded specifically for B1 and B2 uses.

History

- | | |
|------|---|
| 2000 | Full planning permission granted conditionally for Media House (NP/DDD/0499/187). |
| 2002 | Full planning permission granted conditionally for Endcliffe House (NP/DDD/0901/406). |
| 2013 | Planning permission refused for the change of use of Media House and Endcliffe House from offices to apartments (NP/DDD/0612/0616). |
| 2013 | Notification of the change of use of Endcliffe House to residential use accepted (NP/GDO/0613/0452) |
| 2013 | Notification of the change of use of Media House to residential use not accepted because of condition 12 attached to NP/DDD/0499/187 limiting the use of the building to offices (NP/GDO/0913/0771). |
| 2013 | Planning permission refused for variation of condition 12 - office use only on NP/DDD/0499/187 – the subsequent appeal was allowed in 2014 and condition 12 has been deleted (NP/DDD/0613/0451). |
| 2014 | Notification of the change of use of Media House to residential use accepted (NP/GDO/0514/0562). |
| 2014 | Notifications of the change of use of Units 1-6 and 8-12 at Arden House on Deepdale Business Park not accepted (NP/GDO/0214/0110-0119) |
| 2014 | Outline planning permission refused for erection of building to accommodate 6 No. One bedroom flats (NP/DDD/0914/0997). The subsequent appeal was allowed and the reserved matters application was consented in 2015 subject to a planning obligation securing a commuted sum of £55,000. |

Consultations

County Council (Highway Authority) – No objections subject to conditions

District Council - No response to date

Town Council - Resolved to raise no objection to the proposal provided an appropriate “commuted sum” is agreed and invested in Bakewell.

Representations

No representations were received by the Authority during the statutory consultation period.

Main Policies

The application proposes new housing therefore the most relevant policies in the Development Plan are policy HC1 of the Core Strategy and saved Local Plan policy LH1. HC1 says provision will not be made for housing solely to meet open market demand and that housing land will not be allocated in the development plan. HC1(A) goes on to say exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it addresses eligible local needs. LH1 provides the detailed operational criteria for assessing affordable housing proposals.

These policies are consistent with policies in the National Planning Policy Framework (‘the Framework’) which say in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Moreover, the footnote to paragraph 115 of the Framework cross refers to: English National Parks and the Broads: UK Government Vision and Circular 2010 (‘the Vision Circular’), which provides further guidance and information about their statutory purposes, management and other matters.

This circular sets out very clearly that the role of the National Park is to support the delivery of affordable housing in terms of meeting the need for housing within Bakewell and the National Park as a whole. This approach to housing is consistent with the overarching landscape conservation objectives of Paragraph 115 of the Framework, which says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Policy E1 of the Core Strategy and saved Local Plan policy LB6 of the Local Plan are also relevant to this application. In particular, LB6 says general industry or business development (Use Classes B1 and B2) will be permitted on Deepdale Business Park and development which would prejudice the development of this site for general industry or business development will not be permitted.

E1(D) says the National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location such as Deepdale Business Park. 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.

These policies are also consistent with the Framework, which promotes sustainable rural economic development but encourages local planning authorities to consider appropriate alternative uses of employment sites that are no longer viable.

Wider Policy Context

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

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

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park. Policy CC1 of the Core Strategy and the associated supplementary planning document on climate change and sustainable development encourage incorporating energy saving measures and renewable energy into new development.

These policies are consistent with the core planning principles set out in the Framework including the Government's objectives to secure high quality design that is sensitive to the locally distinctive characteristics of the National Park's built environment.

Assessment

Principle

An application for outline planning permission is normally used to establish whether the principle of a development would be acceptable before detailed plans are prepared. In this case, the current application proposes 12 no. one bedroom flats that are intended to meet general demand. In summary, there are no provisions for open market housing in the National Park to meet general demand unless the proposed housing would be required to conserve or enhance a valued vernacular or listed building (HC1(C)I), or within settlements, the proposed housing would be required to achieve enhancement objectives or the relocation of a non-conforming use in accordance with policy HC1(C)II of the Core Strategy.

In this case, the proposed development simply does not meet the requirements of HC1(C)I or HC1(C)II and the current application conflicts with the more general presumption in HC1 and LH1 that new housing within the National Park will only be allowed exceptionally if it is affordable housing to meet local need. These proposals also conflict with Government guidance in the Vision Circular, which sets out very clearly that the role of the National Park is to support the delivery of affordable housing in terms of meeting the need for housing within Bakewell and the National Park as a whole

In these respects, the Authority's housing policies are also consistent with rural housing policies in the Framework noting that paragraph 54 of the Framework says in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. In this case, there is no evidence supplied with the application that the proposed units would meet local need or would be affordable either in terms of the Authority's affordability criteria or the Government's

target of a 20% discount on the selling price / rental value compared to open market values. Therefore, the current application does not accord with national housing policy

Moreover, whilst the submitted application indicates that a commuted sum could be offered by the applicant to enable off-site affordable housing provision; the current application does not include a viability appraisal or any other indication of how much the commuted sum would be or even how it would be calculated in the first instance. Therefore, the benefits of granting permission for this application would be limited to meeting general demand for open market housing in the local area. However, it is not considered the public benefits of granting planning permission for open market housing to meet general demand does outweigh or offset the potential adverse impacts of either making an exception to, or departing from the Authority's adopted housing policy in this case.

In particular, the provision of affordable housing in rural areas is a priority in national planning policy and new housing within the National Park will only be allowed exceptionally if it is affordable housing to meet local need or in the exceptional circumstances set out in HC1. Therefore, the supply of new housing to meet general demand can only carry very limited weight in the determination of this application and 'as submitted'; the application conflicts with national planning policies in the Framework, conflicts with Government guidance in the Vision Circular, and does not accord with saved Local Plan policy LH1 or policy HC1 of the Core Strategy. Therefore, the current application cannot be considered to be acceptable in principle.

Employment Land

Core Strategy policy E1(D) says the National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location such as Deepdale Business Park. 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. Local Plan policy LB6 says general industry or business development (Use Classes B1 and B2) will be permitted on Deepdale Business Park and development which would prejudice the development of this site for general industry or business development will not be permitted. In this case whilst the buildings would be located in the allocated site, the proposals would not directly result in the loss of employment land or compromise the ability of the remainder of the site to be retained for employment uses. There is additional undeveloped land to the rear of the site. Therefore, the proposals do not conflict with Local Plan policy LB6 and E1(D) insofar as these policies seek to safeguard the existing business land and buildings at Deepdale Business Park, although it is possible that continued development of this nature on this site could result in pressure for further residential development rather than employment development.

Consequently, if the proposed flats were intended to be affordable housing to meet local need, it would be possible to conclude that the proposals would meet the requirements of E1(D), which is otherwise permissive of affordable housing to meet local need on employment sites albeit where the site is no longer viable. As noted above, the proposals would also meet the criteria of housing policies HC1 of the Core Strategy and saved Local Plan policy LH1 if the flats were found to be needed by, and affordable to, people on low and moderate income who had an appropriate local qualification. However, the new flats are to be made available on the open market and are intended to meet general demand and, as set out above, this weighs heavily against the acceptability of the principle of the proposed development. Furthermore, there is no case made by the applicant that the flats are required to safeguard the future viability of the Business Park.

Sustainability

Policy GSP1 of the Core Strategy says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area. This policy is consistent with the presumption in favour of sustainable development that runs through national planning policies in the Framework.

However, the Vision Circular reiterates that in addition to the provision of support for commercial and business development, the critical link with housing provision – particularly affordable housing – needs to be recognised in National Parks when considering the sustainability of development proposals. In summary, the lack of affordable housing in many rural areas, including the Parks, has important implications for the sustainability of the Parks and their communities. This can have a detrimental effect on the local economy and undermine the social networks that are key components of sustainable rural communities.

The Vision Circular goes on to say the desirability of the Parks as places to live is one outcome of their successful long-term conservation and promotion. Demand for housing in the Parks has consistently driven up the price of housing and development sites. Combined with relatively low wages in the local economy, a declining stock of council housing and only modest additions of new affordable units over the last 20 years, the consequence is that much of the stock is now beyond the reach of many local households. This can affect the social and economic diversity of rural communities and may, in some circumstances, undermine social support networks and the viability of rural businesses, which are key components of sustainable rural communities.

Therefore, whilst there may be no objections to the current proposals in terms of their potential impact on the environmental quality of the National Park, the Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services. The current proposals do not achieve these objectives because the proposed housing cannot be demonstrated to respond to local housing needs and therefore, the current application cannot be considered to respond positively to the social and economic dimensions of sustainable development particularly when taking into account Government guidance in the Vision Circular.

Reserved Matters

In this case, the application is in outline with all matters reserved. However, indicative plans have been submitted which show a development that gives rise to no overriding objections in terms of its design, siting and layout, assuming any reserved matters application would follow this approach. The new buildings would not have a significant visual impact on the wider landscape because they would be sited within the existing Business Park to the rear of Endcliffe Court. The new buildings would reflect the character and appearance of their immediate surroundings because they would be constructed to match the existing external appearance of Endcliffe House and Media House and the adjacent office blocks and commercial units on the Business Park.

The proposal shown on the indicative drawings would not be unneighbourly by virtue of the orientation of the new building relative to the nearby Endcliffe House and Media House and the intervening distances between the two nearest neighbouring residential properties (in separate ownership) either side of the Business Park. Access and parking provision would be adequate for the new development and would not prejudice the parking arrangements for the remainder of the units on site. There are also no overriding concerns that the proposed residential accommodation would be incompatible with the continuing use of the existing employment units for business uses as they are in a B1 Use Class.

Therefore, whilst these issues generally relate to reserved matters that would need to be controlled by planning conditions if permission were granted for the current application, the new buildings shown on the submitted plans would not conflict with the applicable design and conservation policies in the Development Plan and the Framework or result in any demonstrable harm to the amenities of the local area.

Conclusions

It is therefore concluded that the current application does not promote a sustainable form of development and the limited benefits of granting planning permission for the open market housing proposed in this application are substantially and demonstrably outweighed by the harmful impacts of granting permission for an unwarranted departure from local and national housing policies that prioritise the provision of affordable housing within the National Park. Consequently, the current application is contrary to saved Local Plan policy LH1, policies GSP1 and HC1 of the Core Strategy and national planning policies in the Framework and there are no other material considerations in this case or any other exceptional circumstances that indicate permission should be granted in this case.

Accordingly, the current application is recommended for refusal.

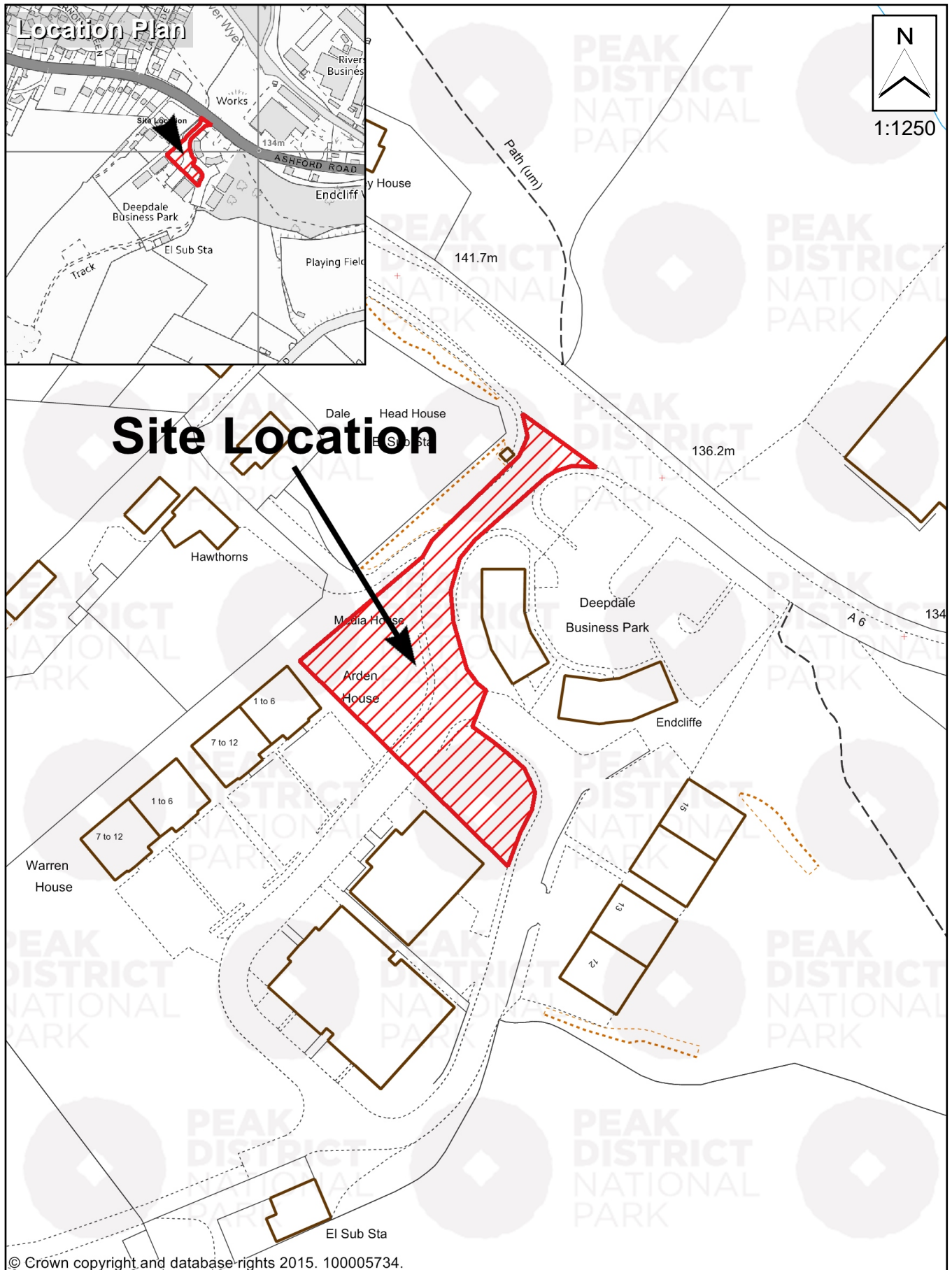
Human Rights


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:	15/01/2016	Title: Plot 3 and 11A Deepdale Ashford Road Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	NP/DDD/1215/1135		
Grid Reference:	420887, 368937		

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7. FULL APPLICATION – RETROSPECTIVE PLANNING APPLICATION FOR A LEAN-TO AGRICULTURAL BARN FOR SMALL BEEF CATTLE HERD, MIXON MINES, ONECOTE (NP/SM/0915/0896, P.663, CF/29/11/2015)

APPLICANT: Mr Alan Finnikin and Ms Sheena Ashbrook

A decision on this application was deferred at the Planning Committee in December 2015 to allow members to undertake a site visit.

Site and Surroundings:

Mixon Mines 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 been 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.

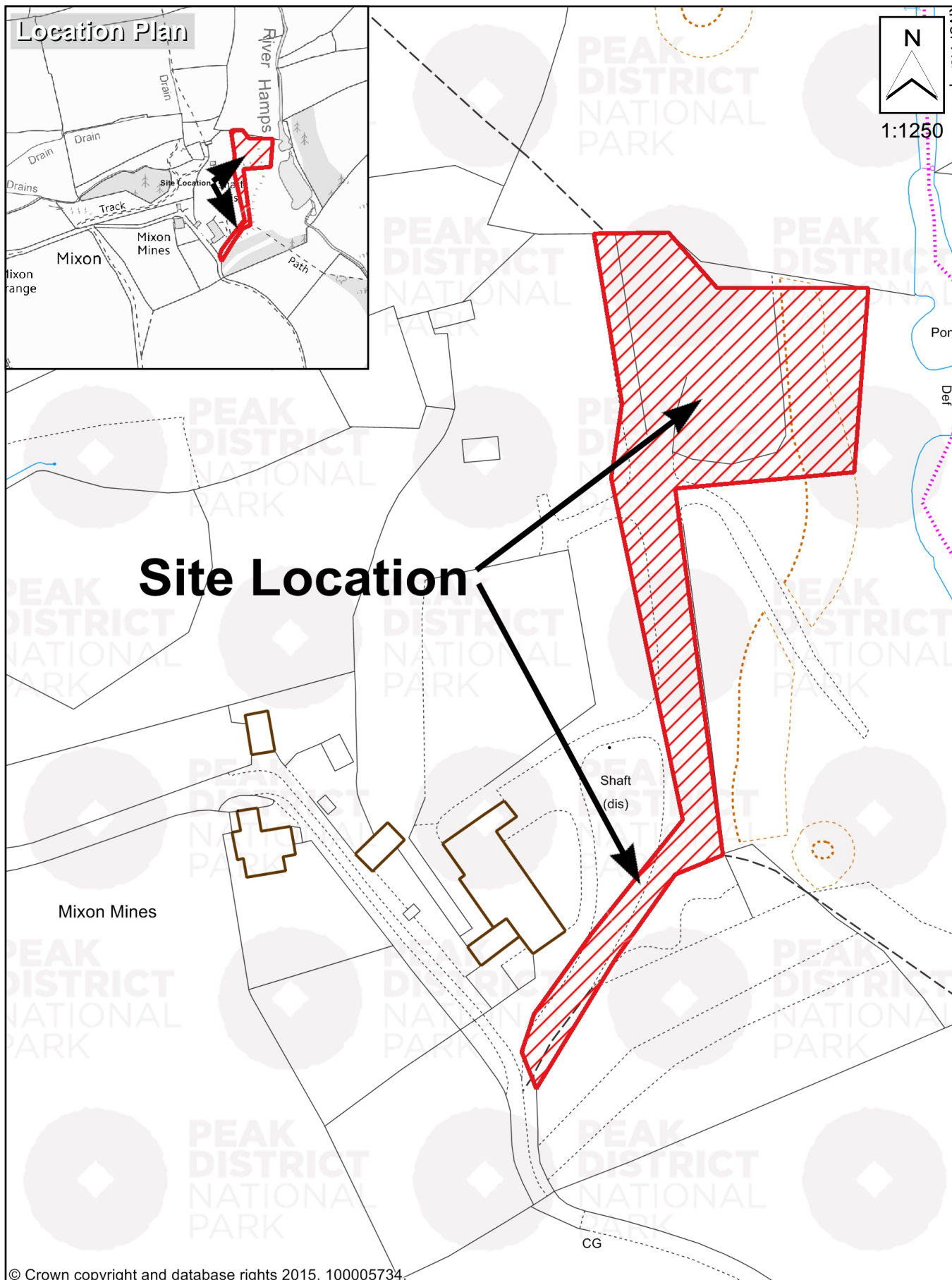
Accordingly, the current application is recommended for refusal.


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



Committee Date:	15/01/2016	Title: Mixon Mines Farm Onecote	 PEAK DISTRICT NATIONAL PARK
Item Number:	7		
Application No:	NP/SM/0915/0896		
Grid Reference:	404529, 357330		

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8. FULL APPLICATION – USE OF LAND AND BUILDINGS FOR THE HOSTING OF WEDDINGS/FUNCTIONS (8 PER ANNUM) AND THE INSTALLATION OF TWO ACOUSTIC SCREENS TO PAVILION BUILDING AND EXTERNAL STEPS AT BROOKFIELD MANOR, HATHERSAGE (NP/DDD/0615/0601, P.5565, 423149 / 382957, 22/12/2015/AM)

APPLICANT: SIR HUGH SYKES

Site and Surroundings

Brookfield Manor is located in open countryside approximately 1.3km to the north of Hathersage. The property is a Grade II listed dwelling constructed c1825, incorporating the remains of an earlier house and extended in 1870 and set within associated parkland extending to approximately 138 acres (56 ha).

The property was formerly a training / conference centre but has been converted to a dwelling and offices following the grant of planning permission in 2004 and subsequently extended and altered. A bedroom block within the curtilage of the property has been converted to a pavilion.

The application site is within the Valley farmlands with villages landscape character type as identified by the Authority's Landscape Character Assessment. The land around the estate land is characterised as the slopes and valleys with woodland landscape character type. Part of the site (on either side of Hood Brook which runs through the estate) is within Flood Zones 2 and 3.

Access to the site is via the private drive which runs northwards from Main Road within Hathersage. There is also a secondary access to the north along a track which joins Birley Lane. A public footpath runs through and along the eastern edge of the application site behind the car park adjacent to the pavilion building.

The nearest neighbouring properties are the two dwellings Cow Close Farm (located 106m to the east of the pavilion building measured at the nearest point), Bronte Cottage approximately 240m to the north, North Lees camp site approximately 330m to the north west and Cattis Side approximately 430m to the north west.

Proposal

This application seeks planning permission for the use of land and buildings at Brookfield Manor for the hosting of up to eight weddings / functions per year.

The submitted plans and supporting information propose to hold the weddings / functions within the existing pavilion building and a marquee which would be erected on the lawn adjacent to the pavilion. It is proposed that all music would end by midnight and all guests will depart the property by 00:30.

The amended noise management protocol proposes that all amplified music (including live bands) would be played through a 'Zone Array' sound system within the pavilion which would electronically limit an agreed noise level and that new acoustic screens would be installed at each side of the terrace. No acoustic music would be played after 6pm or dusk (whichever is earlier). Disposal of refuse and removal of the marquees would take place during working hours following the event. The noise management protocol proposes that noise levels will be checked at regular intervals at an agreed location on the boundary of the wedding venue site.

The amended arrival and departure protocol proposes that only disabled guests or guests with small children will be allowed to park within the car park adjacent to the pavilion. These guests will be allowed to leave by car no later than 22:00. The remaining guests arriving by car would

park on the land either side of the access drive to the south of the property (described as the 'curtilage car park' in the application). Guests leaving by coach or taxi will be collected in the courtyard by the fountain and all guests will leave by no later than 00:30.

RECOMMENDATION:

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

1. Temporary three year planning permission.
2. Development to be carried out in complete accordance with specified approved plans and the submitted noise and arrival and departure protocols subject to the following conditions or modifications.
3. Use to be limited to weddings or functions ancillary to Brookfield Manor and for no other purposes. The existing dwelling and the buildings and land subject to this application shall be maintained as a single planning unit.

The owner shall maintain a register of wedding / function bookings (including the planned date, start time and estimated number of guests) for each calendar year which shall be made available for inspection by the Authority on request.

4. The use hereby approved to host weddings or functions shall not take place on more than eight occasions in any one calendar year. No more than one wedding shall take place in any seven day period.
5. The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 32dB(A)LA90] by more than 5 dB(A) at any time. The noise levels shall be determined at the closest point immediately adjacent to the nearest dwelling house at Cow Close Farm, Hathersage which exists at the date of this planning permission.
6. Amplified music (including from any pre-recorded or live performance) shall only be played through the 'Zone Array' system within appendix B of the submitted noise management protocol dated 8th October 2015.
7. No amplified music shall be played outside of the pavilion building at any time.
8. No amplified music shall be played after 00:00 (midnight the day following the start of the wedding or function).
9. No acoustic music shall be played after 18:00 hours.
10. The hours of operation for any wedding / function (including the departure of all guests) shall be limited to between the hours of 08:00 - 00:30 the following day. All staff shall leave by no later than 01:00 the following day.
11. The hours of operation for setting up before / clearing up after any wedding / function (including clearing up and disposing of any waste following an event) shall be limited to between the hours of 08:00 - 20:00 hours Monday – Friday; 10:00 – 17:00 on Saturday, Sundays; and at no time on Bank Holidays.

12. The hours of operation for erecting and dismantling any marquee shall be limited to between the hours of 09:00 – 17:00 hours Monday – Friday; 10:00 – 16:00 on Saturday, Sundays; and at no time on Bank Holidays.
13. No marquee shall be erected other than in complete accordance with the specified approved plans.
14. All marquees shall be fully dismantled and removed from the site within three days of the end of an event unless the next scheduled event is within seven days from the preceding event.
15. The total number of guests (not including staff) shall not exceed 130 at any time.
16. No wedding or function shall take place until the acoustic screens shown on the specified approved plan have been installed. The acoustic screens shall thereafter be maintained throughout the lifetime of the development hereby approved.
17. No planning permission is granted for the air cooling units shown on the specified approved plan which shall be omitted from the scheme.
18. No vehicles shall be parked other than in accordance with the submitted amended plans showing the proposed pavilion and curtilage car parks. No more than 16 vehicles shall be parked on the pavilion car park after 20:00.
19. No weddings / functions shall take place until a scheme of signage to identify the pavilion car park, curtilage car park and the proposed pick-up point has been erected in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the National Park Authority. The signage shall be then be erected in accordance with the approved scheme and maintained throughout the lifetime of the development.
20. No weddings / functions shall take place until a scheme of lighting has been carried out in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the National Park Authority. The lighting scheme shall be then be carried out in accordance with the approved scheme and maintained throughout the lifetime of the development.
21. There shall be no firework, airborne lantern or similar displays associated with the use hereby approved carried out on site or on land within the applicant's control.

Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the setting of Brookfield Manor and the character, appearance and amenity of the area and neighbouring properties.

Relevant Planning History

2004: NP/DDD/0604/0649: Planning permission granted conditionally for the conversion / restoration of training / conference centre to dwelling and offices.

2007: NP/DDD/0507/0465: Planning application for conversion of bedroom block to pavilion finally disposed of by the Authority.

2014: NP/DDD/1214/1224: Lawful development certificate refused for an existing use – use of land and buildings for weddings and functions business.

The Authority determined that having considered the evidence supplied by the Applicant, evidence from third parties and 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 prior to the date of the application.

2014: NP/DDD/0115/0060: Use of land and buildings for the hosting of weddings / functions (10 per annum). Application withdrawn prior to determination.

Enforcement file 14/0517: Relating to alleged use of pavilion and grounds for weddings.

Consultations

Highway Authority – No objections.

District Council – No response to date.

Parish Council - The applicants are major financial supporters of events and projects in the village in which Hathersage Parish Council has an interest, such that HPC as a whole felt unable to give a disinterested response to the planning application.

Environmental Health Officer – Make the following comments.

The setting for the weddings is in a particularly tranquil location with the National Park and other properties sit close to the location for the weddings and therefore we have expressed concerns regarding this application due to noise, following the receipt of complaints and also, having investigated and witnessed problems that have arisen. Problems we have found have included noise issues arising from the following:

- Noise from music
- Noise from guests
- Noise from vehicles
- Noise from set up / clean-up

We have been in negotiation with Brookfield Manor and they have put forward proposals to minimise the problems identified. This is now enclosed within a noise management plan and an arrival and departure policy. We are satisfied that much thought has gone into the changes planned, and this represents a much improved arrangement, however, we are yet to see if these changes will work in practice. On this basis we are recommending a 3 year temporary permission, however, if as a result of the improvements there are no further problems we would at that point be happy to support a full permission, and indeed would support a review after the first year subject to an adequate number of weddings being held to base a decision on.

It has been agreed that amplified music will now be played in the pavilion building at future weddings and the noise from amplified music is to continue to be controlled by the zone array noise control system which will be set up in the pavilion building. Acoustic music is not to be controlled except for the proposal to play until 6pm or dusk whichever is the latest.

The Environmental Health Officer therefore recommends that:

- 3 year temporary permission is granted.
- Pre-notification of events with date, time, number of guests and format of the wedding.

- No disposal of bottles or clean up at night after the event
- Use of zone array system at all times
- Arrival and departure procedure met at all times
- Times for music cut off as follows:
 - Acoustic music to cease by 6pm or dusk whichever is the sooner
 - Music in Pavilion to cease by 12 midnight (with side doors closed)
 - Guests departed by 12:30am
- The noise management plan implemented subject to any revisions agreed with the Authority.

Environment Agency – From reviewing the submitted documents the Pavilion and Marquee proposals are situated outside of flood zones 2 & 3 and therefore we have no comments to make regarding this. The other part of the application relates to the change of use for the Caretakers Flat which is situated within flood Zone 3. According to the planning statement the proposed use for this is for wedding services, and not overnight accommodation, therefore standing advice for change of use to less vulnerable development would be applicable for this.

PDNPA Landscape – Raise no objection and make the following comment.

Brookfield Manor is a grade 2 listed building in a parkland setting and is located within the Derwent Valley / Valley Farmland with Villages Landscape Character Area (LCA). Relevant landscape guidelines for this LCA include the protection of historic parkland landscapes and the management of the built environment to enhance landscape character. Due to the temporary nature of the proposal it is not considered that the historic integrity of the landscape is unduly affected and the proposed development does not exert an urbanising influence within the valley.

Temporary minor visual effects would be experienced by users of the footpath which runs north-south along the eastern boundary of the site, but generally landscape and visual effects are contained by the surrounding topography and land cover. Whilst the marquee itself is considered an incongruous feature in the landscape, given its temporary nature and the likely limited visual effects, potential impacts are considered to be insignificant.

PDNPA Built Environment – No objection in respect of impact upon the listed building.

Representations

A total of twenty four 24 letters of representation have been received to date. Of these 14 letters object to the proposed development, 5 letters support the application while 5 make general comments. The reasons for objection or support and the comments are summarised below. The letters are available to read in full on the Authority's website.

Objection

- Errors in the application and lack of or insufficient supporting information.
- Noise pollution generated from the proposed development will have and has previously had a significant harmful impact upon the residential amenity of the occupants of Cow Close Farm.

- Significant noise has been experienced at Cow Close Farm from weddings held this year. Music is not the only source of noise with noise from guests talking, singing and shouting, contractors setting up and down and disturbance from traffic and transport.
- The proposed mitigation will not be sufficient to contain noise generated by weddings.
- The proposed noise protocol will not be adhered to or enforceable in the long term.
- Guests cannot be relied upon to be quiet when leaving an event especially when guests are in high spirits following a wedding.
- Proposed development will have a harmful impact upon the scenic beauty of the landscape of the national park.
- Proposed development will result in noise which will have a harmful impact upon the tranquillity of this part of the National Park which is a key valued characteristic of this area which is well visited and enjoyed by the public for this reason.
- Proposed development will result in light pollution which will harm the valued characteristics of the National Park.
- The erection of marquees will be incongruous and will create a precedent for marquees to be erected at other hotels or pubs.
- Doubtful if marquee will be removed promptly as previously marquees have been left on the land for significant periods of time.
- Object to the use of Birley Lane as an exit route as this is a designated quiet lane, is single track and the proposed development will increase noise, pollution and risk of accidents on this route.
- Light from headlights of vehicles leaving along the access drive will harm the residential amenity of the residential properties along Baulk Lane.
- Proposed development does not comply with Core Strategy policies RT1 or E2.
- The site is not in a sustainable location and therefore is contrary to E2 A.
- The application has not demonstrated that weddings will play any part in sustaining and enhancing the listed building or the wider estate and therefore the proposal is contrary to E2 B.
- The applicant's desire to make money from weddings to pay for the upkeep of a private home is not a valid reason to grant planning permission.
- The site is in an isolated location and therefore the proposal is contrary to E2 C.
- There is now lawful use for weddings on the site which is made clear in the Authority's decision on the lawful development certificate application. Therefore this application should not be judged against the previous unauthorised use.
- Other potential alternatives such as clay pigeon shooting and quad biking are irrelevant as these uses do not have planning permission and are not a credible alternative to the proposal.

Support

- Noise from the events is inaudible and nowhere near as objectionable as other more intrusive noises within Hathersage.
- The site is well away from other properties and therefore noise and traffic will not have any effect on neighbours.

General comment

- Question if sufficient information has been submitted to support the application.
- Object to any proposal to create a diversion out of the site along Birley Lane, Coggers Lane and Jagers Lane.
- Raise concern over potential nuisance from light pollution and noise from vehicle movements, car alarms and doors slamming.
- Any approval could cause 'creep' encouraging illegal raves or other similar events in the local area.
- Any planning permission will run with the land and any new owner or operator may be less considerate.
- An approval for 'functions' is very open to different types of events.
- Question whether or not the proposal complies with Core Strategy policy E2.
- Request that any permission is held in abeyance in the event that any substantive complaint is made.
- Concern in regard to the impact of the development upon North Lees Campsite which is marketed as a tranquil and peaceful site where there is an expectation that any noise at all after 22:00 is unacceptable.
- Noise affecting North Lees Campsite could result in fewer return customers and harm the economic viability of the campsite. There is evidence that the numbers of visitors to the campsite fell between 2013 and 2014 when noise from weddings held at Brookfield Manor were a significant issue.
- No significant noise from weddings heard from North Lees Campsite in 2015.

Main Policies

National Planning Policy Framework

The National Planning Policy Framework (the Framework) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001.

Paragraph 28 of the Framework says that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and should promote the development and diversification of agricultural and other land-based rural businesses.

Paragraph 109 says that the planning system should contribute to the natural and local environment by (amongst other things) preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 123 says that planning 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 adverse impacts on health and quality of life including through the use of planning conditions and identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage should also be given great weight in National Parks.

Taken together, paragraphs 132 – 134 say that great weight should be given to the conservation of a designated heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be exceptional and where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Development Plan

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3, RT2 and E2

Relevant Local Plan policies: LC4, LC6, LC21, LT11 and LT18

Policy E2: Businesses in the countryside is particularly relevant for this proposal and says:

Proposals for business development in the countryside outside the Natural Zone and the named settlements in policy DS1, must take account of the following principles:

- A. 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. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building.
- B. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
- C. Business use in an isolated existing or new building in the open countryside will not be permitted.

- D. Proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.
- E. Ancillary retail operations must be small scale and principally offering for sale goods which are produced at the premises (see also policy HC5).

Beyond this policy and policies RT1, RT2 and RT3, there is no scope for setting up new businesses in the countryside.

Policy RT1: Recreation, environmental education and interpretation says:

Proposals for recreation, environmental education and interpretation must conform to the following principles:

- A. The National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Opportunities for access by sustainable means will be encouraged.
- B. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.
- C. Wherever possible, development must reuse existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable.
- D. Development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.

L1 says that all development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics. L3 and LC6 together say that all development must conserve and where appropriate enhance or reveal the significance of heritage assets and their settings. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.

LC4 and GSP3 together say that all development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development, paying particular attention to (amongst other things): impact on the character and setting of buildings, landscaping, form and intensity of proposed use, impact upon living conditions of communities, impact upon access and traffic levels and use of sustainable modes of transport. LC4 says specifically that attention will be paid to impact upon the amenity, privacy and security of neighboring properties.

LC21 says that development that presents a risk of pollution or disturbance (which includes from noise) that could adversely affect the amenity or valued characteristics of the area or existing recreation activities or established businesses shall not be permitted unless adequate measures to control emissions within acceptable limits are put in place.

LT11 and LT18 say that require adequate parking and safe access as a pre-requisite for development within the National Park.

Relevant 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 the Framework with regard to the issues that are raised because both documents seek to promote sustainable economic and recreation development which conserves the valued characteristics of the National Park.

Assessment

Principle

Brookfield Manor is a Grade II listed dwelling constructed c1825, incorporating the remains of an earlier house and extended in 1870 and set within associated parkland extending to approximately 138 acres (56 ha). The red-edged application site incorporates the whole estate which is located to the north of Hathersage which is a named settlement for the purposes of the Authority's development strategy (DS1).

The most relevant policy in this case is considered to be Core Strategy policy E2 which is broadly in accordance with the Framework because it supports the sustainable growth and expansion of all types of business and enterprise in rural areas and promotes the development and diversification of agricultural and other land-based rural businesses.

Given the proximity of the estate and Brookfield Manor itself to the edge of Hathersage and the fact that the access to the property emerges in the centre of Hathersage it is considered that the estate is in a sustainable location. In principle therefore the proposals would utilise the existing buildings on the site and their curtilage for a relatively small scale business enterprise in accordance with E2 A.

The proposed development would also be consistent with E2 B because while it has not been demonstrated that the proposal is required to secure the future of Brookfield Manor or the wider estate it is reasonable to conclude that the proposed business would support the management of the listed building and the surrounding estate land to some degree.

It is therefore considered that the proposed mixed use of the estate to hold up to eight weddings / functions per year is acceptable in principle. The acceptability of the development in principle, however, does not override the conservation purposes of the National Park, the need to ensure that development conserves the significance of Brookfield Manor and its setting or normal planning considerations such as any potential impact upon the amenity of neighbouring properties or highway safety.

Having had regard to the issues raised in representations it is considered that the main issue therefore is whether the impact of the proposed development is acceptable or can be made acceptable through the imposition of planning conditions.

Noise impact and tranquillity

A number of concerns have been raised in representations in regard to the potential impact of noise generated by hosting weddings and other functions upon the tranquillity of the local area and upon the residential amenity of nearby neighbouring properties.

Brookfield Manor is located in open countryside some 1.3km to the north of Hathersage and consequently noise levels at the site are generally quiet especially during the evening and at

night time. The Environmental Health Officer reports that the background noise level recorded during monitoring exercises undertaken by the District Council in 2013 was 32dB (A) which is typical for a quiet rural area.

The tranquillity of the site and the surrounding landscape which includes open moorland leading up to Stanage Edge to the north east is therefore particularly important and is one of the key valued characteristics of the area which members of the public visit this part of our National Park to enjoy.

There are also a number of nearby neighbouring residential properties, the nearest being Cow Close Farm. The nearest dwelling at Cow Close Farm is located 86m from the eastern boundary of the application site and 110m from the pavilion building (both measured at the closest point). North Lees Campsite is also located 267m to the north east of the application site boundary.

The Authority's policies seek to ensure that all development conserves all valued characteristics of the National Park which includes the tranquillity of its landscapes. Policies also say that development must not harm the amenity, privacy or security of any neighbouring property or land use or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.

These policies are in accordance with the Framework which says that great weight must be given to the conservation of our National Parks and that the planning system should contribute to the natural and local environment by (amongst other things) preventing new development from contributing to unacceptable levels of noise pollution and significant adverse impacts on health and quality of life as a result of new development should be avoided and mitigated through the use of planning conditions.

It is therefore considered that any potential impact from noise upon the tranquillity of the local area and the amenity of neighbouring properties is fully considered and assessed as part of the determination of this application.

It is clear from information submitted with this application and with the previous application for a lawful development certificate in 2014 that a number of weddings and other functions have been held at Brookfield Manor without the benefit of planning permission. The Authority refused the application for the lawful development certificate in early 2015.

During the course of the previous planning application submitted in early 2015 which proposed up to ten weddings / functions the Environmental Health Officer advised that he considered that there was a noise nuisance generated by holding wedding events at Brookfield Manor during 2014. It is therefore clear that historically noise generated from events held at the application site have caused noise pollution and therefore there is clearly the potential for noise from the proposed development to give rise to harmful impacts.

The Environmental Health Officer also reports that three wedding events held on the application site in May and June 2015 were monitored by the District Council. On these occasions noise from amplified music was played through a 'Zone Array System' and were reported to be barely audible from Cow Close Farm but that noise levels from guests singing and shouting and from vehicle movements and refuse collection were excessive.

The current application has been revised further following discussions with the Environmental Health Officer. A revised noise management protocol has been submitted which includes the following measures:

- All amplified music (including live bands) will only be played through a 'Zone Array System' which will be permanently installed within the pavilion building. The Zone Array System is used to electronically control the noise levels from recorded or live music to a specific location. It is proposed that the noise levels on the dancefloor will be controlled to not exceed an agreed noise limit on the boundary of the premises.
- No acoustic drums will be allowed at any time.
- Live acoustic music will only be on the basis that music is played up to 6pm or dusk.
- New glazed doors to be installed at each side of the terrace at the Pavilion.
- Rear windows of the Pavilion to be sound-insulated.
- No empty bottles or refuse to be disposed of on the evening of the event. Marquees will be removed immediately after the wedding in working hours following the event.
- Live music ends by 23:00, recorded DJ music ends by 00:00 (midnight) and all guests depart by 00:30.
- No fireworks at any time.

In addition an amended arrival and departure protocol and plans have been submitted which proposes the following:

- No more than 16 parking spaces shall be made available for use by staff or guests on the car park adjacent to the pavilion building (the pavilion car park). All guests parked within the pavilion car park to depart no later than 22:00.
- All other guests to park on grass adjacent to the drive on the approach to the manor. Plastic membrane will be laid before events are held to protect the grass surface from damage from vehicles.
- Guests being collected by coaches or taxi will be picked up at the front of the Manor via the main driveway. Guests awaiting pick up will wait in the Coach House boardroom.

The Authority has consulted the Environmental Health Officer (EHO) on the revised proposals. The Environmental Health Officer is satisfied that the proposals represent an improved arrangement and while confident that the proposals would effectively mitigate noise levels such that there would not be any harmful impact the EHO advises that it will be necessary to monitor these proposals to ascertain whether they will work in practice.

The EHO therefore advises that if planning permission is granted that it is on the basis of a three year temporary permission to allow a trial run of the proposed mitigation. The EHO also recommends that various other conditions are imposed upon any permission including a noise restriction to be measured at the nearest noise sensitive property (in this case Cow Close) along with conditions to allow monitoring to be carried out and to control hours of operation, parking and other arrangements such disposal of waste and taking down the marquees.

Having visited the site and considered the views raised in representations and the views of the EHO it is considered that it is likely that noise generated from amplified music in the evenings can be satisfactorily mitigated by only allowing music to be played through the proposed Zonal Array System within the pavilion building as proposed. It is also considered likely that noise experienced from guests at and leaving the event and noise from vehicle movements can be effectively mitigated by moving the majority of the parking spaces to the proposed curtilage car

park and providing a pick up point for coaches and taxis at the front of the Manor.

Officers are confident that if the proposed mitigation is effective in reducing noise levels to no more than 5db (A) above existing background levels at the nearest neighbouring property (Cow Close Farm) that the proposed development would not harm the amenity of nearby properties, North Lees Campsite or opportunities for recreation or quiet enjoyment of the surrounding landscape.

If permission is granted it is considered necessary for it to be limited to a three year temporary permission. This is to allow a trial run of the proposed weddings / functions to assess the effect of the development on the local area. In these circumstances the use of such a planning condition is appropriate and in accordance with the National Planning Practice guidance. Subject to this condition and other conditions to effectively limit the proposed development (discussed later in this report) it is considered that noise pollution from the proposed development would be unlikely to harm the valued characteristics of the National Park or the amenity of neighbouring properties.

Other Impacts

Concerns have been raised in representations in regard to the potential impact of the proposed development upon the setting of the grade II listed building and upon the scenic beauty of the landscape.

The Authority is obliged to pay special regard to the desirability of preserving the building or its setting in the determination of this application. The proposal is for a change of use of the estate and does not include any works which affect the historic fabric of the listed building. The pavilion building is a modern structure converted partly from the previous accommodation block and therefore there are no concerns in regard to the proposed acoustic screens.

The pavilion and the lawn area adjacent where marquees would be sited and events held is set away from the main manor building and separated by existing mature planting. As such when inside the estate the pavilion and surrounding land is not viewed in the context of the historic hall other than when on close approach along the access drive. Similarly the area of land for the proposed curtilage car park is sited adjacent to the access drive away from manor building and also separated visually by mature tree planting.

Views into the land around the pavilion and proposed curtilage car park are limited to sections of the two public footpaths which extend to the south of Brookfield Manor and Cow Close Farm. Views from these vantage points would be limited by existing topography and planting but nevertheless views of the proposed marquees with glimpses of the Manor in the background would be visible at points along these paths.

Officers have consulted both the Authority's Conservation Officer and Landscape Officer. Both Officers raise no objections to the proposal on either listed building or landscape grounds because while temporary minor visual effects would be experienced by users of the footpaths, generally landscape and visual effects are contained by the surrounding topography and land cover. Whilst the marquee(s) would be incongruous feature in the landscape, given the temporary nature and the likely limited visual effects, potential impacts are considered to be insignificant.

Therefore having visited the site and surrounding view points and carefully considered the impact of the proposals and taking into account the views of the Authority's Conservation and Landscape specialists it is considered that the proposed development would not have a harmful impact either upon the setting of Brookfield Manor or the landscape character of the National Park.

Concern has also been raised in regard to the potential impact of light pollution from the proposed development especially from lighting installed around the marquee and pavilion building. The landscape around the site is particularly dark and this is a valued character of the National Park. It is therefore important that light from the proposed development does not have a harmful impact.

The submitted application indicates that a low level of lighting is used but this is disputed in representations. No detailed information has been submitted to show what lighting will be installed and maintained as part of the development. Appropriate use of low level lighting would allow the proposed development to operate while minimising light spillage from the site into the surrounding landscape. Therefore if permission is granted a condition would be recommended to ensure that a scheme of lighting is submitted and approved by the Authority.

The site of the pavilion, proposed marquees, pavilion and curtilage car parks are all outside of flood zones 2 and 3. The caretaker's flat which is proposed to be made available on the day of an event for the bridal party to get ready and the coach house boardroom where guests will await being picked up by taxi / coaches are within flood zone 3. Environment Agency advice is that as these uses are not residential they are considered to be less vulnerable to flooding so there are no issues in regard to risk from flooding compared to the existing lawful residential use. The proposed development does not otherwise propose any new buildings or hard standings which could affect the flow of water during a flood event or result in flooding issues downstream.

The Authority is not aware of any protected species or habitat that would be affected by the proposed development. The proposed development would not have any significant impact upon any nearby designated nature conservation site.

The proposed development would be served by ample parking space and subject to the amended details the development would be accessed along the main drive to the Manor and not along Birley Lane. There is adequate access visibility from the main drive onto the adjacent highway and therefore Officers agree with the Highway Authority that there are no objections on either highway safety grounds.

Concern has been raised in regard to the impact of vehicles leaving weddings / events along the access drive upon the residential properties on Baulk Lane. The nearest neighbouring property is approximately 100m from the drive on the far side of the Hood Brook. Given the intervening distance it is considered that while vehicle movements would be noticeable that the potential impact would not have any harmful impact upon the amenity of these properties.

Recommended conditions

As discussed above, if permission is granted Officers recommend that any permission is limited to a three year temporary permission. This is for a trial run of the development to be carried out to allow an assessment by the Authority as to whether the impacts of the proposed development and the proposed mitigation will adequately protect the tranquillity of the landscape and the amenity of neighbouring properties.

Given the close relationship of the proposed weddings / functions to the hall and to ensure that the development continues to support the wider estate in accordance with E2, it is also recommended that a condition be imposed to control the use and to require it to remain ancillary to Brookfield Manor and retained within a single planning unit.

Following detailed discussions with the Environmental Health Officer a condition to control the noise level where measured at a point adjacent to the nearest neighbouring property (Cow Close Farm) is recommended. The noise level is set so as not to exceed the existing background noise

level by more than 5 dB(A) at any time. This condition is considered necessary to ensure that noise from the development does not harm the amenity, health or quality of life of the occupants of that property and also that noise further away is not an issue.

Conditions are recommended to require any amplified music to be played through the proposed zonal array system within the pavilion. A condition has been recommended to restrict acoustic music to no later than 18:00 or sunset (whichever is the sooner). The agent has requested that this be extended to 20:00. However this would be contrary to the submitted noise protocol carried out by the applicant's noise expert and it is considered that acoustic music played outside the pavilion would have the potential to cause greater impact in the early evening.

Conditions are recommended to restrict the number of events per year to a maximum of eight with no more than one wedding taking place per calendar week as these have the greatest potential to generate noise or other disturbance which would have a greater impact if carried out on 'back to back' events. Conditions in relation to hours of operation, setting up before and clearing up are also recommended. A condition to require all marquees to be fully removed within three days of the end of an event is recommended to ensure that marquees are not left up for extended periods of time which would result in a greater impact on the setting of the Manor and the landscape.

A condition to limit the maximum number of guests to 130 is recommended. The agent advises that events have been typically between 80 – 120 people but requests that a limit of 180 is imposed to allow for large events which would only be on an occasional basis. Officers are concerned that additional disturbance related to allowing up to 180 guests could have an adverse impact upon the local area and neighbouring properties bearing in mind that there is evidence of noise complaints in the recent past from events with a much smaller number of guests. Therefore it is considered necessary to limit the number of guests to 130 which would allow some flexibility which is reasonable given the nature of weddings and other functions.

Conditions are recommended to require the installation of the proposed acoustic screens, to prevent the installation of air cooling units in order to mitigate the potential for noise impacts, and to require details of the proposed lighting to be submitted and approved.

Finally conditions are recommended to control the location and number of parking on the site between the proposed pavilion and curtilage car park. No more than 16 vehicles are to be parked on the pavilion car park after 20:00 at any time to ensure that disturbance from vehicles and guests leaving the pavilion car park do not harm the amenity of the nearby neighbouring property. The remainder vehicles will be required to park on the curtilage car park. The grassland on the curtilage car park would be protected by a temporary wire mesh system during inclement weather. A scheme of signage is also required to ensure that guests are directed to the correct parking place.

Conclusion

Subject to the mitigation proposed in the amended application and the imposition of appropriate planning conditions it is considered that the development would be unlikely to harm the tranquillity of the National Park or the amenity of neighbouring properties. Having had regard to the views of the Environmental Health Officer it is considered necessary that any permission should be temporary to allow a trial run and assessment of the impacts of the development.

It is considered that the development would not have a harmful impact upon the setting of the grade II listed Manor or harm the scenic beauty of the surrounding landscape or any other valued characteristic of the National Park. The proposed development would not harm highway safety or the amenity of road users or the amenity of any other neighbouring property or land use.

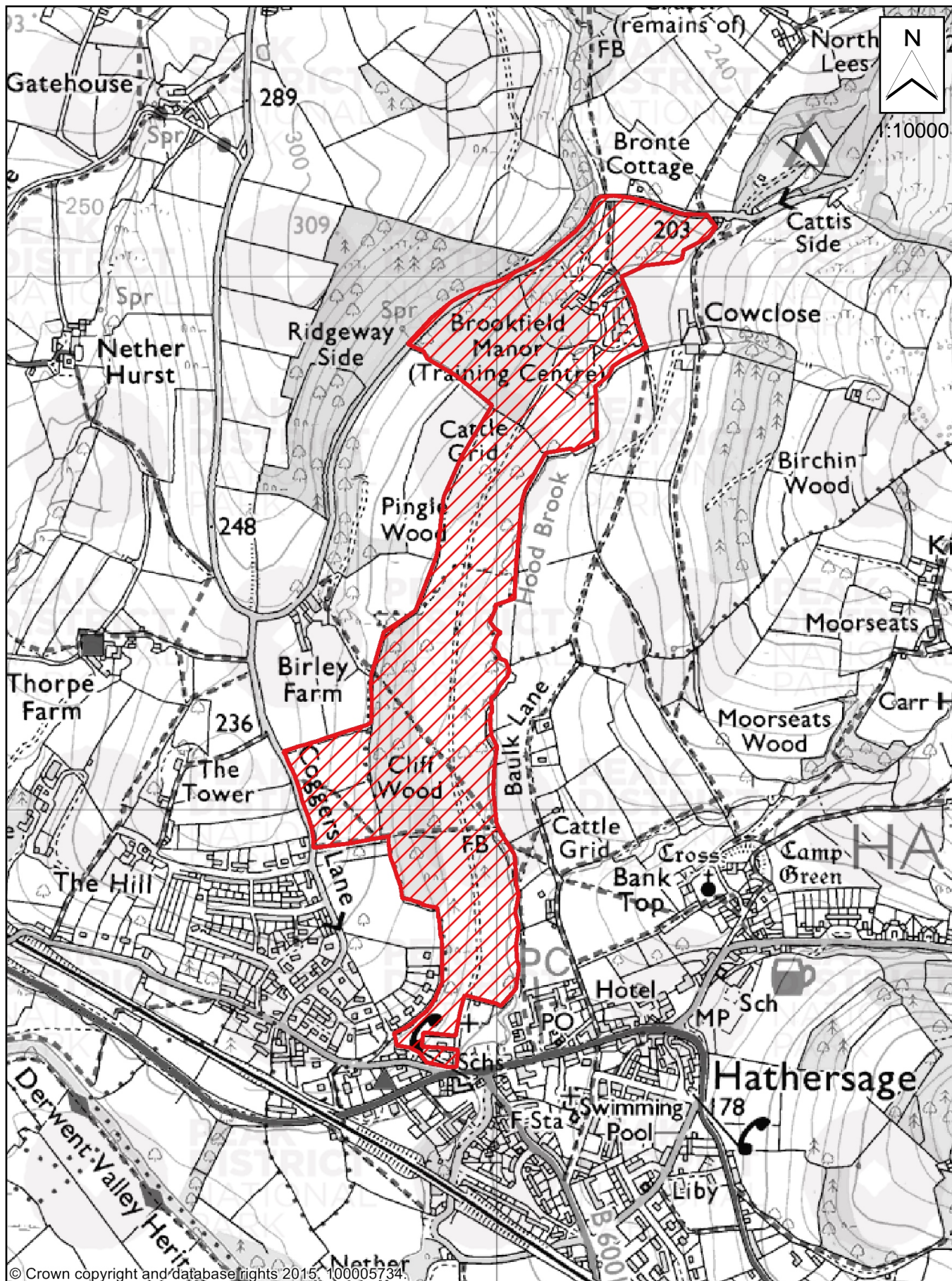
Therefore having had regard to all other material considerations including the Framework and the National Planning Practice Guidance and having taken into account all matters raised in representations it is considered that subject to appropriate conditions that the development is in accordance with the development plan. Accordingly the proposal is recommended for approval subject to the conditions in this report.

Human Rights

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

List of Background Papers (not previously published)

Nil



Committee Date: 15/01/2016
 Item Number: 8
 Application No: NP/DDD/0615/0601
 Grid Reference: 423149, 382957

Title: Brookfield Manor
 Hathersage



**PEAK
 DISTRICT
 NATIONAL
 PARK**

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9. FULL APPLICATION - ERECTION OF STEEL FABRICATION WORKSHOP ON PREVIOUSLY DEVELOPED LAND, PITTMERE LANE, TIDESWELL MOOR, TIDESWELL (NP/DDD/0915/0888, P.6009, 414620 / 378500, 23/12/2015/AM)

This application was deferred at the December meeting to allow members to undertake a site visit.

APPLICANT: MR A BETTNEY

Site and Surroundings

The application site is located in a relatively remote location to the north side of Pittlemere 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 Pittlemere 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 as 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.

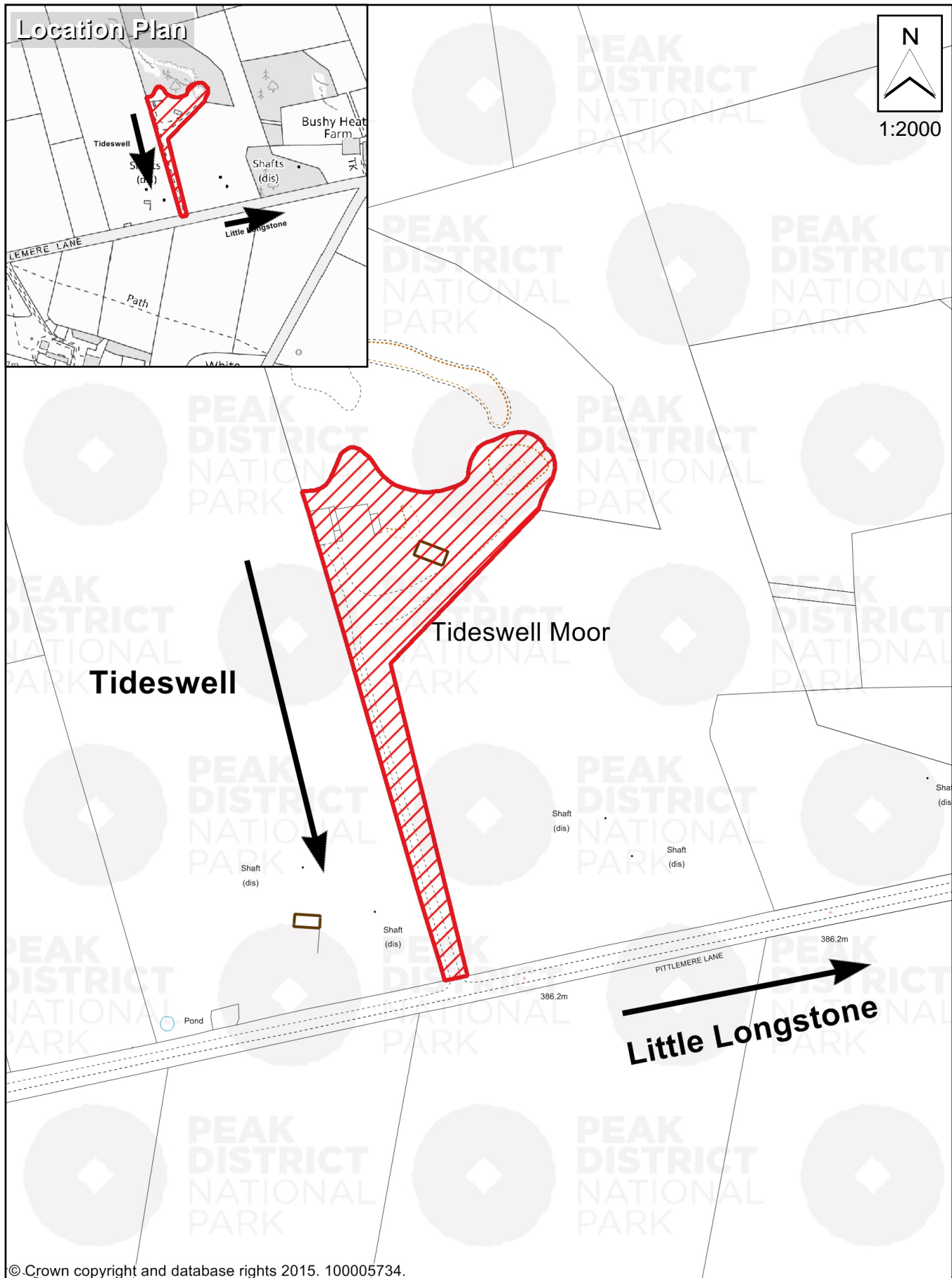
No exceptional circumstances have been put forward to justify the proposed development and therefore the proposal would represent unsustainable development contrary to GSP1, GSP3, CC1, L1, E2, LC4 and LT7 and the National Planning Policy Framework.


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



Committee Date:	15/01/2016	Title: Land on Tideswell Moor Pittlemere Lane Tideswell	 PEAK DISTRICT NATIONAL PARK
Item Number:	9		
Application No:	NP/DDD/0915/0888		
Grid Reference:	414620, 378500		

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10. FULL APPLICATION – EXTENSIONS TO FACTORY BUILDING AND NEW CAR PARK, CARBOLITE, ASTON, HOPE (NP/HPK/1015/0996, P.3659, 07/12/2015, 418336 / 383094, MN)

APPLICANT: Mr Dan Bagshaw, Carbolite Ltd

Site and Surroundings

Carbolite Ltd design and manufacture industrial and laboratory furnaces. Their main site, and the site of this application, is adjacent to the Hope Railway Station and railway line, which runs along the northern boundary of the site.

The factory is sited in open countryside and is a prominent feature in the landscape as a result of its large scale and limited landscape screening, although this has become more established since the factory was constructed on the site around 25 years ago. The factory comprises two main buildings with a link between them. They are large two storey buildings and of typical industrial construction, with portal frames and panel sheeting. Some of the space is given over to offices, whilst much comprises the factory itself.

The area of land proposed for use for car parking is at the western end of the site. It adjoins the existing train station carpark, and fronts the railway line to the north and the private road that runs along the southern boundary of the site on the opposite side, which also fronts the neighbouring properties to the south.

At present, this area is levelled and has a mostly hardcore surface, although it is somewhat overgrown having apparently lain unused for some time. There are established trees and vegetation to the southern and western sides of the site, and to a lesser extent on the eastern side where a fence and gate separate the site from the station car park.

Parking for the business is currently provided adjacent to the factory building. The main site access is off Aston Lane to the east. In addition a private road in the ownership of the factory leads to the western end of the premises off station road, first passing the station. Access to the site at this end is however currently gated and unused.

A public footpath runs north to south at the western end of the site, passing between the area proposed for car parking and the factory site to its east. A further footpath runs east to west some 250m north of the site.

A number of nearby residential properties are scattered around the site. Some of these front the private road at the western end of the site, whilst others lie to the east and south of the factory buildings. The closest property is some 130m from the factory buildings.

The site is outside of any conservation area, and the Hallam Barn Grasslands Site of Special Scientific Interest lies some 500m to the north east.

Proposal

The proposed development consists of an extension to the eastern end of the easternmost factory building, widening and remodelling the link extension between the two existing factory buildings, and constructing a new car park to the western end of the site. This would be accessed from Station Road through the existing train station car park.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **Statutory time limit**
2. **Completion in accordance with the submitted plans**
3. **Prior to the commencement of the construction of the factory extension, the new car park shall be constructed and made available for use.**
4. **The walls and roof of the building shall be clad to match the existing in terms of materials. Colour for the metal sheeting to be agreed prior to commencement**
5. **Projected noise assessment and proposed mitigation agreed prior to commencement**
6. **All external lighting to be agreed prior to commencement**
7. **Detailed design of car park barrier to be agreed prior to commencement**
8. **Details of space to be provided for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, and temporary replacement parking for existing employees to be agreed prior to commencement**
9. **Extended premises not to be taken in to use until onsite parking has been provided**
10. **Construction Management Plan to be agreed prior to commencement**
11. **Surface water attenuation tank with flow control to be installed in accordance with the recommendations of the Flood Risk Assessment prior to the extended premises being taken in to use**
12. **Landscaping scheme to be agreed prior to commencement**
13. **No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August**
14. **Installation of two swift boxes and two bat boxes prior to commencement**

Key Issues

- Whether the principle of extending the building is acceptable in planning policy terms
- Whether the development has an acceptable impact on the character and appearance of the site and wider landscape of the area
- Whether the development would harm the amenity of nearby properties
- Whether the development would have adverse impacts on the use or safety of any highway
- Whether the development poses a flood risk

History

1992 – Planning permission granted for the erection of factory with office and car parking

1993 – Advertisement consent granted for erection of site sign

1995 – Planning permission granted for erection of security fence

1996 – Planning permission granted for extension to factory, new lorry turning area and additional rooflights

2012 – Advertisement consent granted for the installation of replacement signs

2015 – Pre-application advice sought by Carbolite in relation to an extension of the factory building and creation of a new car park. The proposed development was similar to that now applied for and the enquirer was advised by Officers that the proposal would be acceptable in principle, and that the proposed design was likely to be supported by Officers at point of application. Addition landscaping was recommended to the eastern end of the site, and Officers advised that the amenity of neighbours should be considered – particularly in relation to noise and lighting.

Consultations

Derbyshire County Council – Highways – If the applicant can confirm that they have a legal right of access to the car park via the station car park then no objections are raised. Request that conditions are attached to any permission requiring details of space to be provided for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, and temporary replacement parking for existing employees to be agreed prior to commencement, and to prevent the extended premises being taken in to use before onsite parking has been provided.

Derbyshire County Council – Flood Team – No response at time of writing

Environment Agency – As this proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee they have no comment to make on this application.

Natural England – No objection in relation to impacts on nearby SSSI, no comment on landscape impact.

High Peak Borough Council – Environmental Health – No response at time of writing

Hope with Aston Parish Council – No objections

PDNPA – Ecology – No objections, but recommends conditions to avoid disturbing birds during the breeding season, to secure a landscaping plan to ensure no loss of biodiversity, to ensure lighting is sensitive to the needs of bats, and to enhance the site with bat and bird boxes.

PDNPA – Forestry – No response at time of writing

Representations

12 letters of representation have been received in relation to the application at time of writing, 4 supporting it and 4 raising objections. Others make general comments, and raise some concerns without objecting to the proposal overall.

The grounds for support are:

- The proposal will tidy up the area
- The development will safeguard local jobs

The grounds for objection and concern are:

- Massing of the extension
- Glare from rooflights
- Concern relating to increases in flood risk and run-off
- Extension to car park could make it appear overly large
- The site is not appropriate for a factory or extension of such
- Loss of amenity space for staff
- the proposed extension will bring business premises closer to residential properties, from which it is poorly screened
- Colour of cladding will not match parent building
- there is potential traffic conflict at busy times of the day with train users
- Double yellow lines and assurances that staff would use the private car park are required as congestion and people parking on the road whilst using the station are already a problem.

A general comment requests that the existing west gate of the site is kept as it is (i.e. does not become a principal vehicular entrance to the site)

Main Policies

Core Strategy: GSP1, GSP3, DS1, L1, L2, CC1, E2, T4

Policy DS1 allows for the extension of existing buildings in all settlements in the National Park.

Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation, and that major development should not take place within the Peak District National Park other than in exceptional circumstances.

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 proposals.

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

Policy CC1 requires development to make the most efficient and sustainable use of land, buildings and natural resources, to take account of the energy hierarchy, to minimise flood risk, achieve the highest standards of water efficiency.

Policy E2 states that proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.

Policy T4 requires that developments requiring access by large Goods Vehicles must be located on and or readily accessible to the Strategic or Secondary Road Network.

Local Plan: LC4, LC22, LE4, LT10

Local Plan policy LC4 states that where development is acceptable in principle it will be permitted provided it is of a high standard of design that respects and conserves the landscape, built environment and characteristics of the area.

Policy LC22 states that development will be permitted provided that adequate measures are included to deal with the run-off of surface water from the site, but that such measures must not increase the risk of a local water course flooding.

Policy LE4 states that Outside Local Plan Settlements, the expansion of existing industrial and business development will not be permitted unless it is of a modest scale in relation to the existing activity and/or buildings and does not extend the physical limits of the established use, does not harm the amenity and valued characteristics of the area or site, and if new or extended buildings are clearly justified.

Policy LT10 states that where planning permission is required for an expansion or alteration of a business, parking must be of a very limited nature or accompanied by on-street waiting restrictions, especially in areas served by good public transport.

These policies are consistent with the wider range of conservation and design policies in the Development Plan, which promote high standards of design and support development proposals that would be sensitive to the locally distinctive character of the site and its setting and the valued characteristics of the National Park.

National Planning Policy Framework

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

Assessment

Principle

The proposal represents 'major development' as it creates over 1000m² of floorspace – one of the major development criteria detailed in the Town and Country Planning (Development Management Procedure) Order 2010. In planning policy – both national and local – the term major development is also referenced. Specifically, paragraph 116 of the NPPF and Core Strategy policy GSP1 resist major development in National Parks in all but exceptional circumstances.

A High Court decision in 2013 found that, for the purposes of planning policy, 'major development' should not have the same meaning as in the 2010 Order; rather it concluded that it should be considered in the context of the document it appears and that it is reasonable to apply the "normal meaning" of the words when interpreting the policies.

It is reasonable in this instance, therefore, to assess whether or not the development is major by reference to its impact on the National Park's valued characteristics as protected by planning policy. Officers consider that as an extension of a building that does not represent a change of use, does not extend the limits of the site, does not propose additional infrastructure, and does not lie within an area of ecological, historic, or archaeological designation, the development

cannot reasonably be considered to be major in term of its likely impacts. That is not to say that its impacts could not still be significant within the context of the site itself – something that is assessed against planning policy in the following discussions – only that the restrictions placed on major development by national and local policy are not considered to apply to the proposal.

When considering the acceptability of the principle of the development in local planning policy terms, policy DS1 sets out the Development Strategy for the National Park, and this does permit for the extension of existing buildings in principle.

The site lies in open countryside and for this reason there is restriction on the level of extension that is considered acceptable on this site however, as detailed by Local Plan policy LE4. In this case, the proposed development would not extend the physical limits of the site and is in accordance with LE4 in this regard.

With regard to its size, at 1200m² the extension cannot be viewed as small in the context of development within a National Park. However, it would be smaller than and subordinate to the existing building it would adjoin, would not significantly alter the use of the site, and would occupy a relatively small proportion of the overall site. As a result, it is considered modest in scale relative to the existing buildings and use of the site, as required by policy LE4.

In terms of justification for the extended building (a further requirement of LE4), the applicant has advised that the extension is necessary to consolidate their operation on to a single site. They currently rent other buildings outside of the Park, which they took on as their business expanded, resulting in additional and avoidable costs, production inefficiencies, and cross-park traffic between sites that they are seeking to reduce. It is therefore accepted that the siting of further buildings elsewhere would not be practical to the operation of the business, for the same reasons that the existing arrangement is problematic.

Based upon the above assessment, the principle of an extension of the size proposed is considered acceptable.

Siting, design, and scale

Link

The proposed link would run east to west between the two factory buildings. This runs along the southern side of an existing link between the two buildings and would not increase its height or prominence outside of the site. In design terms, the link amounts to a run of glazing along its full width with sheet metal cladding comprising the lower walls and roof, all coloured to match the adjoining buildings. This addition is considered to be discreet, and to conserve the appearance of the site.

Extension

The proposed extension would be attached to the eastern end of the factory buildings. It would occupy an area of land currently given over to staff parking and an outdoor staff seating area. It's siting is dictated by its functionality; namely to provide an extension to the operating space currently housed in the adjoining building. It has been designed to step down from the building it adjoins, and has a shorter length and width. The result is that, whilst still large, it remains subordinate to the existing development on the site and prevents the existing and proposed development appearing together as a very large and uninterrupted block.

The design is reflective of the existing buildings and of industrial development more generally; sheet metal clad walls under a low pitched roof with tall vertical rooflights lighting the space inside. The colour is proposed as 'coffee' to match the original. Matching the original colour is considered appropriate. Whilst the existing building has faded over the last 25 years, if this was to be matched then it would be likely to fade to an even lighter colour, increasing the buildings

prominence. It is considered better that it initially appears darker than the parent building and that it is allowed to then fade over time to match the existing. If permission is granted then it is recommended that a condition is imposed to secure the material and colour of the building.

In the context of the site the overall design is considered acceptable and the proposed finish would provide an in keeping and recessive appearance. For these reasons it is not considered to detract from or alter the character or appearance of the site and is in compliance with policies LC4 and LE4.

Car park

To compensate for the loss of parking where the extension is proposed, the applicant is seeking to develop a new car park to the west of the site. The area would be covered with grass paving grids and seeded, allowing it to retain a similar appearance to present once established, but with the addition of some parking space markers that would be fixed to the grids. In this regard the appearance of the site is considered to be conserved by the proposal. An automatic barrier would be installed to the eastern side of the car park to allow access through the station car park. In the context of the car park setting and existing station installations it is not considered that this would harm the appearance of the site.

Overall, the appearance of the development is considered to conserve the character and appearance of the site and existing buildings as required by policies LC4 and LE4.

Landscape impact

Link

The link will not be readily viewed from outside of the site, and is not therefore considered to have any wider impacts.

Extension

The existing factory buildings are visible in some wider views, most notably from the higher ground to the north. There is some planting along the northern boundary of the site, but due to the seasonal nature of this and size of the buildings it provides only partial screening of the site.

The extension would be visible in these same views. It would of course be seen in the context of the existing factory site. When permission was granted for the original factory the two factory buildings were split with a low level link in order to help break up their overall mass and prominence in the wider landscape. Whilst this was deemed necessary at the time on what was a then undeveloped site, it is not considered that such an approach is required now to make the development acceptable. This is because the impact of the proposed development in terms of the prominence and visibility of the site, relative to the existing situation, is not considered to be such that it detracts from the character or appearance of the area.

Due to the distance from it, the development is not considered to impact on the Hallam Barn Grasslands SSSI.

Car park

The grass paving grids would mean that the car park would appear undeveloped in the wider landscape. When vehicles are parked in the car park this would have some further impact. Some further tree planting and a new native hedgerow is proposed along the northern boundary of the car park, and once established this would serve to help screen it from wider view to the north, where it would be most apparent. In light of this, and in the context of the car parks siting adjacent to the existing station, station car park, and factory site the impacts that the parking of cars on the site would have is considered to be low and acceptable.

Overall, the development is considered to have a low landscape impact due to its context. It therefore complies with policies L1, LE4 and LC4 in terms of conserving the landscape of the National Park.

Amenity impacts

Extension

The noise survey conducted on behalf of the applicant concludes that the noise generated by the factory at the nearest property is, at its maximum, equal to or less than 40dB. This is roughly equivalent to whispering. It is not considered that this would impact on amenity, particularly given that this is a maximum figure that is not permanently sustained.

The survey takes account only of the existing factory however, rather than a possible increase in the level of noise that could be generated by extending the building. Whilst the extension is proposed to accommodate similar activities to the existing building, it does have the potential to accommodate further machinery and produce some further noise. It is therefore considered that if permission is granted a detailed assessment of projected noise levels and mitigation measures should be submitted and agreed with the Authority in consultation with the Environmental Health Officers prior to works commencing in order to secure the interests of nearby properties. This is important given the history of noise complaints, albeit some years ago now and which were addressed by the company

It has been suggested by one objector that the proposed rooflights could result in additional glare being directed towards nearby properties, although it has not been specified which neighbours this refers to. Officers are of the view that given the distances to nearby properties, around 130m to the nearest, and the planting that exists between many properties and the site, glare is unlikely to be so significant as to affect any neighbours amenity.

There will be a loss of outdoor seating space for factory staff and visitors. In planning terms, this is not a necessity for the site however, and there is in any case other outdoor space where seating could be provided.

The extension is not considered to result in any other amenity impacts for nearby properties or for the site itself.

Car park

The car park is separated by a private road and planting from the dwellings to the south and is far enough from them that the noise would not impact their amenity. As a result of the car park's position, low level lighting is proposed along the private road that links the car park to the factory site. This is proposed to be low level lighting. As a result it is not expected that it would affect the amenity of nearby properties. No specification has been provided for the lighting however, and so if permission was to be granted it is recommended that a planning condition is imposed to require this to be agreed with the Authority prior to works commencing.

Overall, the development is considered to conserve the amenity of both the site and nearby properties as required by policies LC4 and LE4.

Highway impacts

The replacement car park would provide an additional 13 spaces over those of the existing site. An extension of this would typically require a maximum of 25 additional spaces under local Highway Standards (Derbyshire County Council 6Cs Design Guide). The applicant has made the case that the space is to improve the efficiency of the existing unit rather than to employ further staff at the site and the additional spaces proposed are therefore sufficient to meet the business needs. Additionally, parking must be of a very limited nature for extended businesses under

policy LC10, especially when good public transport serves the area (as it does in this case, being adjacent to the train station). In light of this situation, the fact that the local Highway Standards advise maximum rather than minimum levels, and considering that the Highway Authority have not objected to the proposed parking levels, the level of proposed parking provision is considered acceptable.

The car park would be accessed via the station car park, which is outside of the application site area and not within the applicant's ownership. The Highway Authority has raised concern that if the applicant does not have a right of access over the station car park, they may be unable to access the proposed car park. In that case the effect would be that the development results in 19 less accessible parking spaces than is currently the case, which would be unacceptable. The applicant's agent is currently determining the legal right of access through the car park but at time of writing this is unconfirmed. It is considered that the provision of this parking is essential to the acceptability of the development. Further, it is also necessary that it is available for parking prior to the commencement of construction on the extension. This is because the commencement of works on the extension will immediately result in a reduction of parking on the site, which has the potential to impact on highway amenity. It is therefore considered necessary that, if permission is granted, a condition should be imposed requiring the car park to be constructed and available for parking prior to construction of the extension commencing.

As the car park would be accessible to staff working at the factory only it is not considered that it would have any bearing on parking levels in and around the station car park. There would be no incentive for staff to utilise the station car park, which would be busier and increase the chances of damage to vehicles.

Bringing a remote part of the business on-site will lead to a reduction in cross park traffic in relation to movement of materials. The number of trips generated by 13 extra spaces would not cause significant further traffic across the wider network even if all were fully utilised. The impact of the development on the wider highway network is therefore considered to be low and acceptable. In addition, the site is readily accessible to the Secondary Road Network of the area as required by policy T4.

The Highway Authority has requested that if permission is granted that conditions requiring space to be provided for plant and materials to be provided prior to commencement and to ensure that the extended premises are not taken in to use prior to the car parking being provided are imposed. These are both considered to be reasonable and necessary.

Flood impacts

The site is outside of any high risk flood zone. The applicant has nevertheless undertaken a flood risk assessment (FRA) due to the size of the development. The FRA records, correctly, that the site is within Flood Zone 1 where the risk of flooding from rivers or the coast is considered to be low, and that industrial development is classified as 'less vulnerable', with such types of development being appropriate in Flood Zone 1.

The area that would be occupied by the extension is already given over to a mostly non-porous car park area, resulting in run-off. The FRA recommends that in order that the development does not result in any increase in rate of run-off that a surface water attenuation tank with flow control is installed to regulate the discharge of water in to the existing water drainage system. It is considered that this should be secured by planning condition if permission is granted to ensure that the development minimises flood risk and complies with policy LC22. The parking area would remain porous and so there is no change to run-off or flood risk relating to this part of the development.

Other matters

Trees

Four trees to the eastern boundary of the site would be removed to facilitate the construction of the parking area, with replacement planting undertaken along the northern car park boundary. This would provide some wider screening of the car park as discussed above, and would lead to a net improvement in the long term arbocultural condition of the site due to the replacements proposed being better indigenous landscape trees (field maple) than the existing trees (hawthorn, goat willow, silver birch, and ash) – or having a better prospect of long term survival in the case of the existing ash tree.

At the other end of the site a number of trees would need removing to accommodate the extension. These are not significant specimens, and provide only very limited screening of the factory from Parsons Lane – the more established planting closer to the road provides the more effective screening, although even this has only a limited effect in winter when the leaves have fallen. The loss of these trees could be mitigated by replacement planting towards the site entrance. This would replace the ecological benefits of the trees to be removed. If permission is granted it is therefore recommended that a condition is imposed that requires a landscaping scheme to be agreed prior to the development commencing.

Ecology

Other than the loss of trees, which is discussed above, the ecological impacts of the proposal are limited. The ecological report and the Authority's ecologist recommend that vegetation removal is avoided outside of the bird breeding season, and implementing a landscape plan to avoid loss of biodiversity. If permission is granted, a condition is recommended to secure the timing of vegetation removal. It is also recommended that a condition is imposed requiring the installation of swift and bat boxes. This would enhance the habitat opportunities within the site, and could be secured by condition if permission is granted.

External lighting also has the potential to impact on protected species, and so the detail of any such lighting needs to be carefully considered. The previously recommended condition in relation to lighting would ensure this.

Energy management measures

The use of natural lighting will be maximised through the use of large rooflight, minimising the need for electric lights. Where required, lighting will be of LED type to minimise energy consumption. The heating system will be an intelligently managed system, which reduces energy consumption below that of a thermostatically controlled system. This demonstrates efforts to reduce energy consumption in accordance with the Energy Hierarchy, as advocated by Policy CC1 of the Core Strategy.

Construction works

Due to the size of the extension there will need to be numerous deliveries of materials to the site, and the construction process itself is likely to generate some noise, which could affect nearby properties. In addition, there will need to be excavation of ground to introduce foundations for the extension. The inappropriate disposal of this on or off site could have adverse visual impacts. For these reasons it is considered that if permission is granted a condition should be imposed requiring the submission of a construction management plan for agreement by the Authority prior to the development commencing.

Conclusion

Whilst the development is large in size, its setting and context within an existing industrial site significantly reduces its impact in the landscape. Having considered the policies of the Development Plan and the NPPF, and having also taken account of all other relevant material

considerations, the application is considered to be compliant and acceptable, and is recommended for approval.

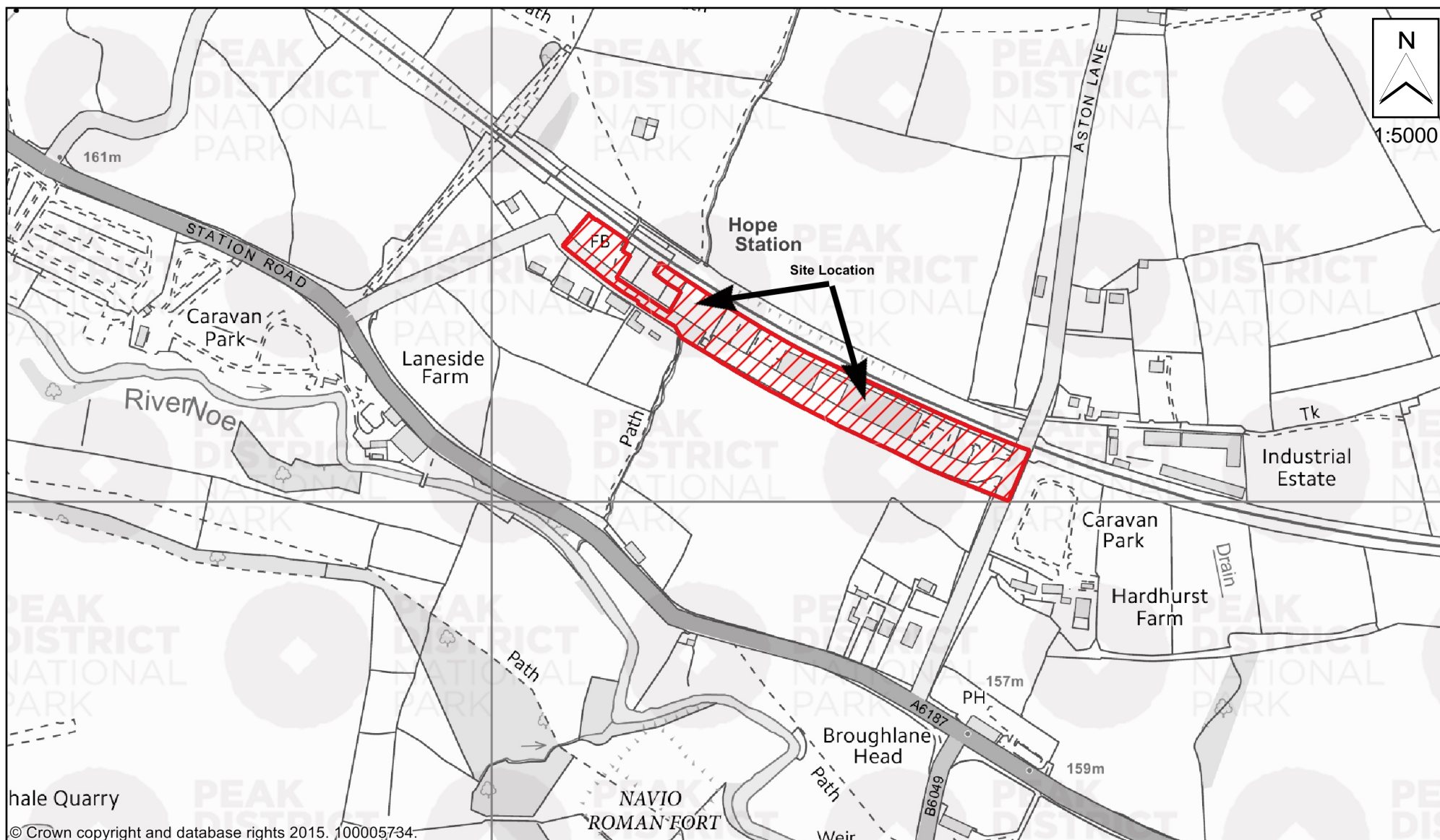
Human Rights

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


List of Background Papers (not previously published)

Nil

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Committee Date:	15/01/2016	Title: Carbolite Ltd Parsons Lane Hope
Item Number:	10	
Application No:	NP/HPK/1015/0996	
Grid Reference:	418336, 383094	
		 PEAK DISTRICT NATIONAL PARK

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11. LISTED BUILDING CONSENT - CONVERSION OF BARN TO RESIDENTIAL DWELLING AT HIGHLOW FARM HOUSE, HIGHLOW, HATHERSAGE (NP/DDD/1115/1050, P.6190, 421958 / 380117, 30/12/2015/AM)

APPLICANT: MR JC WAIN

Site and Surroundings

Highlow Hall is a grade II* listed building situated in open countryside between Abney and Hathersage. Between the Hall and the road stand a range of impressive gritstone barns, which are individually listed grade II. The red-edged application site includes the two grade II listed barns, their respective curtilage and a modern portal framed agricultural building to the north east.

The northernmost part of the listed barns has been converted to a four bedroom dwelling following the grant of planning permission and listed building consent (detailed in the history section of this report). Although the barns were originally built to serve Highlow Hall, the barns are now in separate ownership and known as Highlow Farm.

Access to the application site is via the adjacent highway which runs from Leadmill to Abney. The nearest neighbouring properties in this case are Highlow Hall, Highlow Cottage and Highlow Farm House all to the south of the site.

Proposal

This application seeks listed building consent for works required to facilitate the conversion of part of the listed barns on the application site to form a three bedroom dwelling. An application for Planning Permission for the development has also been submitted. The design and layout of the proposed conversion is the same as that refused planning permission and listed building consent by the Authority in 2014.

Specifically, the application proposes the following:

- Stables and shippon on the ground floor converted to create sitting room, dining room and kitchen.
- New door formed in wall between shippon and stable at ground floor.
- Loft and store at first floor converted to create three bedrooms, each with an en-suite bathroom and landing.
- New door formed between loft and store at first floor and existing opening blocked up.
- Internal faces of the external walls would be lined.
- Existing single storey 'lean-to' store to be re-built to create utility room and toilet.
- Existing wall between shippon and barn to be re-built and new stair case installed to provide access to extended first floor which would be created by erecting a new cavity wall within the barn.
- Installation of new window to the proposed third bedroom.
- Installation of new window and door frames.

- Lowering of ground level outside the north east elevation of the building.

This application is also supported by a planning statement, heritage assessment and bat survey which seek to overcome the reasons for refusal given by the Authority in determining the previous applications in 2014.

RECOMMENDATION:

That the application be REFUSED for the following reason.

- 1. The proposed works would harm the significance of the grade II listed barn contrary to Core Strategy Policy L3 and Local Plan policy LC6. In the absence of any overriding public benefits it is considered that any approval would also be contrary to the National Planning Policy Framework.**

Key Issues

- Whether the proposed works would preserve the building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Planning History

There is a relatively long planning history related to various proposals and pre-application advice for the application building. The most relevant applications are listed below.

2006: NP/DDD/1204/1315: Planning permission granted conditionally for conversion of farm building into dwelling and holiday flat.

2008: NP/DDD/1207/1148: Listed building consent granted conditionally for restoration of barn and conversion to holiday flat and dwelling.

The northernmost barn has been converted to a dwelling in accordance with the above planning permission and listed building consent. Therefore these two permissions have been implemented and are extant. These permissions therefore represent a 'fall back' position which is available to the applicant which is a material consideration.

The approved plans show the stable and store at the ground floor un-converted and retained for their original use. A new utility room within the shippon was approved with the rest of the space retained for hay / tack storage. A new staircase was approved within the shippon to provide access to a two bedroom flat above.

The Authority's Historic Building's Architect undertook a site visit and gave detailed pre-application advice to the applicant and his former agent in 2012 in respect of a proposal to convert more of the building than was previously approved.

2014: NP/DDD/0214/0169 & 0170: Planning permission and listed building consent refused for conversion of existing agricultural building to form holiday accommodation. The reasons for refusal were:

- 1. The proposed development would substantially harm the architectural and historic significance of the listed building contrary to section 66 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, Core Strategy Policies GSP1, GSP3 and L3 and Local Plan policies LC4, LC6 and LC8. In the absence of exceptional circumstances outweighing the substantial harm that has been identified, any approval*

would also be contrary to the National Planning Policy Framework.

2. *Insufficient evidence has been provided to allow the Authority to conclude that the proposed development would not harm local bat populations contrary to Core Strategy policy L2 and Local Plan policy LC17.*

Consultations

Highway Authority – No response to date.

District Council – No response to date.

Parish Meeting – Support the application. The parish meeting do not give any reasons why it supports the application, Officers have requested further comment by no response has been received to date.

Amenity Bodies – No response to date.

PDNPA Built Environment – Recommends refusal and makes the following comments:

This application is a resubmission of proposals which were refused consent in 2014, on the grounds that the proposed development would substantially harm the architectural and historic significance of the listed building (NP/DDD/0214/0169 and NP/DDD/0214/0170). The accompanying Structural Inspection Report was also as submitted with the 2014 application.

No alterations to the proposals have been made since the previous applications but a new Heritage Assessment, Rapid Building Appraisal produced by Archaeological Building Recording Services (ABRS) has been submitted. The aim of this report is to address the reasons for refusal in 2013. This concludes that later remodelling of the barn “*has left little of the original plan form of the building*” and the presumption is made that later additions are “*of limited historical significance*”. The Supporting Statement accompanying the application concludes that the proposed works will only impact on “*non-original features*” of the barn and that these works will therefore have a less than substantial impact on the building as a heritage asset.

There are a number of problems with both the ABRS heritage assessment and with the resultant conclusion. Firstly, the report does not provide an adequate assessment against the requirements of para 128 of the Framework: there is no clear statement of significance by which the key heritage value of the building can be understood, and against which the conversion proposals can be assessed. Secondly, the author appears to take a simplistic approach to understanding the building, in which ‘original’ fabric is assumed to be important but later additions and alterations are not. And thirdly, the report’s assessment of the building’s development and phasing, which is used to determine whether features are ‘original’ or ‘later’, is itself inaccurate.

The ABRS assessment directly contradicts a detailed archaeological assessment of Highlow Barn undertaken in 2002, “An Analysis and Assessment of The Threshing Barn and Neighbouring Outbuildings” by Historic Buildings Archaeologist Colin Briden. This earlier report was commissioned by the applicant on the recommendation of the Authority, English Heritage and the Council for British Archaeology: the purpose was to understand, in detail, the features which make up the special interest of the building and its development and phasing.

Inaccuracies in the ABRS assessment are as follows:

1. The report states that Highlow Barn has C17 origins and was originally built as a threshing barn with an attached cow shed to the north (now converted). However, the

‘cow shed’ is the earliest part of the range, its windows and symmetry of the elevations indicating an early mid C17 date; the threshing barn was added in the early C18, indicated by the plan of the barn and the detailing of the masonry of the openings, in particular that of the opposed wagon doors.

2. The report states that the stable (south end of the range) and wall separating this from the rest of the building, and an overloft and granary above were added in the C19, whereas it is likely that the wall, stable and 3-bay first floor loft are contemporary with the construction of the threshing barn, despite the wall's butt joint with the east and west walls.
3. The report states that the subdividing wall (to first floor only) between the threshing barn and later shippon (C18 to mid C19) is constructed from tooled stone window heads, an assertion taken from the submitted 2013 Structural Inspection Report. However, both Colin Briden and the Authority's Historic Buildings Architect agree that this wall is constructed from coursed, margin-tooled masonry typical of the period. Building internal cross-walls of large ashlar-sized blocks is a local tradition in the C19 according to the Authority's Historic Buildings Architect.
4. The report states that the southernmost lean-to is a later addition with its C17 style windows likely to be re-used, and *“lacks any significant historical or architectural features”* internally. However, this is visible on the 1857 Chatsworth Estate map, the southernmost outshot is earlier (C18 – mid C19), and whilst this has windows that closely resemble those surviving in the C17 north range, the fixing of the window heads suggest that these were made to fit this structure rather than being re-used from elsewhere.

Based on the above comments, it is considered that the combined impacts of the proposed development and the associated works would substantially harm the significance of the listed building, and I would reiterate the detailed reasons for refusal in 2014:

1. Converting the ground floor stable to create a domestic sitting room will harm the historic and architectural character of this part of the building, which should be retained for storage. John Sewell noted that the stable retains a great deal of its original architectural and historic character, including an original stone flag floor and original massive beams supporting the first floor.
2. A thorough assessment of what survives of historic significance in the feed passage and how it would be affected by the proposals is required: this has not been provided in the current application, which simply concludes that the feed passage is a “late insertion”, the building of which “appears to have compromised” the “historic plan form of the building”. Without this assessment, it is not possible to determine whether conversion of this part of the barn to create a dining room would harm the significance of the building.
3. Erection of a new full height cavity wall closer to the threshing floor would fundamentally change the character of this space in a harmful manner, by significantly altering the plan form of the barn and reducing the size of the threshing barn. Colin Briden noted that original features remain within the barn, including the flagged threshing floor and some masons' marks.
4. Total rebuilding of the ‘lean-to’ would harm the significance of the building and would be unacceptable: the presumption should be that the walls and the historic C17 style openings need to be retained as they are, with localised repairs / strengthening as necessary. The Structural Inspection Report states that this structure is beyond repair but does not consider alternative repair strategies, nor whether the historic openings could be retained.

5. The subdivision of the upper floor into three bedrooms, each with an en-suite, would not reflect the open floor plan of the original building.
6. The replacement of an existing vent slot on the south-west elevation with a new window would further harm the existing architectural and historic character of the building, and would be unacceptable. Note, the ABRS report states that, *“With the exception of renewing doors and windows...there will be no physical impact upon the external appearance of the barn”*: this is inaccurate.
7. The submitted plans show that the internal faces of the external walls would be lined: the lining of the external walls is unacceptable in a building of this quality.

PDNPA Archaeology: Recommends refusal and makes the following comment:

The application is submitted with a heritage assessment by Archaeological Building Recording Services. With regard to built heritage significance I feel that this document does not provide an adequate assessment against the requirements of para 128 of the Framework. There is no clear ‘statement of significance’ by which the key heritage value of the building can be understood, and against which the conversion proposals can be assessed. The author appears to take a rather simplistic approach to understanding the building, in which the original 17th century fabric is assumed to be important but later additions and alterations are not. Although features like the 19th century feeding passage are acknowledged as ‘interesting’ there is no discussion of their significance with regard to local and regional comparators. If features are ‘interesting’ then presumably they are also significant. The document does not therefore clearly establish the significance of the heritage asset as required by the Framework, because of a lack of discussion of the later features and a lack of comparanda to provide context and justification for the conclusions drawn.

With regard to below-ground archaeology the heritage assessment does not contain an assessment of significance and impact and is therefore deficient against the Framework.

Because the application does not meet the heritage information requirements of the Framework I recommend that it should not be granted permission in its current form. To address these issues the applicant may wish to submit a fuller heritage assessment, to include:

- A fuller consideration of built heritage significance, including fuller assessments of significance for later features, justified by reference to local and regional comparators, and leading to a clear ‘statement of significance’ against which the development proposals can be assessed and benefits harms quantified.
- An assessment of potential impacts to below-ground archaeology, including a digest of proposed below-ground impacts with detail of location, dimensions and depth.

PDNPA Ecology: No response to date.

Representations

A total of four representations have been received to date. All four of the letters support the application. The reason for support given in all the letters is summarised below. The letters can be read in full on the Authority’s website. The supporters consider that The proposed development will preserve the character of the farm buildings and will improve and help to preserve the existing buildings.

Main Policies

Relevant Core Strategy policies: L3

Relevant Local Plan policies: LC6

Policy

The National Planning Policy Framework (the Framework) is a material consideration in the determination of any planning application. Paragraph 115 within the framework says that great weight should be given to conserving landscape and scenic beauty in National Park which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage should be given great weight in the National Park.

Paragraphs 128 – 134 in the Framework are relevant for considering development which affects heritage assets. Appropriate evidence to describe the significance of any affected heritage asset should be required to inform decision making and local planning authorities should identify and assess the particular significance of any affected heritage asset taking into account available evidence and necessary expertise. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Great weight should be given to the conservation of heritage assets within the National Park. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless there are exceptional circumstances. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Authority's conservation policies reflect the approach taken in the Framework. L3 and LC6 together says that development must conserve and where appropriate enhance or reveal the significance of heritage assets and their setting and that other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.

Assessment

The design and layout of the proposed conversion is unchanged following the refusal of planning permission and listed building consent in 2014. A new planning and heritage statement have been submitted in support of the current application.

Concern has been raised by both the Authority's Conservation Officer and Conservation Archaeologist in regard to the assessment and conclusions within the submitted heritage assessment. Having had regard to their advice it is considered that the submitted heritage statement does not provide an adequate assessment of the listed building because there is no clear statement of significance by which the value of the building can be understood, and against which the conversion proposals can be assessed.

The heritage statement asserts that the original fabric of the building is important but that later additions and alterations to the buildings are not. No detailed explanation is given to explain why the report has reached this conclusion. It is also noted that the assessment of the buildings development in the heritage statement (and upon which its conclusions are based) is considered to be inaccurate and contradicts previous analysis and assessment of the buildings carried out in

2002 and used to inform the applications approved in 2006 and 2008.

Having had regard to the advice from the Authority's Conservation Officer and Archaeologist it is considered clear that the submitted heritage statement does not provide an adequate assessment of the significance of the listed building which is a requirement of paragraph 128 of the Framework. It is therefore considered that in these circumstances very little weight can be given to the conclusions of the planning and heritage statements that the proposed works would not have any substantial impact upon the listed building.

Concerns remain from the determination of the 2014 applications that the submitted drawings do not include details in regards to the detailed construction of new or replacement walls or how the new openings for internal doorways and the proposed external window are to be formed (or the existing openings blocked up). The submitted plans also indicate that the internal faces of the external walls of the barn are to be lined, but no detailed specification has been submitted.

It is therefore considered that insufficient detailed information has been submitted with the application to allow the Authority to assess the effect of the proposed works upon the significance of the listed building contrary to policy LC6 (b) and the Framework.

The Authority's Historic Buildings Architect visited the site before offering pre-application advice to the applicant and his previous agent in 2012. He considered that the ground floor stable retains a great deal of its original architectural and historic character, including an original stone flag floor and original massive beams supporting the first floor. There is a feed passage between the stable and shippon and ground floor which could date from the C19. The rear 'lean-to' has a number of C17 openings and was split into two storeys, with the upper floor possibly used as a hen house. Similarly the two storey threshing barn is not converted and retains a great deal of its original character.

The current application again proposes to convert the whole of the ground floor of this part of the building including the stable and feed passage and proposes to re-build the existing wall between the shippon and threshing barn and extend into the threshing barn by erecting a new wall to provide a hallway and access into the 'lean-to' store at the ground floor and to create a landing at first floor.

Having had regard to the Historic Building Architect's advice (which is supported by the Conservation Officer's comments) it is considered that converting the stable to create a domestic sitting room would harm the historic and architectural character of this part of the building. No further evidence in regard to the significance of the feed passage has been submitted with the application and in the absence of this information, the Authority is also unable to conclude that the conversion of this part of the shippon to create a dining room would not harm the significance of this part of the building.

The erection of a new full height cavity wall closer to the threshing floor would also fundamentally change the character of this space in a harmful manner by significantly altering the plan form of the barn and reducing the size of the threshing barn which would alter the space and internal character of this part of the building which is currently only separated from the loft by the existing wall which is only to first floor level.

The submitted application also proposes to completely re-build the single storey 'lean-to' to create the proposed utility room. The submitted structural report concludes that this part of the building is unsafe and in danger of collapse and therefore that re-building is required. The report also recommends consideration be given to reducing the number of openings on the south east flank wall.

While the Authority accepts that this part of the building is in poor condition and that some rebuilding works will be required to stabilise the structure; it is considered less clear whether the entire demolition of the lean-to is required to achieve this compared to retaining the existing structure with localised repairs and strengthening as necessary. The submitted structural survey states that the lean-to is beyond repair but does not consider or explain whether or not alternative repair strategies would be successful or whether the historic openings on the south east wall could be retained. In the absence of this information it is considered that the total loss of the existing lean-to along with its external stone steps and C17 openings would harm the significance of the building.

The submitted application also proposes to subdivide the upper floor into three bedrooms, each with an en-suite which would not reflect the open floor plan of the original building. The application also proposes to replace an existing vent slot on the south west elevation with a new window which would further harm the existing architectural and historic character of the building and the impact of this is not assessed in the submitted heritage statement. Finally, the submitted plans show that the internal faces of the external walls would be lined. No details have been submitted of what lining is proposed, but creating a smooth lined surface on the walls would further domesticate the agricultural character of the building.

For the above reasons it is considered that the impacts of the proposed works would harm the significance of the listed building. Approval of the proposals would therefore be contrary to policies GSP3, L3 and HC1 and policies LC4 and LC6. This is the same conclusion reached by the Authority in determining the previous applications in 2014 and the evidence submitted with this application does not indicate that a different decision should be taken now.

It is acknowledged that conversion of a larger part of the barn (than previously approved in 2006 and 2008) to create visitor accommodation would benefit the applicant. It is also accepted that there may be further benefits to creating additional accommodation to local communities and the local economy. However, there remains extant planning permission and listed building consent for a scheme to convert the building in a manner which would not harm the listed building and in this case the Authority's Historic Buildings Architect has provided further advice for an alternative scheme which would better conserve the building. Unfortunately the applicant has not followed this advice or sought additional pre-application advice and requires that this application be determined as submitted.

It has been concluded that the proposed works would harm the significance of the listed building. Having had regard to recent guidance within the National Planning Practice Guidance it is considered that the development would not lead to the total or substantial loss of the heritage asset and therefore the harm that has been identified cannot be described as substantial, but even less than substantial harm is sufficient to warrant refusal of an application.

Local and national planning policy makes it clear that any harm or loss to a grade II listed building should be exceptional. In this case, it is considered that there are no exceptional reasons or justification for the proposed development which would harm the significance of the listed building. There would be very limited public benefits associated with the proposed development especially as Officers have previously advised upon an alternative scheme to convert the building in an appropriate manner. Therefore it is considered that any public benefits of approving the proposed works would be clearly outweighed by the harm to the listed building that has been identified.

Conclusion

It is considered that the proposed works would harm the significance of this Grade II listed barn contrary to Core Strategy policy L3, Local Plan policy LC6 and guidance in the Framework.

Therefore, it is considered that the proposal works would not preserve the building or its setting or the affected features of special architectural or historic interest which it possesses. The proposed works would also be contrary to relevant development plan policies and the Framework. In the absence of further material considerations indicating otherwise, the proposal is therefore recommended for refusal.

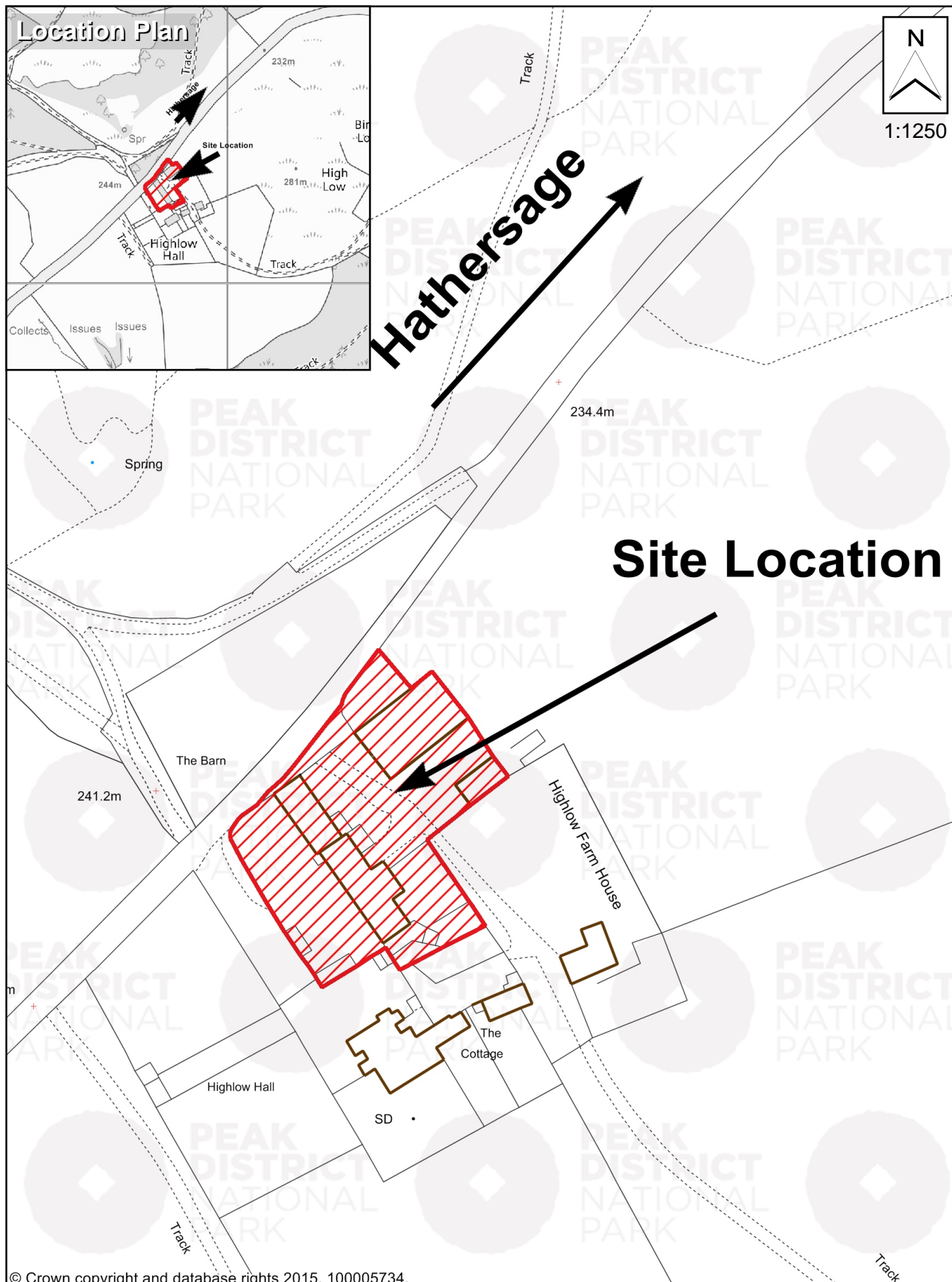
Human Rights

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

List of Background Papers (not previously published)

Nil

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Title: Highlow Farm House
Highlow
Hathersage



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12. FULL APPLICATION – CONVERSION OF BARN TO RESIDENTIAL DWELLING AT HIGHLOW FARM HOUSE, HIGHLOW, HATHERSAGE (NP/DDD/1015/0969, P.6190, 421958 / 380117, 29/12/2015/AM)

APPLICANT: MR JC WAIN

Site and Surroundings

Highlow Hall is a grade II* listed building situated in open countryside between Abney and Hathersage. Between the Hall and the road stand a range of impressive gritstone barns, which are individually listed grade II. The red-edged application site includes the two grade II listed barns, their respective curtilage and a modern portal framed agricultural building to the north east.

The northernmost part of the listed barns has been converted to a four bedroom dwelling following the grant of planning permission and listed building consent (detailed in the history section of this report). Although the barns were originally built to serve Highlow Hall, they are now in separate ownership and known as Highlow Farm.

Access to the application site is via the adjacent highway which runs from Leadmill to Abney. The nearest neighbouring properties in this case are Highlow Hall, Highlow Cottage and Highlow Farm House all to the south of the site.

Proposal

This application seeks planning permission for the conversion of part of the listed barns on the application site to form a three bedroom dwelling. An application for Listed Building Consent has also been submitted.

The design and layout of the proposed conversion is the same as that refused planning permission and listed building consent by the Authority in 2014. Specifically, the application proposes the following:

- Stables and shippon on the ground floor converted to create sitting room, dining room and kitchen.
- New door formed in wall between shippon and stable at ground floor.
- Loft and store at first floor converted to create three bedrooms, each with an en-suite bathroom and landing.
- New door formed between loft and store at first floor and existing opening blocked up.
- Internal faces of the external walls would be lined.
- Existing single storey 'lean-to' store to be re-built to create utility room and toilet.
- Existing wall between shippon and barn to be re-built and new stair case installed to provide access to extended first floor which would be created by erecting a new cavity wall within the barn.
- Installation of new window to the proposed third bedroom.
- Installation of new window and door frames.

- Lowering of ground level outside the north east elevation of the building.

This application is also supported by a planning statement, heritage assessment and bat survey which seek to overcome the reasons for refusal given by the Authority in determining the previous applications in 2014.

RECOMMENDATION:

That the application be REFUSED for the following reason.

- 1. The proposed development would harm the significance of the grade II listed barn contrary to Core Strategy Policies GSP1, GSP3, L3 and HC1 and Local Plan policies LC4, LC6 and LC8. In the absence of any overriding public benefits it is considered that any approval would also be contrary to the National Planning Policy Framework.**

Key Issues

- Whether the proposed development is required to achieve the conservation or enhancement of the significance of the listed building in accordance with HC1.
- Whether the proposed development is acceptable in all other respects.

Relevant Planning History

There is a relatively long planning history related to various proposals and pre-application advice for the application building. The most relevant applications are listed below.

2006: NP/DDD/1204/1315: Planning permission granted conditionally for conversion of farm building into dwelling and holiday flat.

2008: NP/DDD/1207/1148: Listed building consent granted conditionally for restoration of barn and conversion to holiday flat and dwelling.

The northernmost barn has been converted to a dwelling in accordance with the above planning permission and listed building consent. Therefore these two permissions have been implemented and are extant. These permissions therefore represent a 'fall back' position which is available to the applicant which is a material consideration.

The approved plans show the stable and store at the ground floor unconverted and retained for their original use. A new utility room within the shippon was approved with the rest of the space retained for hay / tack storage. A new staircase was approved within the shippon to provide access to a two bedroom flat above.

The Authority's Historic Building's Architect undertook a site visit and gave detailed pre-application advice to the applicant and his former agent in 2012 in respect of a proposal to convert more of the building than was previously approved.

2014: NP/DDD/0214/0169 & 0170: Planning permission and listed building consent refused for conversion of existing agricultural building to form holiday accommodation. The reasons for refusal were:

- 1. The proposed development would substantially harm the architectural and historic significance of the listed building contrary to section 66 of the Town and Country Planning*

(Listed Building and Conservation Area) Act 1990, Core Strategy Policies GSP1, GSP3 and L3 and Local Plan policies LC4, LC6 and LC8. In the absence of exceptional circumstances outweighing the substantial harm that has been identified, any approval would also be contrary to the National Planning Policy Framework.

2. *Insufficient evidence has been provided to allow the Authority to conclude that the proposed development would not harm local bat populations contrary to Core Strategy policy L2 and Local Plan policy LC17.*

Consultations

Highway Authority – No response to date.

District Council - The private water supply when risk assessed two years ago was very high risk and likely to be insufficient during drought periods. Even if improvements have been done, and there were a lot needed, the insufficiency will still be a problem.

Parish Meeting – Support the application. The parish meeting do not give any reasons why it supports the application, Officers have requested further comment by no response has been received to date.

Amenity Bodies – No response to date.

PDNPA Built Environment – Recommends refusal and makes the following comments:

This application is a resubmission of proposals which were refused consent in 2014, on the grounds that the proposed development would substantially harm the architectural and historic significance of the listed building (NP/DDD/0214/0169 and NP/DDD/0214/0170). The accompanying Structural Inspection Report was also as submitted with the 2014 application.

No alterations to the proposals have been made since the previous applications but a new Heritage Assessment, Rapid Building Appraisal produced by Archaeological Building Recording Services (ABRS) has been submitted. The aim of this report is to address the reasons for refusal in 2013. This concludes that later remodelling of the barn “*has left little of the original plan form of the building*” and the presumption is made that later additions are “*of limited historical significance*”. The Supporting Statement accompanying the application concludes that the proposed works will only impact on “*non-original features*” of the barn and that these works will therefore have a less than substantial impact on the building as a heritage asset.

There are a number of problems with both the ABRS heritage assessment and with the resultant conclusion. Firstly, the report does not provide an adequate assessment against the requirements of para 128 of the Framework: there is no clear statement of significance by which the key heritage value of the building can be understood, and against which the conversion proposals can be assessed. Secondly, the author appears to take a simplistic approach to understanding the building, in which ‘original’ fabric is assumed to be important but later additions and alterations are not. Thirdly, the report’s assessment of the building’s development and phasing, which is used to determine whether features are ‘original’ or ‘later’, is itself inaccurate.

The ABRS assessment directly contradicts a detailed archaeological assessment of Highlow Barn undertaken in 2002, “An Analysis and Assessment of The Threshing Barn and Neighbouring Outbuildings” by Historic Buildings Archaeologist Colin Briden. This earlier report was commissioned by the applicant on the recommendation of the Authority, English Heritage and the Council for British Archaeology: the purpose was to understand, in detail, the features which make up the special interest of the building and its development and phasing.

Inaccuracies in the ABRS assessment are as follows:

1. The report states that Highlow Barn has C17 origins and was originally built as a threshing barn with an attached cow shed to the north (now converted). However, the 'cow shed' is the earliest part of the range, its windows and symmetry of the elevations indicating an early mid C17 date; the threshing barn was added in the early C18, indicated by the plan of the barn and the detailing of the masonry of the openings, in particular that of the opposed wagon doors.
2. The report states that the stable (south end of the range) and wall separating this from the rest of the building, and an overloft and granary above were added in the C19, whereas it is likely that the wall, stable and 3-bay first floor loft are contemporary with the construction of the threshing barn, despite the wall's butt joint with the east and west walls.
3. The report states that the subdividing wall (to first floor only) between the threshing barn and later shippon (C18 to mid C19) is constructed from tooled stone window heads, an assertion taken from the submitted 2013 Structural Inspection Report. However, both Colin Briden and the Authority's Historic Buildings Architect agree that this wall is constructed from coursed, margin-tooled masonry typical of the period. Building internal cross-walls of large ashlar-sized blocks is a local tradition in the C19 according to the Authority's Historic Buildings Architect.
4. The report states that the southernmost lean-to is a later addition with its C17 style windows likely to be re-used, and "*lacks any significant historical or architectural features*" internally. However, this is visible on the 1857 Chatsworth Estate map, the southernmost outshot is earlier (C18 – mid C19), and whilst this has windows that closely resemble those surviving in the C17 north range, the fixing of the window heads suggest that these were made to fit this structure rather than being re-used from elsewhere.

Based on the above comments, it is considered that the combined impacts of the proposed development and the associated works would substantially harm the significance of the listed building, and I would reiterate the detailed reasons for refusal in 2014:

1. Converting the ground floor stable to create a domestic sitting room will harm the historic and architectural character of this part of the building, which should be retained for storage. John Sewell noted that the stable retains a great deal of its original architectural and historic character, including an original stone flag floor and original massive beams supporting the first floor.
2. A thorough assessment of what survives of historic significance in the feed passage and how it would be affected by the proposals is required: this has not been provided in the current application, which simply concludes that the feed passage is a "late insertion", the building of which "appears to have compromised" the "historic plan form of the building". Without this assessment, it is not possible to determine whether conversion of this part of the barn to create a dining room would harm the significance of the building.
3. Erection of a new full height cavity wall closer to the threshing floor would fundamentally change the character of this space in a harmful manner, by significantly altering the plan form of the barn and reducing the size of the threshing barn. Colin Briden noted that original features remain within the barn, including the flagged threshing floor and some masons' marks.

4. Total rebuilding of the 'lean-to' would harm the significance of the building and would be unacceptable: the presumption should be that the walls and the historic C17 style openings need to be retained as they are, with localised repairs / strengthening as necessary. The Structural Inspection Report states that this structure is beyond repair but does not consider alternative repair strategies, nor whether the historic openings could be retained.
5. The subdivision of the upper floor into three bedrooms, each with an en-suite, would not reflect the open floor plan of the original building.
6. The replacement of an existing vent slot on the south-west elevation with a new window would further harm the existing architectural and historic character of the building, and would be unacceptable. Note, the ABRS report states that, "*With the exception of renewing doors and windows...there will be no physical impact upon the external appearance of the barn*": this is inaccurate.
7. The submitted plans show that the internal faces of the external walls would be lined: the lining of the external walls is unacceptable in a building of this quality.

PDNPA Archaeology: Recommends refusal and makes the following comment:

The application is submitted with a heritage assessment by Archaeological Building Recording Services. With regard to built heritage significance I feel that this document does not provide an adequate assessment against the requirements of para 128 of the Framework. There is no clear 'statement of significance' by which the key heritage value of the building can be understood, and against which the conversion proposals can be assessed. The author appears to take a rather simplistic approach to understanding the building, in which the original 17th century fabric is assumed to be important but later additions and alterations are not. Although features like the 19th century feeding passage are acknowledged as 'interesting' there is no discussion of their significance with regard to local and regional comparators. If features are 'interesting' then presumably they are also significant. The document does not therefore clearly establish the significance of the heritage asset as required by the Framework, because of a lack of discussion of the later features and a lack of comparanda to provide context and justification for the conclusions drawn.

With regard to below-ground archaeology the heritage assessment does not contain an assessment of significance and impact and is therefore deficient against the Framework.

Because the application does not meet the heritage information requirements of the Framework I recommend that it should not be granted permission in its current form. To address these issues the applicant may wish to submit a fuller heritage assessment, to include:

- A fuller consideration of built heritage significance, including fuller assessments of significance for later features, justified by reference to local and regional comparators, and leading to a clear 'statement of significance' against which the development proposals can be assessed and benefits harms quantified.
- An assessment of potential impacts to below-ground archaeology, including a digest of proposed below-ground impacts with detail of location, dimensions and depth.

PDNPA Ecology: No response to date.

Representations

A total of four representations have been received to date. All four of the letters support the

application. The reason for support given in all the letters is summarised below. The letters can be read in full on the Authority's website. The supporters consider that The proposed development will preserve the character of the farm buildings and will improve and help to preserve the existing buildings.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, L3 and HC1

Relevant Local Plan policies: LC4, LC6, LC8, LC17, LH1, LH2, LT11 and LT18

Policy

The National Planning Policy Framework (the Framework) is a material consideration in the determination of any planning application. Paragraph 115 within the framework says that great weight should be given to conserving landscape and scenic beauty in National Park which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage should be given great weight in the National Park.

Paragraph 115 cross refers to the Government Vision and Circular for English National Parks and the Broads (2010) which states explicitly that the Government considers that it is inappropriate to set housing targets within the National Park and that the focus should be the provision of affordable housing to meet local need.

Paragraph 55 of the Framework says that to promote sustainable development local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as (inter alia) where such development would represent the optimal viable use of a heritage asset.

This is the same approach taken by policy HC1 C which says that provision will not be made for housing solely to meet open market demand and that exceptionally new housing can be accepted where in accordance with GSP1 and GSP2 it is required in order to achieve conservation and / or enhancement of a valued vernacular or listed buildings.

Paragraphs 128 – 134 in the Framework are relevant for considering development which affects heritage assets. Appropriate evidence to describe the significance of any affected heritage asset should be required to inform decision making and local planning authorities should identify and assess the particular significance of any affected heritage asset taking into account available evidence and necessary expertise. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Great weight should be given to the conservation of heritage assets within the National Park. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless there are exceptional circumstances. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Authority's conservation policies reflect the approach taken in the Framework. L3 and LC6 together says that development must conserve and where appropriate enhance or reveal the significance of heritage assets and their setting and that other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.

LC8 says that conversion of a historic or vernacular building will be permitted provided that it can accommodate the new use without changes that would adversely affect its character and that the new use does not lead to changes to the building's character or require new access or services that would adversely affect its character or have an adverse impact on its surroundings. GSP3 and LC4 require the detailed treatment of development to be of a high standard which respects, conserves and enhances the landscape, built environment and valued characteristics of the area, paying special attention to scale, form, mass and orientation in relation to existing buildings, the degree to which design details reflect or complement the style and traditions of local buildings, landscaping and the amenity, privacy and security of the development and nearby properties.

L2 and LC17 require all development to conserve or enhance the biodiversity of the National Park and require adequate information to be submitted to allow the Authority to assess the potential impact of development upon statutorily protected sites, features of species of biodiversity importance.

LT11 and LT18 require development to be served by a safe access and have adequate parking and turning space.

It is considered that the relevant policies in the development plan are generally in accordance with the Framework because taken together these policies restrict the creation of new housing within the National Park unless there are special circumstances such that the development is required to achieve the conservation or enhancement of the National Park's cultural heritage. Therefore the relevant development plan policies should be afforded full weight in any planning decision on this application.

Assessment

Principle

For the purposes of the development plan, the application site is considered to lie in open countryside because of the considerable distance between the application site and Hathersage which is the nearest named settlement. In common with the Framework, the Authority's housing policies do not set targets for the provision of market housing or permit new isolated homes in the countryside unless there are special circumstances.

The proposed house is intended to meet general demand rather than any functional need or local need. Therefore, the special circumstances in which permission could be granted for the current application are set out in policy HC1(C) I of the Core Strategy.

HC1 C says that in accordance with GSP1 and GSP2, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where (I) it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings. The supporting text to policy HC1 explains that occasionally new housing may be the best way to achieve conservation and enhancement where this could only be reasonably achieved by the impetus provided by open market values.

The application building is grade II listed and therefore is of national significance. The buildings appear to be in use as general storage and therefore due to the poor condition of the buildings and the likely level of investment to repair / re-instate the structure of the buildings, the impetus

of value from conversion of part of the building to a residential use is considered likely to be required to achieve enhancement to the heritage asset.

Therefore in principle it is considered that the conversion of the building to a market dwelling would be acceptable and in accordance with HC1 C provided that it can be demonstrated that the development would achieve the conservation and or enhancement of the building in accordance with HC1, L3 and LC6.

There are no concerns that the proposed development would be unneighbourly due to the distance and relationship between the application building, the adjacent dwellings and nearby neighbouring properties. The proposed development would not affect existing parking or access arrangements and there is ample space for parking in the yard area to the south of the building in accordance with parking standards set out in the Local Plan.

The key issue in this case is therefore whether the proposed development would conserve the significance of the listed building along with the National Park's biodiversity. These were the principle reasons why the Authority refused planning permission and listed building consent for the same development and works in 2014. In considering whether to grant planning permission or listed building consent for the conversion the Authority is obliged to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Impact upon the Listed Building

The design and layout of the proposed conversion is unchanged following the refusal of planning permission and listed building consent in 2014. A new planning and heritage statement have been submitted in support of the current application.

Concern has been raised by both the Authority's Conservation Officer and Conservation Archaeologist in regard to the assessment and conclusions within the submitted heritage assessment. Having had regard to their advice, it is considered that the submitted heritage statement does not provide an adequate assessment of the listed building because there is no clear statement of significance by which the value of the building can be understood, and against which the conversion proposals can be assessed.

The heritage statement asserts that the original fabric of the building is important but that later additions and alterations to the buildings are not. No detailed explanation is given to explain why the report has reached this conclusion. It is also noted that the assessment of the building's development in the heritage statement (and upon which its conclusions are based) is considered to be inaccurate and contradicts previous analysis and assessment of the buildings carried out in 2002 and used to inform the applications approved in 2006 and 2008.

Having had regard to the advice from the Authority's Conservation Officer and Archaeologist it is considered clear that the submitted heritage statement does not provide an adequate assessment of the significance of the listed building which is a requirement of paragraph 128 of the Framework. It is therefore considered that in these circumstances very little weight can be given to the conclusions of the planning and heritage statements that the proposed development would not have any substantial impact upon the listed building.

Concerns remain from the determination of the 2014 applications that the submitted drawings do not include details in regards to the detailed construction of new or replacement walls or how the new openings for internal doorways and the proposed external window are to be formed (or the existing openings blocked up). The submitted plans also indicate that the internal faces of the external walls of the barn are to be lined, but no detailed specification has been submitted.

It is therefore considered that insufficient detailed information has been submitted with the application to allow the Authority to assess the effect of the proposed development upon the significance of the listed building contrary to policy LC6 (b) and the Framework.

The Authority's Historic Buildings Architect visited the site before offering pre-application advice to the applicant and his previous agent in 2012. He considered that the ground floor stable retains a great deal of its original architectural and historic character, including an original stone flag floor and original massive beams supporting the first floor. There is a feed passage between the stable and shippon and ground floor which could date from the C19. The rear 'lean-to' has a number of C17 openings and was split into two storeys, with the upper floor possibly used as a hen house. Similarly the two storey threshing barn is not converted and retains a great deal of its original character.

The current application again proposes to convert the whole of the ground floor of this part of the building including the stable and feed passage and proposes to re-build the existing wall between the shippon and threshing barn and extend into the threshing barn by erecting a new wall to provide a hallway and access into the 'lean-to' store at the ground floor and to create a landing at first floor.

Having had regard to the Historic Building Architect's advice (which is supported by the Conservation Officer's comments) it is considered that converting the stable to create a domestic sitting room would harm the historic and architectural character of this part of the building. No further evidence in regard to the significance of the feed passage has been submitted with the application and in the absence of this information, the Authority is also unable to conclude that the conversion of this part of the shippon to create a dining room would not harm the significance of this part of the building.

The erection of a new full height cavity wall closer to the threshing floor would also fundamentally change the character of this space in a harmful manner by significantly altering the plan form of the barn and reducing the size of the threshing barn which would alter the space and internal character of this part of the building which is currently only separated from the loft by the existing wall which is only to first floor level.

The application also proposes to completely re-build the single storey 'lean-to' to create the proposed utility room. The submitted structural report concludes that this part of the building is unsafe and in danger of collapse and that re-building is required. The report also recommends consideration be given to reducing the number of openings on the south east flank wall.

Whilst officers accept that this part of the building is in poor condition and that some rebuilding works will be required to stabilise the structure, it is less clear whether the entire demolition of the lean-to is required to achieve this compared to retaining the existing structure with localised repairs and strengthening as necessary. The submitted structural survey states that the lean-to is beyond repair but does not consider or explain whether or not alternative repair strategies would be successful or whether the historic openings on the south east wall could be retained. In the absence of this information it is considered that the total loss of the existing lean-to along with its external stone steps and C17 openings would harm the significance of the building.

The submitted application also proposes to subdivide the upper floor into three bedrooms, each with an en-suite which would not reflect the open floor plan of the original building. The application also proposes to replace an existing vent slot on the south west elevation with a new window which would further harm the existing architectural and historic character of the building and the impact of this is not assessed in the submitted heritage statement. Finally, the submitted plans show that the internal faces of the external walls would be lined. No details have been submitted of what lining is proposed, but creating a smooth lined surface on the walls would further domesticate the agricultural character of the building.

For the above reasons it is considered that the combined impacts of the proposed development and the associated works would harm the significance of the listed building. Approval of the proposals would therefore be contrary to policies GSP3, L3 and HC1 and policies LC4 and LC6. This is the same conclusion reached by the Authority in determining the previous applications in 2014 and the evidence submitted with this application does not indicate that a different decision should be taken now.

It is acknowledged that conversion of a larger part of the barn (that previously approved in 2006 and 2008) to create visitor accommodation would benefit the applicant. It is also accepted that there may be further benefits to creating additional accommodation to local communities and the local economy. However, there remains extant planning permission and listed building consent for a scheme to convert the building in a manner which would not harm the listed building and in this case the Authority's Historic Buildings Architect has provided further advice for an alternative scheme which would better conserve the building. Unfortunately the applicant has not followed this advice or sought additional pre-application advice and requires that this application be determined as submitted.

It has been concluded that the proposed development would harm the significance of the listed building. Having had regard to recent guidance within the National Planning Practice Guidance it is considered that the development would not lead to the total or substantial loss of the heritage asset and therefore the harm that has been identified cannot be described as substantial, but even less than substantial harm is sufficient to warrant refusal of an application.

Local and national planning policy makes it clear that any harm or loss to a grade II listed building should be exceptional. In this case, it is considered that there are no exceptional reasons or justification for the proposed development which would harm the significance of the listed building. There would be very limited public benefits associated with the proposed development especially as Officers have previously advised upon an alternative scheme to convert the building in an appropriate manner. Therefore it is considered that any public benefits of approving the development would be clearly outweighed by the harm to the listed building that has been identified.

Ecology

A bat survey of the barn has been carried out and the report submitted in support of this application. The report concludes that the barn was not found to support roosting bats but there was some evidence that common pipistrelle bats forage around the farmyard and on one recorded occasion within the barn accessed through a ventilation slot. No evidence of barn owls were identified but two active wren nests along with disused swallow nests were identified within the main central barn.

Having had regard to the evidence within the survey it is considered that the proposed development would be unlikely to harm any identified protected species or their habitat provided that conditions were imposed upon any permission to secure the retention of features within the building to maintain roosting and foraging opportunities for bats and nesting opportunities for birds within the main central barn which the majority of which is the remain unconverted.

It is therefore considered that if the proposed development was considered to be acceptable in all other respects, the proposal would meet the requirements of regulation 53 of the Habitats Directive because the development would secure the conservation of the listed barn in the long term, there would be no satisfactory alternative to secure this outcome and because the development would maintain the favourable conservation status of the identified protected species in accordance with L2 and LC17.

Conclusion

It is considered that the proposed development and associated works would harm the significance of this Grade II listed barn contrary to Core Strategy policies GSP1, GSP3 and L3, Local Plan policies LC4, LC6 and LC8, and guidance in the National Planning Policy Framework.

The proposed development would not harm the amenity of any neighbouring properties or adversely affect protected species or highway safety. However, these issues do not add any significant weight either for or against the proposal and do not otherwise overcome concerns in regard to the impact of the proposed development on the listed building.

Therefore, it is considered that the proposal is contrary to the Development Plan and the Framework. In the absence of further material considerations indicating otherwise, the proposal is therefore recommended for refusal.

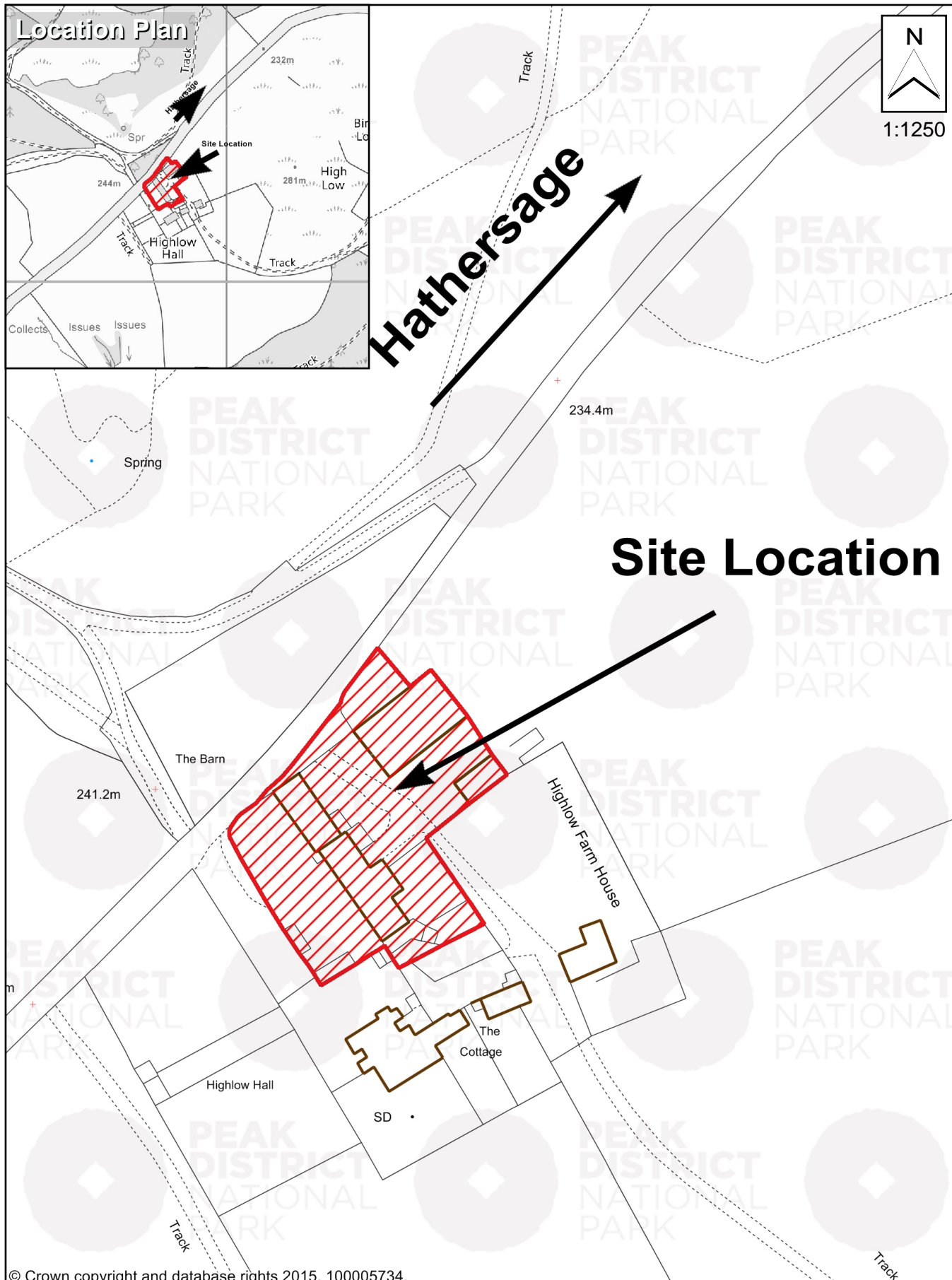
Human Rights

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


List of Background Papers (not previously published)

Nil

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Committee Date:	15/01/2015	Title: Highlow Farm House Highlow Hathersage	 PEAK DISTRICT NATIONAL PARK
Item Number:	12		
Application No:	NP/DDD/1015/0969		
Grid Reference:	421958, 380117		

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13. FULL APPLICATION – DEVELOPMENT OF SINGLE SUBTERRANEAN ‘ECO HOUSE’ SELF-BUILD DWELLING FOR EXISTING LOCAL RESIDENTS, ASSOCIATED ACCESS AND EXTENSIVE SOFT LANDSCAPING SCHEME TO PROVIDE ECOLOGICAL, ENVIRONMENTAL, LANDSCAPE AND SCENIC ENHANCEMENT AT LAND ADJACENT THE OLD VICARAGE, HEADS LANE, BOLSTERSTONE (NP/S/1015/1008, P.3597, 427078 / 396736, 23/12/2015)

APPLICANT: MR JOHN RAYNOR

Site and Surroundings

The application site is located on land adjacent to and west of The Old Vicarage, Bolsterstone. For the purposes of the Authority’s development plan (policies DS1 and LC3) the application site is located in open countryside and outside of any designated settlement. The application site is also located within the designated Bolsterstone Conservation Area.

The site is a field which is bounded on all four sides by dry stone walls and mature and semi-mature broadleaf trees. Access to the site is via Heads Lane which runs along the northern boundary of the site and which is also the National Park boundary. The land to the north and outside of the National Park boundary is located within Sheffield and is designated Green Belt.

Proposal

This is a re-submission following the refusal of planning permission for a similar development earlier this year. The application again seeks planning permission for the erection of one earth sheltered dwelling along with associated access and landscaping.

The submitted plans show that proposed dwelling would be dug into the level of the field as it drops away from the level of Heads Lane. The dwelling would effectively therefore be ‘earth sheltered’ and set under a flat roof formed out of the topography.

The proposed dwelling would provide a total of four bedrooms along with associated living space and double garage. The south facing elevation of the dwelling would be predominantly glazed with stone walling and the garage door. An open courtyard area and a number of roof lights would provide light into the rear rooms of the dwelling. A metal flue pipe would also project through the roof to serve a wood burning stove.

The curtilage of the proposed dwelling would extend to approximately 2700m². Access to the dwelling would be via the existing field access along a resin bound gravel driveway to the front (south facing) elevation of the dwelling.

An amended and comprehensive landscaping masterplan has been submitted which shows that an acid grassland would be planted on the roof of the dwelling. A mixture of acid grassland, meadow and woodland wildflowers would be planted within the curtilage of the dwelling. The majority of the existing mature trees and hedges would be retained on the site with new hedgerows planted. A gritstone paved area would be created to the front of the dwelling.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. The application site is located in the open countryside within the National Park. The Authority's Core Strategy takes forward the policy approach that it is not appropriate to permit new housing simply in response to the significant market demand to live in its sought after environment. In common with the National Planning Policy Framework, the Authority's policies therefore do not make provision for housing other than in exceptional circumstances which in the open countryside would be where housing provides for key rural workers or where housing is required to achieve conservation or enhancement of valued vernacular or listed buildings.

The proposed dwelling would not be required to meet the essential functional need of an agricultural, forestry or other rural enterprise. Therefore any approval of the proposed development would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to Core Strategy policies DS1, CC1 and HC1, saved Local Plan policies LH1 and LH2 and the National Planning Policy Framework.

2. The application site is identified as important open green space within the Bolsterstone Extension Conservation Area Appraisal (2009). The proposed dwelling would have a harmful impact upon the amenities of the local area and would harm the significance of the designated Bolsterstone Conservation Area contrary to Core Strategy policies GSP1, GSP3 and L3, saved Local Plan policies LC4, LC5 and the National Planning Policy Framework.

Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the designated Conservation Area and the wider landscape.

History

2015: NP/S/0615/0538: Planning permission refused for the erection of single subterranean 'eco house' self-build dwelling for existing local residents, associated access and extensive soft landscaping scheme to provide ecological, environmental, landscape and scenic enhancement for the following reasons:

1. *The application site is located in the open countryside within the National Park. The Authority's Core Strategy takes forward the policy approach that it is not appropriate to permit new housing simply in response to the significant market demand to live in its sought after environment. In common with the National Planning Policy Framework, the Authority's policies therefore do not make provision for housing other than in exceptional circumstances which in the open countryside would be where housing provides for key rural workers or where housing is required to achieve conservation or enhancement of valued vernacular or listed buildings.*

The proposed dwelling would not be required to meet the essential functional need of an agricultural, forestry or other rural enterprise. Therefore any approval of the proposed development would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to Core Strategy policies DS1, CC1 and HC1, saved Local Plan policies LH1 and LH2 and the National Planning Policy Framework.

2. *The application site is identified as important open green space within the Bolsterstone Extension Conservation Area Appraisal (2009). The proposed dwelling would have a harmful impact upon the amenities of the local area and would harm the significance of the designated Bolsterstone Conservation Area contrary to Core Strategy policies GSP1, GSP3 and L3, saved Local Plan policies LC4, LC5 and the National Planning Policy Framework.*

Consultations

Highway Authority – No response to date.

City Council – No response to date.

Town Council – No response to date.

PNDPA Landscape – Objects to the application for the following reasons:

The re-submission appears to utilise the same plans and Landscape Character report as previously submitted, so my original comments regarding these stand. I note that the applicant has also included a Landscape and Visual Impact Assessment (LVIA) and Planning Statement which contain new information but do not materially alter the design from that which was previously submitted.

The Landscape Character report does not accurately reflect the Peak District Landscape Character Assessment LCA as the site is located on the boundary between the 'Enclosed Gritstone Upland' and 'Slopes and Valleys with Woodland' and displays features of both; a site specific LCA would be considered appropriate to inform the applicants design response.

The Landscape Character report also states that 'the mature vegetation provides full visual screening' which is unlikely to be the case, at least in winter. On a recent site visit it seems likely that the bank of south facing glazing will be visible in winter.

The Design and Access Statement does not demonstrate the scheme enhances the setting and character of the wider landscape.

The Proposed Elevation drawing is not clear – it appears that there are level changes on site and within the root protection area (RPA) of the existing trees, but there are no existing or proposed levels indicated; and it is unclear where the sections are on the site.

The Landscape Masterplan does not demonstrate any enhancement to landscape character – if the scheme goes ahead, the existing open nature of the grassland on site will contain new elements of built form (approx. 15% of site area) and garden elements of a suburban nature and as such does not demonstrate sensitivity to or respond to the defining characteristics of the local area.

The summary findings of the LVIA are confused and indicate primarily 'neutral' landscape and visual effect significance rather than the 'beneficial' effects that are repeatedly stated within the application. The LVIA is very limited in its description of scheme effects and I think does not address two of the likely key effects of the scheme – the new elements of both built and suburban form into an undeveloped grassland area and the potential visual impact of a 3m high bank of south facing glazing. My assessment of scheme effects are that while both landscape and visual effects are likely to be either minor or negligible, they are still adverse.

The Planning Statement which primarily states that the scheme objectively and demonstrably enhances the appearance, scenic beauty and the landscape and ecological value of the site in its Peak District setting. For the reasons outlined above I do not agree with the findings of this Planning Statement.

PDNPA Cultural Heritage – Objects to the application for the following reasons:

The area of land proposed for development was historically in agricultural use and was enclosed prior to the 1782 Bolsterstone Enclosure Award map, according to the Authority's Historic Landscape Character record. The Conservation Area Appraisal for the Bolsterstone Extension (i.e. the part that lies within the National Park) identifies the area as an important open green space, edged by important groups of trees, making a significant contribution to the overall character and appearance of the Conservation Area: the Appraisal states that the removal of an important open space would be detrimental to the character of the Conservation Area. The proposal will extend the built environment of the settlement westwards, building on this important open space and altering its historic agricultural character: it is hard to see how this can be seen as an enhancement, as suggested in the application. In my view this could harm the historic character of the Conservation Area.

There are important long-ranging views across the area to the south from Heads Lane, within the Conservation Area. I have a number of concerns that the proposal may have a detrimental impact on these important views. The visuals of the proposed development all show the site in summer, surrounded by dense vegetation, which may well screen views of the site from within the Conservation Area and from the south. However, as the pictures below show, there is much greater visual permeability into the site from Heads Lane in the winter months: I think it likely, therefore, that the roof to the central open courtyard and the flat roof-lights could be visible from within the Conservation Area during these months, negatively affecting views to the south causing harm to the historic character and appearance of the Conservation Area at this point.

There are no visuals of the proposed site to show whether the eco home might be visible from the south during the winter months, looking towards the Conservation Area. The proposal is to open out the hedgerow along the southern boundary of the site, in places: it is therefore possible that parts of the house, in particular the glazing, may be visible through these gaps even in the summer months. This could potentially have a negative impact on views into the Conservation Area from the south and south-west.

Representations

A total of four representations have been received to date. All four of the letters support the application. The planning reasons for support are summarised below, the letters can be read in full on the Authority's website.

- The proposal is a design of outstanding quality in perfect harmony with the detailed and sensitive landscape. This scheme therefore fits planning policies with reference to isolated houses and exceptional design quality which enhances the surrounding area.
- The proposed development is on the edge of the village in a currently unused grass paddock which is privately owned with no public access and completely shielded on all sides by hedges and trees. The paddock could in no way be described as an "important open green space" as quoted in the Bolsterstone Conservation Area Extension appraisal. The site is also set lower than the adjoining road so its visual impact would be minimal and would if anything be beneficial rather than detrimental.
- As a local resident one empathises with the applicants, who as residents, feel they have the right to stay in their local area.

- This application and site is a rare opportunity to have development as it does not impact upon the integrity and sensitivity of the area. It contributes to the sustainable development of the area.
- The proposed development will contribute to national targets for house building.

Main Policies

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

Relevant Local Plan policies: LC3, LC4, LC5, LC17, LC20, LH1, LH2, LT11 and LT18

Statutory Framework and Policy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 obliges the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining this application.

Policies HC1, LH1 and LH2 set out the Authority's approach to new housing in the National Park; GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development; GSP2 supports development that would enhance the valued characteristics of the National Park; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.

L1, L2, L3 and LC17 seek to ensure that all development conserves and where possible enhances the landscape character (as identified in the Landscape Strategy and Action Plan), biodiversity and cultural heritage of the National Park. LT11 and LT18 set out the requirement for adequate parking and safe access as a pre-requisite for any development in the National Park.

The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Of particular note is the fact that at paragraph 55 the Framework says that 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 reuse redundant or disused buildings and lead to an enhancement to the immediate setting, which are essentially the same criteria that are set out in HC1 (C) i.

The Framework says in paragraphs 115, 132, 133 and 134 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage within our National Parks.

Therefore it is considered that policies within the development plan are up-to-date and in accordance with the more recently published National Planning Policy Framework and therefore should be afforded full weight in the determination of this planning application.

Assessment

Principle

For the purposes of the Development Plan the application site is considered to lie in open countryside because of the distance between the application site and any nearby named settlement (DS1 and LC3). In common with the National Planning Policy Framework, the Authority's housing policies do not permit new isolated homes in the countryside unless there are

special circumstances.

There is no evidence within the submitted application which demonstrates that the proposed dwelling is intended to meet any functional need for a rural worker (HC2 and LC12). It is therefore considered that the proposed house is intended to meet general demand rather than to house a worker to meet the essential functional need of a rural enterprise. Therefore, the special circumstances in which planning permission could be granted set out in policy HC1(C) I. HC1 (C) II do not apply in this case because the application site is not in a settlement listed in policy DS1.

HC1 (C) I says in accordance with policies GSP1 and GSP2 that, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it is required in order to achieve conservation and / or enhancement of valued vernacular or listed buildings.

The supporting text to policy HC1 says that occasionally new housing (whether newly built or from the re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building) or the treatment of a despoiled site where conservation and enhancement of the building or site could only be reasonably achieved by the impetus provided by open market values.

The application site is an undeveloped field and there is no evidence to demonstrate that the erection of the proposed house on this site is required to achieve the conservation or enhancement of any other valued vernacular or listed building. Therefore it is considered that the principle of the proposed development does not represent sustainable development and is in conflict with policies DS1 and HC1.

The development is described as a dwelling for existing local residents but there is no evidence within the application to demonstrate that the dwelling is intended to be occupied by an individual with a local qualification who is in need of affordable housing (HC1 (A), LH1 and LH2). The submitted application does not propose to enter into a planning obligation to restrict the occupancy of the dwelling in perpetuity. It is also considered having had regard to the size of the proposed dwelling and associated curtilage that the dwelling would be very unlikely to be affordable by size and type to local people on a low or moderate income.

In any case DS1 and HC1 (A) make clear that there is no provision for the erection of newly built affordable dwellings in the open countryside. Therefore it is considered that no weight can be attached to the intention that the applicant would be the first occupant of the dwelling. The application makes reference to planning policies within other National Parks and while it is acknowledged that other National Park Authorities' take a different policy approach to providing local housing, it is considered clear that the application must be determined in accordance with the Peak District National Park's development plan.

Impact of the development

The application site is located within the designated Bolsterstone Conservation Area. Local policies and the framework make clear that there is a strong presumption in favour of the conservation of designated heritage assets and that other than in exceptional circumstances development which has a harmful impact should not be permitted.

The Bolsterstone Conservation Area was extended into the National Park in 2009 to include the application site along with adjacent properties on the south side of Heads Lane. The Bolsterstone Extension Conservation Area Appraisal (the appraisal) is therefore a material consideration.

In regard to the relationship of structures and spaces within the Conservation Area, the appraisal says that part of the special interest of the Conservation Area Extension lies in its landscape setting in a rural hilltop location. It is located high on the ridge overlooking the Ewden Valley and

the land drops to the south along its southern boundary. The Conservation Area Extension is characterised by its extensive tree cover, both within the area and along its boundaries. Trees surround and enclose the whole area to the west, beyond the grounds of the former school, and link the buildings and spaces within the Conservation Area Extension.

In relation to views from within the Conservation Area extension the appraisal says that because of its hilltop position in open countryside, there are extensive long range views to north, south and west from the edges of the Conservation Area Extension, across the valleys to distant countryside. There are long range views through the Conservation Area Extension from the north of the area, but these are partially obscured by tree cover in places, particularly in summer.

The maps in the appraisal identify key viewpoints on the northern and southern boundary of the application site and long ranging views looking south over the application site from Heads Lane. The appraisal goes on to say that the open green spaces within the Conservation Area Extension (including the application site) make a significant contribution to the overall character and appearance of the area. The maps within the appraisal identify the application site as important green space and the trees around the boundary of the site as important groups of trees.

It is considered clear from the evidence from within the appraisal and from the Officers site visit that the open nature of the field and the significant tree boundary tree planting around the site are important features which make a significant positive contribution to the significance of the designated Conservation Area and the landscape character of the National Park by framing the entrance of the Conservation Area and facilitating long range views to the south from Heads Lane, particularly during winter months.

The appraisal says that the Conservation Area Extension is in comparatively good condition, with few neutral or negative areas or elements requiring enhancement. There are some issues to note which could be acted on if the opportunity were to arise. In some cases enhancement may not be achievable. The appraisal goes on to say that it should be noted that the character of this area could easily be spoiled if it were to become over-manicured and that the removal of the open green spaces would be detrimental to the character of the Conservation Area.

The proposed dwelling is located within the area of land identified as open green space within the Conservation Area. It is considered to be clear from the evidence above that there is the potential for the development of this site to harm the character of the Conservation Area and that generally there are very limited opportunities to enhance the character of the Conservation Area other than maintenance of the open space and boundary trees which would typically be carried out by the land owner.

It is accepted that the proposed 'earth sheltered' design of the dwelling and the proposed landscaping scheme would mitigate the impact of the proposal upon the significance of the Conservation Area. The proposed design would not project above the level of the highest part of the field and therefore views out and over the site towards the site from within the Conservation Area would be maintained as would the mature boundary trees around the site.

Officers remain very concerned that the development would inevitably lead to the domestication of the field which would harm its existing open agricultural character. Despite the design of the proposed dwelling, the use of the site for residential purposes would inevitably lead to the use of the site, including parts of the roof as domestic garden. Vehicle movements from occupants and deliveries would also be apparent as would light from inside and outside the building.

The flue which would project above the roof would also be apparent from the lane along with the associated smoke and steam (from the roof windows above the shower rooms). These features, along with the domestic use of the site and vehicle movements, would draw attention to the fact that the site had been developed and occupied as a house.

It is therefore considered that, despite the earth sheltered design of the dwelling and the proposed landscaping, the proposed development would be very likely to lead to the domestication of the site and an over-manicured domestic character and appearance compared to the existing agricultural character. It is considered that this would have a harmful impact upon the significance of the Conservation Area, contrary to policies GSP3, L3 and LC5.

Other Issues

Despite the strong presumption against the erection of new housing on this site in local and national policy the submitted application makes the case that the proposed development is in accordance with paragraph 55 of the Framework on the basis of the exceptional quality or innovative nature of the design of the dwelling.

For brevity, the last point of paragraph 55 of the Framework says:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.”*

It has been found in this case that the proposed development would harm and not enhance its immediate setting and that the proposed development would not be sensitive to the defining characteristics of the local area, which are a requirement of this part of paragraph 55.

The design of the proposed dwelling is of a good architectural quality and does attempt to respond to the constraints of the site and its location within the National Park. However ‘earth sheltered’ dwellings are a well-established design solution, indeed the submitted application includes a number of examples of this type of architecture as design inspirations.

If the development of a similar site outside of the designated Conservation Area for housing was acceptable in principle then a high quality design which responds to its context and the National Park along with appropriate landscaping and enhancement features for biodiversity would be a policy requirement of the development plan. The inclusion of these features within the proposed design would be a necessary prerequisite for the proposal to comply with the development plan and therefore do not provide any overriding justification for the development or indicate that the proposed design should be considered to be outstanding or innovative.

In the absence of any overriding justification for the erection of the proposed market dwelling on the application site it is therefore considered that there are no public benefits which would outweigh the harm to the significance of the designated Conservation Area which has been identified.

It is therefore considered that the design of the proposed development would not be of exceptional quality or of an innovative nature. Therefore it is considered that there are no special circumstances which indicate that an exception should be taken to the general presumption against the erection of new dwellings in the open countryside. In coming to this conclusion

officers have taken into account that there would only be limited views into the site in the wider landscape particularly during the summer months as identified by the submitted landscape and visual impact assessment and that the proposed development would not be likely to have any adverse impact upon protected species or their habitats.

The application site is located within the National Park and not within the green belt which is adjacent and to the north of the site. When viewed from within the green belt the proposed development would be read below the height of the stone boundary walls and behind the mature trees and therefore it is considered that proposed development would not impinge upon the openness of the adjacent land within the green belt.

The development would be served by adequate off-street parking and turning provision and there is adequate visibility from the existing access. Therefore it is considered that the proposed development would not be likely to harm highway safety. Due to the design of the dwelling and the distance of the site to neighbouring properties it is considered that the development would not harm the amenity of any neighbouring property or land use.

Conclusion

It is considered that the proposed development is in principle contrary to Core Strategy policies DS1, HC1 and CC1 and Local Plan policies LH1 and LH2. The proposal is for the erection of an open market dwelling which is not required to meet the essential functional need of an agricultural, forestry or other rural enterprise. Approval of the proposed dwelling would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to the framework. In these circumstances any approval of the proposed open market dwelling would represent a clear and substantial departure from the development plan. Moreover, the circumstances advanced in support of this application are relatively easily repeated in the National Park and cumulatively such development would undermine the fundamental purposes of the National Park.

Furthermore it is considered that the proposed development would lead to domestication of the existing field which would harm the character and appearance of this part of the Conservation Area contrary to Core Strategy policies GSP3 and L3 and Local Plan policies LC4, LC5.

In coming to this conclusion Officers have taken into account the revised planning statement and the submitted landscape character report and landscape and visual assessment. Officers consider that while the submitted evidence indicates that the development would have a minor or negligible landscape and visual impact, the evidence does not demonstrate that the development would result in any significant enhancement to the site or the National Park as is asserted by the Planning Statement.

The erection of the proposed dwelling would not have any significant impact upon the residential amenity of any neighbouring property or adversely affect highway safety. The proposal would not raise any additional issues in terms of flood risk or harm any nature conservation interests. However, these issues do not add any significant weight either for or against the proposal and do not overcome the more fundamental concerns that the erection of the proposed open market dwelling would not meet the requirements of a range of policies within the development plan and would represent a departure from the development plan.

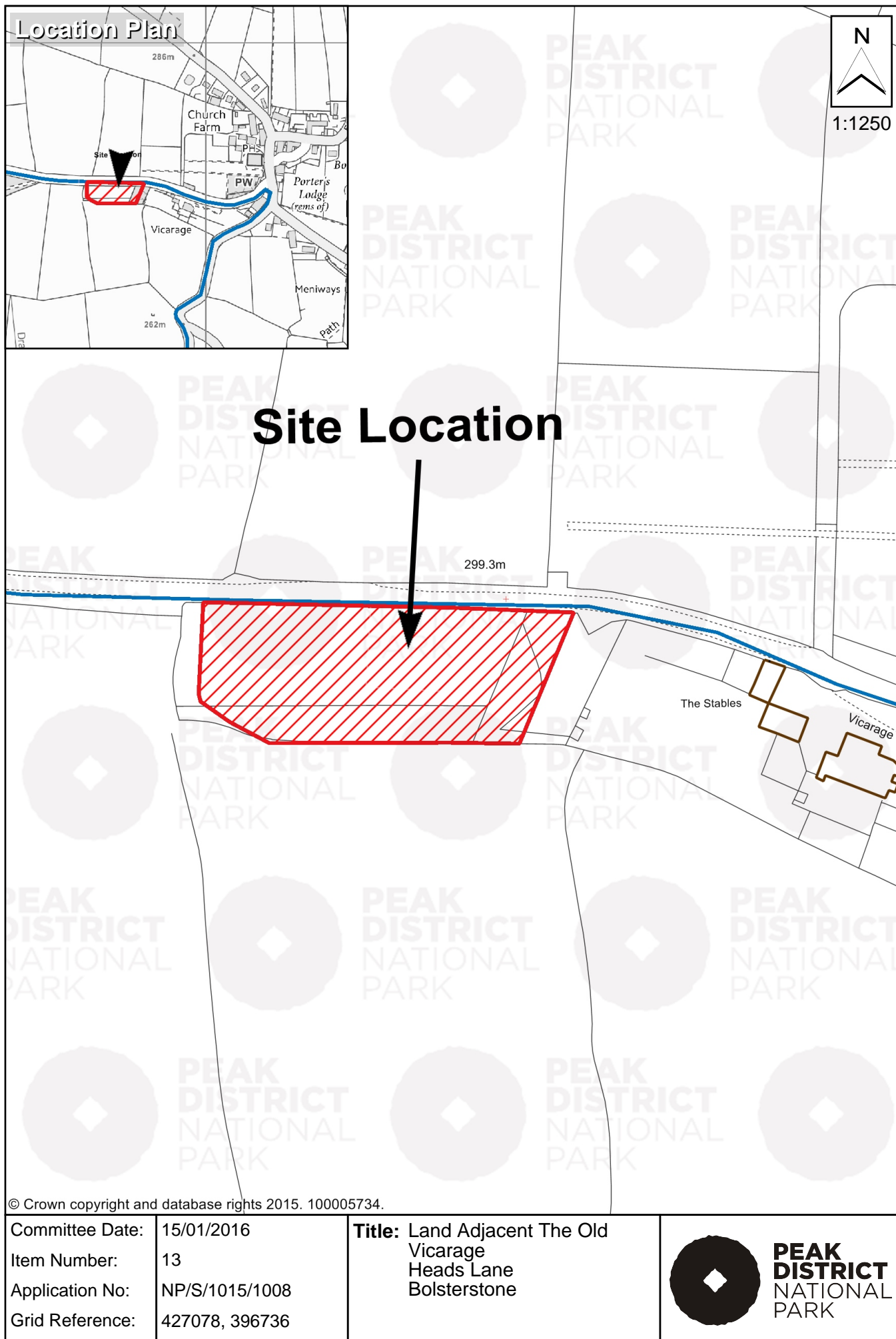
The proposal is therefore considered to be contrary to the development plan. In the absence of any further material considerations having taken into account all matters raised in consultation responses and representations, the application is accordingly recommended for refusal.

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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14. FULL APPLICATION – PROPOSED USE AS A SINGLE DWELLING, NORTH LEES HALL, HATHERSAGE (NP/DDD/1115/1111, P.6193, 423536 / 383448, 24/12/2015/AM)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

North Lees Hall is a Grade II* listed building located in open countryside approximately 2km north of Hathersage. The building is significant as a late 16th century tower house with a lower level 'farmhouse' wing to the north east. The tower house retains its historic plan form and original decorative plasterwork, which is particularly notable on the first floor. The tower house was modestly extended and refashioned in the 19th century and comprehensively restored in 1965 when it was in a very poor state.

The property is owned by the National Park Authority and until recently the tower house was let to the Vivat Trust and occupied as holiday accommodation. The farmhouse wing is let separately as a private dwelling to the tenants of the surrounding farmland and the remaining nearby buildings are part of that operational farm.

The Hall is accessed by a long private driveway off Birley Lane. The nearest neighbouring property is the adjacent farmhouse wing. The next nearest property is Cattiside Cottage, some 310m to the south.

Proposal

This application seeks planning permission for the change of use of the tower house to create a single open market dwelling.

The submitted application says that the Hall has returned to the Authority's management in October 2015 and that whilst a decision is made about the future of the Hall the Authority is planning to let the property on the open market for a twelve month period with the aim of mitigating the maintenance costs.

No external or internal works are proposed as part of this application other than repair and maintenance required for health and safety reasons.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions.

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

Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon North Lees Hall, its setting and that of neighbouring properties.

Relevant Planning History

1988: WED/0488/197: Planning permission granted conditionally for alterations to listed building to form shepherds accommodation.

1988: WED/0688/332: Planning permission granted conditionally for formation of two holiday flats.

1992: WED/0192001: Planning permission granted conditionally for change of use of former pigsties to agricultural use with domestic storage ancillary to the farmhouse.

1997: DDD/1296/514: Planning permission granted conditionally for conversion of agricultural buildings to bunk house and teaching area for educational use.

2014: NP/DDD/0314/0230: Planning permission granted conditionally for provision of teas and light refreshments at farmhouse including siting of five picnic benches.

2015: NP/DDD/0715/0685: Planning permission granted conditionally for alterations to existing general purpose agricultural building.

Consultations

Please note that this report was written before the end of the public consultation period. Any further consultation responses or letters of representation that are received will be updated verbally at the meeting.

Highway Authority – No objection.

District Council – No response to date.

Parish Council – No response to date.

Historic England – Raises no objection and makes the following comment:

North Lees Hall is listed Grade II* in light of its national more than special architectural and historic interest and character. The building is significant as a late 16th century tower house, which retains its historic plan form and original decorative plasterwork, which is particularly notable on the first floor. The tower house was modestly extended and refashioned in the 19th century and comprehensively restored in 1965, when it was in a very poor state. The Hall is attributed to Robert Smythson, Master Mason and architect who is responsible for highly notable East Midlands great houses, including Hardwick Hall. No firm evidence survives linking Smythson with North Lees but the attribution is made on stylistic grounds. North Lees is also linked to Jane Eyre and, along with Haddon Hall, forms a contender for being the inspiration behind Mr Rochester's Thornhill Hall.

The Hall is owned by your Authority and has been managed successfully by the Vivat Trust as a holiday let over the last 20 years. With the Vivat no longer able to continue operating the Hall as a holiday let your Authority is now considering what may be a suitable long-term use for the building. In the meantime the current application proposes that the Hall is let for residential use for a period of 12 months. This is proposed to generate income to off-set against maintenance costs.

As the application affects a listed building the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest applies (s.66 1990 Act) when determining this application. Government guidance in the NPPF identifies the

desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (para 131).

We would wish to support your Authority in identifying a long term viable use for the Hall which is consistent with its conservation. As the Hall has been in use for holiday lets it is currently capable of residential use and we note that the submitted design and access form states that “The proposal does not involve any change to the exterior or interior of the building”. If this is the case then we would have no concerns with a temporary residential permission for 12 months in light of the benefits associated with generating income to secure the maintenance of the building.

However we also note that reference is made to the need for 'significant works to ensure the property is fit for purpose mainly relating to health and safety' in an accompanying paper entitled North Lees Hall. We are unclear what such significant works would be and would be concerned if planning permission for residential use was granted without an accompanying listed building consent or on the basis of a need for consent for such works which might not necessarily be forthcoming. It is essential that your authority seeks clarity on this issue before determining this application.

We also note reference is made to a comprehensive options appraisal for the Hall. We would be pleased to offer advice on this appraisal in light of our role as statutory consultee on any application that would be forthcoming.

PDNPA Cultural Heritage – Raise no objection and makes the following comment:

I am concerned about the phrase: “There will also be significant works to ensure the property is fit for purpose mainly relating to health and safety.” The applicant has assured us that no actual ‘works’ are to take place. However, the applicant should note that we should be consulted on any repositioning or addition of elements such as fire alarms (to assess whether the action will affect historic fabric, or impact on the historic character and appearance of the building).

Representations

One representation has been received to date which states ‘no objections’ to the proposed development.

Main Policies

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

Relevant Local Plan policies: LC3, LC4, LC6, LH1, LH2, LT11 and LT18

Statutory Framework and Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 obliges the Authority to have special regard to the desirability of preserving the listed building when determining this application.

HC1, LH1 and LH2 set out the Authority’s approach to new housing in the National Park; GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park’s statutory designation and promotes sustainable development; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.

L3 and LC6 together seek to ensure that all development conserves and where possible enhances the significance of the National Park's listed buildings and their setting and say that other than in exceptional circumstances development which would have a harmful impact will not be permitted. L1 says that all development must conserve the landscape character of the National Park as identified in the Authority's landscape character assessment.

LT11 and LT18 set out the requirement for adequate parking and safe access as a pre-requisite for any development within the National Park.

The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.

Of particular note is the fact that at paragraph 55 the Framework says that 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 reuse redundant or disused buildings and lead to an enhancement to the immediate setting, which are essentially the same criteria that are set out in HC1 (C) I.

The Framework also maintains within paragraphs 115, 132, 133 and 134 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage within our National Parks. Paragraph 131 says that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Therefore it is considered that policies within the development plan are up-to-date and in accordance with the more recently published National Planning Policy Framework and therefore should be afforded full weight in the determination of this planning application.

Further advice on the use of heritage assets is given in National Planning Policy guidance (NPPG Paragraph: 015 Reference ID: 18a-015-20140306), as follows:

"It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner".

Assessment

Principle

For the purposes of the Development Plan the application site is considered to lie in open countryside because of the distance between the application site and any nearby named settlement (DS1 and LC3). In common with the Framework, the Authority's housing policies do not permit new isolated homes in the countryside unless there are special circumstances.

There is no evidence within the submitted application which demonstrates that the proposed dwelling is intended to meet any functional need for a rural worker (HC2 and LC12). It is therefore considered that the proposed house is intended to meet general demand rather than to house a worker to meet the essential functional need of a rural enterprise.

Therefore, the special circumstances in which planning permission could be granted are set out in policy HC1(C) I. HC1 (C) II does not apply in this case because the application site is not in a settlement listed in policy DS1.

HC1 (C) I says in accordance with policies GSP1 and GSP2 that, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it is required in order to achieve conservation and / or enhancement of valued vernacular or listed buildings.

North Lees Hall is a grade II* listed building which means that it is nationally significant. This application relates to the tower house which was granted planning permission to be used as two holiday flats in 1988 and has subsequently been occupied as holiday accommodation by the former tenants the Vivat Trust.

The tower house is now vacant and the Authority, as applicant, is seeking permission to use the building as a single market dwelling which is intended to be let whilst the Authority takes a decision about the future of the building. An unrestricted permission would also allow longer rental periods to tenants rather than solely holiday use.

The tower house was originally designed as a single private dwelling and therefore returning the use of the building to a single dwelling would represent returning the building to the optimum use of the building in conservation terms as compared to its existing use as holiday accommodation. The applicant has confirmed that no external or internal works are proposed as part of the proposals other than maintenance required for health and safety reasons such as electrical testing and installation of fire alarms.

It is therefore considered that the proposed development would secure the long term conservation of the Hall by returning it to its optimum use and would not result in any impact upon the significance of the Hall or its setting within the wider landscape. Therefore the principle of the proposed development is considered to be in accordance with policies within the development plan and the Framework. It is important to note that this proposal differs from applications to remove holiday occupancy conditions from buildings that have been converted from agricultural barns in that in those cases the conversion was permitted to achieve conservation of a building through a different use; the Authority has been supported on a number of appeals where applicants have sought to remove such conditions. In the case of North Lees Hall, the original use was as a dwelling, so its use as a dwelling is consistent with policy and with national guidance. The condition imposed in 1988 was considered to be necessary at that time because it was being converted into two units rather than one.

Other Issues

The proposed use as a single dwelling would not result in an additional impact upon the amenity of the occupants of the adjacent farmhouse compared to the existing holiday accommodation use. Similarly the proposed development would not result in any obvious demand for additional parking spaces or additional traffic which could be harmful in terms of either highway safety or the amenity of the local area.

The proposal does not involve any works and therefore it is considered that the development would not result in any impact upon protected species or their habitats or upon any archaeological significance related to the Hall.

Conclusion

It is therefore concluded that the proposed development would be in accordance with the development plan and the Framework because the proposed use of the tower house as a single dwelling would represent the optimal use of the Hall in conservation terms. The proposed development would not have any harmful impact upon the privacy, security or amenity of the property or neighbouring properties or harm any other valued characteristic of the National Park.

In the absence of any further material considerations the proposal is therefore recommended for approval subject to the statutory time limit for implementation and to secure the submitted plans.

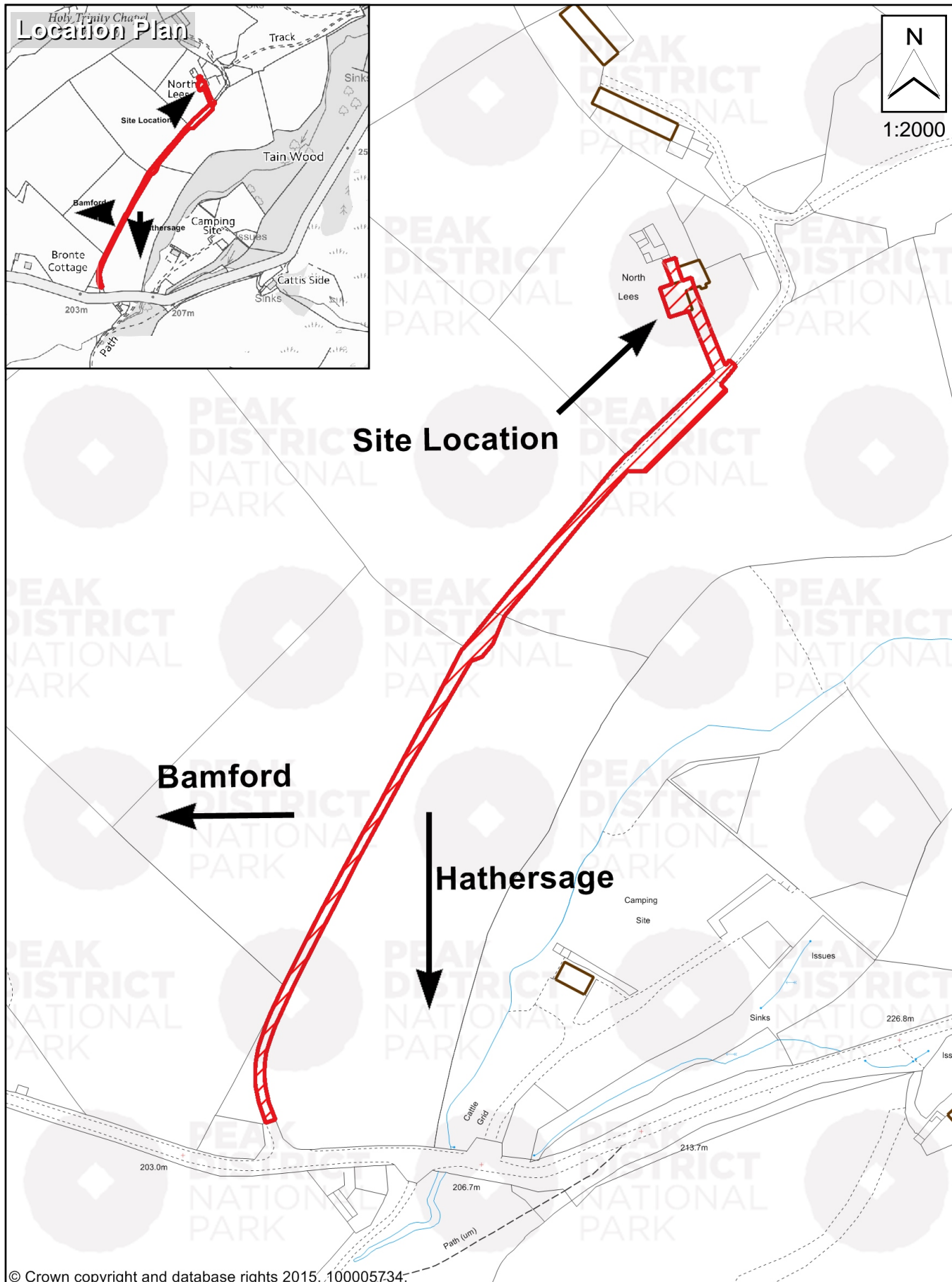
Historic England has requested a planning condition be imposed to make the permission a temporary for one year. However having had regard to the planning practice guidance for conditions it is considered unnecessary to restrict the permission for a temporary period because the development is considered to be acceptable and in accordance with the development plan. There is no need for a trial run to assess the impact of the development. It is not necessary to remove permitted development rights because the Hall is a grade II* listed building and therefore any alterations, extensions or outbuildings would require listed building consent and / or planning permission.


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:	15/01/2016	Title: North Lees Hall Hathersage	 PEAK DISTRICT NATIONAL PARK
Item Number:	14		
Application No:	NP/DDD/1115/1111		
Grid Reference:	423536, 383448		

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15. LISTED BUILDING APPLICATION – ALTERATIONS TO KITCHEN AND TOILET AREA OF THE LISTED WING OF ALDERN HOUSE, PEAK DISTRICT NATIONAL PARK AUTHORITY, ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/1215/1148, P.2760, 421961 / 369440, 4/1/2016/CF)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

Aldern House is a Grade II listed building dating from c.1820 and which was originally designed and occupied as a house and is now in a mixed use of commercial and local authority offices. The offices lie on northern edge of Bakewell, within Bakewell's development boundary but outside of the designated Bakewell Conservation Area.

Proposal

The application seeks listed building consent for the re-configuration of a ground floor room in the rear wing of the Grade II listed Aldern House. The works will comprise the reduction in size of a modern kitchen space to provide an additional toilet for staff working in the building.

RECOMMENDATION:

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

- 1. Statutory three year time limit.**
- 2. The works shall not be carried out other than in complete accordance with the submitted plans and the additional specifications submitted on 21 December 2015.**

Key Issues

- The impact of the proposals on the significance of a Grade II listed building.

Relevant Planning History

There is a significant amount of planning history held on file for Aldern House mostly for alterations and extensions to the building but there is nothing on file that is directly relevant to the current application.

Consultations

Highway Authority – No objections.

Town Council – No response to date.

The six amenity bodies have also been consulted on this application but no response has been received from either of the amenity bodies to date.

Representations

No further representations have been received to date.

Main Policies

In determining an application for listed building consent, the Authority has a statutory duty to have special regard to the desirability of preserving the Grade II listed Aldern House and its setting and any features of special architectural or historic interest which it possesses. The Authority must also pay due regard to the conservation purpose of its statutory designation. These statutory provisions are reflected in national planning policies including Paragraph 115 of the National Planning Policy Framework ('the Framework'), which says that great weight should be given to conserving landscape, wildlife and cultural heritage in National Parks, and paragraph 132, which says that great weight should be given to the conservation of a designated heritage assets (such as a listed building) affected by development proposals.

Core Strategy policy L3 and saved Local Plan policy LC6 say that all development must conserve and enhance the significance of the listed building and development which would have a harmful impact on the significance of a designated heritage asset will not be permitted other than in exceptional circumstances. Policies GSP1, GSP2 and GSP3 of the Core Strategy and Local Plan policy LC4 promote development that would be sensitive to the valued characteristics of the National Park and reflect and respect the purposes of its statutory designation. However, because this is an application for works to a listed building rather than for development, 'land use' planning policies have only limited relevance to the determination of this application.

Assessment

The submitted application is supported by a Design, Access and Heritage statement that demonstrates the proposed works would not harm the significance of the designated heritage asset. Although the works are proposed within the historic part of the listed building, all the partitions proposed for removal are modern and do not contribute to the architectural or historic merit of the listed building whilst the introduction of the new partitions and kitchen/toilet facilities will make better use of the existing space. Additional information has been submitted that shows an existing Victorian style door would be retained and the new doors and door furniture would match the style of the existing door. Therefore, the proposals would not have a significant impact on any special architectural or historic interest associated with the historic interior of Aldern House.

In terms of works to the outside of the building, the proposed rationalisation of pipework and making good of stonework to the external face of the east elevation of Aldern House is welcomed by the Authority's Conservation Officer as this work will enhance the appearance of the listed building. It is therefore considered the proposed works would not have any significant impact on the setting of Aldern House and would not detract from the significance of the designated heritage asset.

Conclusion

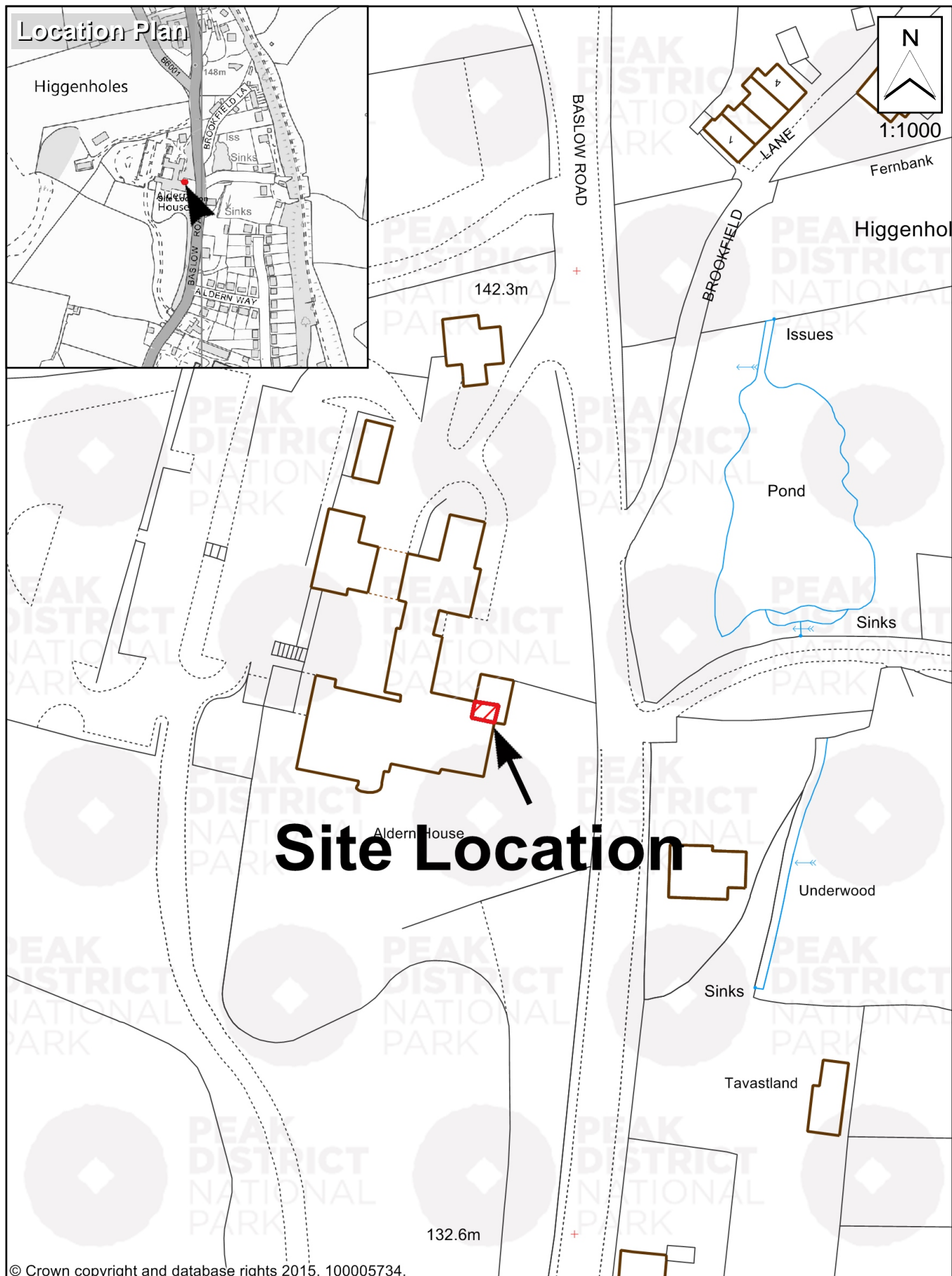
Therefore, the application is recommended for conditional approval because the proposed development fully complies with the Authority's adopted planning policies and guidance and accords with national planning policies in the Framework. In this case, conditions imposing the statutory time limit for commencement and compliance with the submitted plans and specifications are necessary in the interests of the proper planning of the local area.

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: 15/01/2016
 Item Number: 15
 Application No: NP/DDD/1215/1148
 Grid Reference: 421961, 369440

Title: Peak District National Park
 Authority
 Aldern House
 Baslow Road
 Bakewell



**PEAK
DISTRICT
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PARK**

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16. FULL APPLICATION – RETROSPECTIVE PLANNING APPLICATION FOR FIELD SHELTER ON LAND AT FRIDEN COTTAGES, FRIDEN (NP/DDD1015/0949, P5886, 417291 / 360997, 19/10/2015/SC)

APPLICANT: MR K CLERE

Site and Surroundings

The subject of this application is an existing field shelter sited on a small area of a land (0.9 acres), which lies between Friden Cottages and Friden Bungalow. The structure is set back approximately 25m from the north side of the Newhaven to Youlgreave road around 1km to the north-east of the Newhaven crossroads.

The 0.9 acres of land which forms the application site is bounded on the north-west and south-west by farmland, the south-eastern boundary abuts the extensive curtilages of Friden Cottages and the north-eastern border adjoins the boundary with Friden Bungalow. Access to the site is through an existing car parking area (adjacent No. 6 Friden Cottage) immediately off the main highway.

Proposal

Retrospective planning permission is being sought for the retention of what is described as a field shelter, which measures 6.6m x 4.8m x 3.7m to the highest point of the roof when viewed from the southern (road facing) elevation. However, the existing structure might be more accurately described as a pole barn because the shallow mono-pitched corrugated roof is supported by timber posts set into a two tiered concrete base with three walls clad with timber. The front elevation of the existing structure is open with two metal agricultural style field gates and faces in a south west direction towards the garden area of No. 6 Friden Cottages.

The applicant states that the building will be used to store winter feed and provide shelter for livestock, in particular stock calves and in-lamb ewes. However, at the present time, it appears the building is used as a store and for purposes incidental to the applicant keeping horses on their land. In this respect, no evidence (such as an independently produced agricultural appraisal) has been submitted to demonstrate that the applicant currently owns any livestock or that that a farm business is being operated on the land in the applicant's control.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. By virtue of the siting and design of the existing structure, granting retrospective planning permission for this application would be contrary to saved Local Plan Policy LC13, because the building does not relate well to any existing agricultural buildings, it is not sited in the least damaging location on land within the applicant's control, and the design and external appearance of the existing structure is not typical of modern farm buildings. Taken together, these factors mean that the retention of the building would also have an unacceptable adverse visual impact on the character of the surrounding landscape and harm the valued characteristics of the National Park contrary to policies GSP1, GSP2, GSP3 and L1 of the Core Strategy, Local Plan policy LC4, and contrary to national planning policies in the Framework.**

2. **By virtue of its siting and the intervening distances between the proposed building and the nearest residential properties, it is considered that the proposed use of the building to accommodate livestock building would be unneighbourly and detract from the living conditions of nearby residents. Therefore, the application does not comply with saved Local Plan policy LC4, policy GSP3 of the Core Strategy and core planning principles in the Framework, which seek to safeguard the residential amenities of properties affected by development proposals.**
3. **In the absence of an agricultural appraisal to support this application 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 structure. Therefore, granting retrospective planning permission for this application 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 absence of a robust agricultural justification for retention of the existing structure;
- Whether the proposed development is of an appropriate size and design, and where possible makes the best use of existing buildings and landscape features;
- Whether the retention of the structure and any future use of the structure for accommodating livestock would have an adverse impact on the amenity and quiet enjoyment of the nearest neighbouring dwellings.

History

2014 - Enforcement case opened in respect of the erection of the existing structure (subject of the current application) without the benefit of planning permission.

Consultations

Highway Authority - No objection, subject to the use of the structure remaining private and ancillary to 4 Friden Cottages.

District Council - No response to date

Parish Council - No objections and support the application; however, one councillor commented that she would prefer something more visually appealing.

Representations

One letter of objection has been received from the owner of 6 Friden Cottages, which raise the following concerns:

- The size is inappropriate for the location and to house two horses, the only livestock to have been present in the field for a period of only a few months this last year.
- There have been no livestock present in the field at any point in the past ten years so I do not understand why a shelter to house the fodder for "stock calves and in-lamb ewes" is required.

- The materials used in the structure; a concrete slab floor, creosoted telegraph poles, new mismatched planking walls and a sheet metal roof does not reflect the character of the national park in this area.
- The structure appears to be utilised as a garden shed and additional household storage as the horses have not been present in the field since early summer.
- The horse manure resulting from only a few months of use is not being managed but is being piled up within only a few metres of my garden fence; detracting from my enjoyment of the garden in the summer months due to an increase in flies.
- The recent successful application to construct and relocate Friden Bungalow to the area adjacent to the structure now makes no sense as the structure will block light to the new house and also result in noise from rain on the metal roof.
- The roof sheds water towards the proposed new residential building because the soakaway identified as controlling the surface water run-off resulting from a concrete slab floor and metal roof has not been constructed.

Main Policies

Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3 & L1

Relevant Local Plan policies: LC4 & LC13

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 (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 colour 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 and L1 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.

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 economic 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

Amongst other things, saved Local Plan policy LC13 states 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. The Authority's Supplementary Planning Guidance on Agricultural Developments in the Peak District National Park says 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 Document also requires new farm buildings to be properly justified.

In this case, the submitted application does not include an agricultural appraisal, which would typically include information on stock numbers, why a new building is necessary for farming operations, the intended use of the building, why the need for the building cannot be met elsewhere or some other way, amongst other things. In this case, the absence of an appropriate agricultural assessment is a key issue because the existing structure appears to be in use solely for the keeping of horses. For example, no agricultural stock have been present on the land in the applicants' ownership when officers have visited the site since 2014 and the only animals present

on the land were a horse and pony on the most recent visit to the site.

The submitted application does not propose the use of the existing structure for keeping horses and the retention of the structure and the use of the land for equestrian related activities are proposals that are outside of the scope of this application. Therefore, this application needs to be determined primarily on the basis of whether retention of the structure is reasonably necessary for the purposes of agriculture but there is no evidence to suggest that a farm business has or is being operated by the applicant. Equally, there is no certainty as to when farming operations if any, might be likely to commence, taking into account that the building has been on the land for around a year but has not to date been used for accommodating any livestock and no farm plan has been submitted to the Authority to demonstrate that the applicant's stated intention to keep livestock is reasonably likely to happen. Therefore, it cannot be demonstrated that the retention of the structure is reasonably necessary for the purposes of agriculture.

Siting & Design

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. Whilst the structure is located close to an existing boundary and field access, it remains isolated and is highly visible from the main road, appearing perched in a relatively elevated position. Furthermore, there is no further evidence submitted with the application that demonstrates the siting meets any operational requirements of a farm business, and there is no appraisal of whether the site represents the least damaging practicable option on land in the applicants' control.

In this case, officers consider there is a less damaging location for a building within the red-edged application site (i.e. on land within the applicant's control) and therefore, as built, retention of the existing structure would not meet the requirements of LC13(iii). In this case, the 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.

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 structure is awkward in design terms, primarily because of its poor construction under a shallow pitched roof, clad with timber boarding and supported by timber poles. In this case, there are no opportunities to amend the design of the building, because it has already been completed. 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.

Landscape and Visual Impact

By virtue of the present siting of the structure and its makeshift appearance, the structure has an ongoing adverse visual impact on the surrounding landscape that is not mitigated for by any screen planting. The structure therefore appears as sporadic development of poor quality design and materials in this relatively open countryside location away from any related agricultural operations. Consequently, because of the harmful visual impact of the structure on the character of the surrounding landscape, its retention would also demonstrably fail to comply with national planning policies in the Framework, policies GSP1, GSP2 and L1 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.

Amenity

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 considered that the use of the building for accommodating livestock would be unneighbourly and detract from the living conditions of nearby residential properties. In this respect, the most directly affected property would be No. 6 Friden Cottages, which is within 15m of the existing structure.

In addition, a fairly recent application (September 2014) has been approved to replace the neighbouring Friden Bungalow (to the east of the application site) and the approved replacement dwelling would be sited within close proximity of the existing structure. The replacement dwelling has planning permission, whereas the existing structure does not. Therefore, it would be inappropriate to grant retrospective planning permission for an unauthorised structure if its retention were to compromise or prejudice the future living conditions of the occupants of the replacement dwelling.

In these respects, the issues arise from the close proximity of livestock to residential properties (not in farming) and the potential for noise and odour nuisance, amongst other things. Notably, there are already objections on neighbourliness grounds arising from keeping a small number of horses on the land. Therefore, whilst there may be some uncertainty about the applicant's future intentions to keep livestock, the use of the structure for livestock accommodation would be unneighbourly. Consequently, the application does not accord with core planning principles in the Framework, saved Local Plan policy LC4 and policy GSP3 of the Core Strategy, which seek to safeguard the residential amenities of properties affected by development proposals.

Sustainability

There are no obvious highway safety concerns or issues relating to traffic generation. However, these factors do not offset or outweigh the overriding objections set out above. Moreover, in the absence of an agricultural appraisal to support this application, 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 structure. Therefore, granting retrospective planning permission for this application 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.

Conclusion

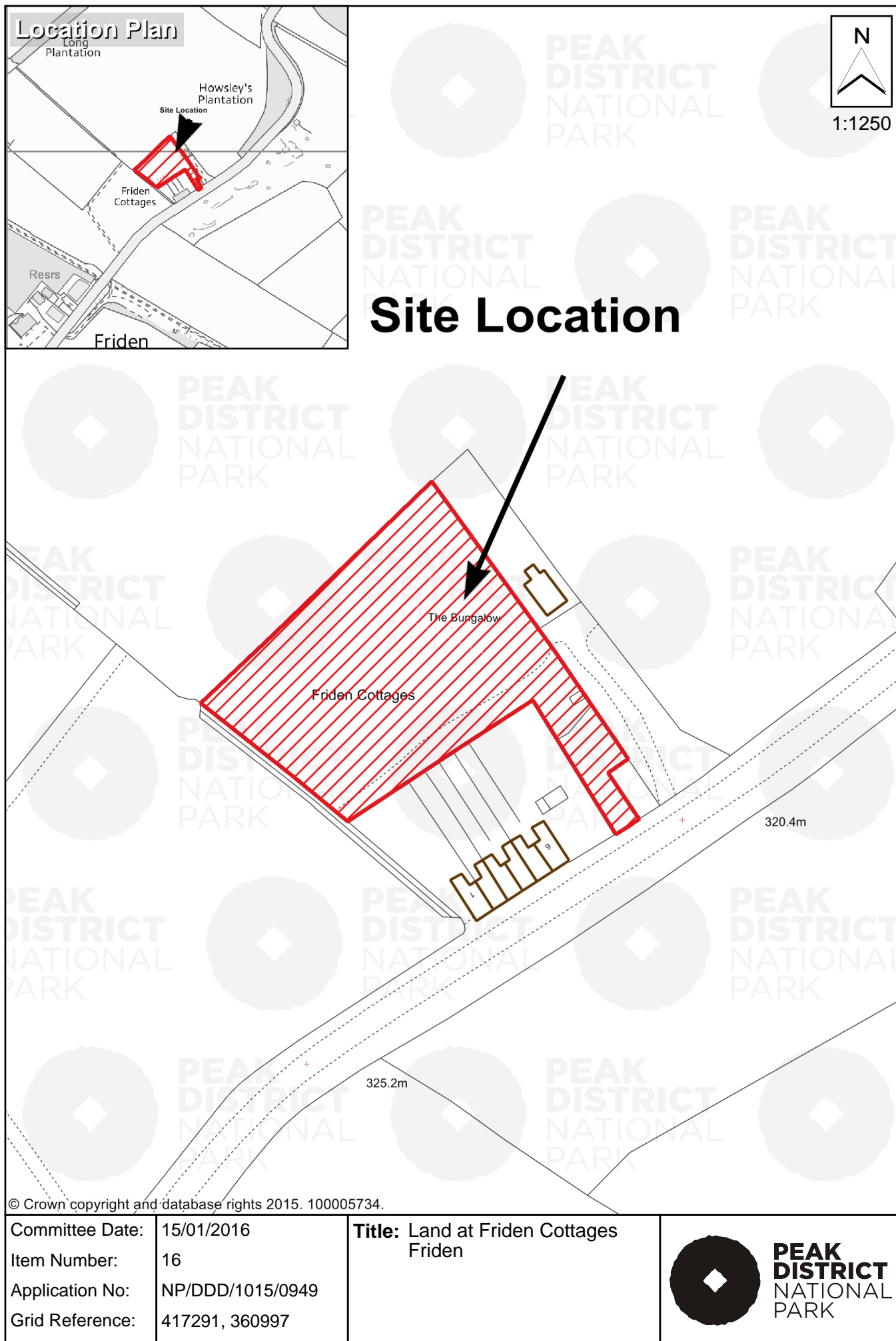
It is therefore concluded that the current application does not meet the specific criteria set out in LC13 for agricultural developments and that the retention of the existing structure would conflict with the wider range of design and conservation policies in the Development Plan and the Framework. Furthermore, it has not been demonstrated that the retention of the existing structure is reasonably necessary for the purposes of agriculture or that the benefits of granting planning permission for the current application would significantly outweigh or offset the adverse impacts of doing so. 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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17. FULL APPLICATION – EXTENSION AND OVERCLADDING OF EXISTING UTILITY ROOM TO THE SIDE, INCLUDING A NEW PITCHED ROOF AND WALLING IN TIMBER AT PINFOLD CROFT, PINFOLD HILL, CURBAR (NP/DDD/1115/1062, P.1074, 425026 / 374703, 04/01/2016/AB)

APPLICANT: PROFESSOR ADH CROOK

Site and Surroundings

The application site comprises a detached split-level dwellinghouse that, due to the sloping nature of the land, comprises a single storey to the front and two storeys to the rear. The property is stepped back from Pinfold Hill behind its front garden and comprises a non-traditional dwelling constructed of reconstituted stone with a concrete tiled roof. The property is located within the village of Curbar and outside, but adjacent to, the Conservation Area. Residential properties surround the dwelling to the south-west, north-east and on the opposite side of Pinfold Hill to the south/east, whilst open fields are located to the rear (to the north-west).

Proposal

This application seeks full planning permission for the extension, alteration and cladding of an existing utility room attached to the north-eastern side of the property

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**
- 3. Concrete tiles to match the existing dwelling, glass to the rear roof.**
- 4. Roof light to be set flush with roof slope.**

Key Issues

- Whether the design of the development has an acceptable impact on the character and appearance of the dwelling, the surrounding area and the setting of the Conservation Area.
- Whether the development has an acceptable impact on the amenity of neighbouring properties.

Relevant Planning History

1999 – Extension to dwelling – Approved

2004 – Small extension to dwelling - Approved

2015 – Pre-application enquiry regarding the development for which consent is now being sought. Positive response given that the proposed extension, including its materials, was considered acceptable given the non-traditional design of the existing property, the extension's set back, siting and its small scale.

Consultations

Derbyshire District Council – No comments received

Curbar Parish Council – Whilst they welcome the pitched roof over the utility room and the glazed overhang to the rear, they have several concerns regarding the use of the proposed cladding:

1. It is contrary to the adopted Design Guide which states that there is only limited place for external timber on Peak District buildings, particularly when the development is seen in the context of traditional buildings. The proposed construction is not innovative enough to justify a departure from policy.
2. It will have a significant impact on the street scene, as it will be further forward of the living area frontage of the property and the gable (which does not appear parallel to the main house) would be visible from the street.
3. It would set an undesirable precedent for other properties to use cladding.
4. They would prefer the use of hanging tiles rather than timber as it would be more in keeping with the existing materials, having less impact on the street scene.

The Parish Council also raised a query regarding what is the precise boundary between the application site and the neighbouring property. This is not a material planning consideration and has no bearing on the outcome of the planning application. They also queried the accuracy of the submitted amended drawings. However no discrepancy could be found.

Highway Authority – No objection

Representations

In total, four representations have been received.

Two representations fully support the proposal with one outlining that:

- They consider the proposal will substantially improve the appearance of the utility room, particularly when viewed from their property;
- The change to the roof would make it blend in with the rest of the property; and
- As the wooden cladding ages it will blend in beautifully with the native hedge.

Two representations object to the proposal on the following grounds:

- It will be highly visible from the Conservation Area, nearby listed buildings and the trough complex that lies at the centre of the village.
- The front wall of the extension will be set forward of the rest of the front of the house. The Design Guide recommends any side extensions are set back from the front of the building.
- The proposed front extension will create a dogleg in the gable wall that will be visible from the road.
- The overall design and position of the new extension and how it relates to the existing utility room is not in the spirit of the Design Guide.
- Cladding the walls is contrary to policy and inappropriate.
- Approval of the proposal would set a dangerous precedent.
- It would be an incongruous addition to the dwelling.
- The best approach would be to use matching materials throughout, although hanging tiles could be used. Consideration should be given to 'matching' tiles as the existing tiles have weathered and are better suited in colour than the original colour.
- Question whether 'wavy' boarding is to be used rather than straight-edged boarding.
- The Velux should be conservation style in view of the proximity of the Conservation Area.

Main Policies

National Planning Policy Framework

In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Development Plan policies

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, CC1, L3

Relevant Local Plan (LP) policies: LC4, LC5, LH4

Core Strategy policy DS1 allows extensions to existing buildings in principle.

Core Strategy policy GSP3 and Local Plan policies LC4 and LH4 allow extensions and alterations to existing dwellings provided that these are of a high standard of design in accordance with adopted design guidance which conserve the character, appearance and amenity of the existing building, its setting and that of neighbouring properties.

Core Strategy policy L3 seeks to conserve and enhance archaeological, architectural, artistic and historic assets and their settings. Local Plan policy LC5 states that development that affects the setting of Conservation Areas should assess and clearly demonstrate how the existing appearance of the Conservation Area will be preserved and, where possible, enhanced.

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

Assessment

Design/Character

The dwelling has an existing single storey, flat roofed utility room attached to the north-eastern side of the existing dwellinghouse that measures 1.7 metres in width and 3.8 metres in depth. It is constructed of reconstituted stone to match the existing dwellinghouse and is stepped back 1.7 metres from the front elevation and 7.7 metres from the rear elevation.

It is proposed to retain the existing utility room but extend it to the front with a single storey extension measuring one metre in depth and, due to the angled nature of the boundary, this would be marginally narrower than the existing utility room. Both the existing utility room and the proposed extension would be clad with horizontal boarding using larch. The existing flat roof would be replaced with a pitched roof that would be largely covered in concrete tiles but it would extend beyond the footprint of the existing utility room to the rear with a glazed roof to create an open-sided covered area. Amended plans were received during the course of the application which resolve minor discrepancies between the proposed plans and elevations, due to inaccurate annotations.

The proposed extension would be 200mm forward of the main front elevation of the existing dwelling. However, this projection would not be readily apparent given the extension would be set some 500mm behind the front face of an intervening 550mm wide stone pillar at the corner of the dwelling which supports the property's overhanging roof. The property is a non-traditional bungalow constructed of reconstituted stone that is of no particular architectural merit and contrasts with the traditional properties located within the adjacent Conservation Area. The extension would be single storey and would be subservient to the existing dwelling, having a smaller depth than the property's side elevation and a lower ridge height. The utility room's appearance would be improved by the replacement of the existing flat roof with a partially tiled and partially glazed pitched roof.

The application proposes a contemporary design solution to complement the existing property with the use of Larch horizontal cladding to the walls and a glazed section of roofing to the rear. Concern has been raised by the Parish Council and two representations that the use of wooden cladding is contrary to policy, out of keeping with the existing building, would be prominent from the street scene and would detract from the setting of the adjacent Conservation Area.

The proposed development would be single storey and would be sited approximately 9 metres from Pinfold Hill. Whilst it is proposed to remove two immature trees within the boundary hedge, the applicant proposes to plant 2no. replacement trees towards the rear of the extension. Notwithstanding the removal of the two trees, there is a high level of vegetation within the front garden of the application site, as well as the adjacent land belonging to 'Bull Croft'. Whilst undertaking a site visit it was noted that even during the winter months only the gable end of the roof of the proposed extension would be visible when travelling along Pinfold Hill, which would be further screened when the trees to the front boundaries are fully in leaf. In addition, the Larch cladding would silver with age and would blend with the surrounding trees and hedges.

Whilst the concerns of the Parish Council and the representations have been taken into consideration, the use of cladding on an extension to a non-traditional building of no architectural merit is considered acceptable in this instance due to its scale, siting and position. Furthermore it is not considered that it would detract from the setting of the adjacent Conservation Area. The proposed development is considered to be a contemporary design that would enhance the existing dwelling and would not be highly prominent in the street scene. Whilst the Design Guide states that there is only a limited place for external timber on Peak District buildings, it does not preclude the use of such a material; each proposal's context should be taken into consideration.

It should also be noted that planning permission was granted in 2004 for a similar extension to the property which has since expired. That permission also proposed to alter and extend the existing utility room with a single storey extension, a pitched roof over the whole structure, a large area of glazing to the walls and roof of the rear extension, and wooden vertical cladding to the front elevation and part of the side elevation of the existing utility room. Whilst planning policies have changed in the intervening years and new SPDs have been adopted, the general thrust of planning policy in respect of extensions to dwellings has not altered significantly. The previously approved application proposed an extension of a similar scale and also proposed the use of wooden cladding that would be visible from the street scene and the adjacent Conservation Area. This is a material consideration in the determination of the application.

In respect of setting a precedent, all applications are determined on their own merits and therefore the approval of this application would not result in the timber cladding being considered a normally acceptable cladding material.

Subject to conditions in respect of materials and the roof light being set flush with the roofslope, it is not considered that the proposed development would have a detrimental effect on the character or appearance of the existing dwellinghouse, the surrounding area, or the setting of the adjacent Conservation Area. The proposed development would therefore comply with policies

LC5 and LH4 of the Local Plan, policies GSP3 and L3 of the Core Strategy and the relevant Supplementary Guidance.

Amenity

The proposed development would be located on the north-eastern side of the house. Adjacent to the extension is a large grassed area comprising the front garden/driveway to the adjacent property known as 'Bull Croft'. No dwellings are therefore located in close proximity to the proposed extension. The proposed extension would not extend beyond the front or rear elevations of the existing property so it would be no closer to the properties on the opposite side of Pinfold Hill. The proposed extension would therefore have no impact on neighbouring amenity and it would comply with policy LH4 of the Local Plan and policy GSP3 of the Core Strategy.

Environmental Management

No environmental management measures have been proposed, although the building would be required to meet current Building Regulations. Due to the type and scale of the development proposed, it is considered that the scheme accords with policy CC1 of the Core Strategy.

Conclusion

It is therefore concluded that the proposed extension and alteration of the existing utility room is not considered to have a detrimental effect on the character or appearance of the existing dwellinghouse, the street scene or the setting of the adjacent Conservation Area. It would be subservient to the existing dwelling; it would have a contemporary design and use contemporary materials; and it is similar to one that was previously approved in 2004. It would not have an adverse impact upon neighbours.

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

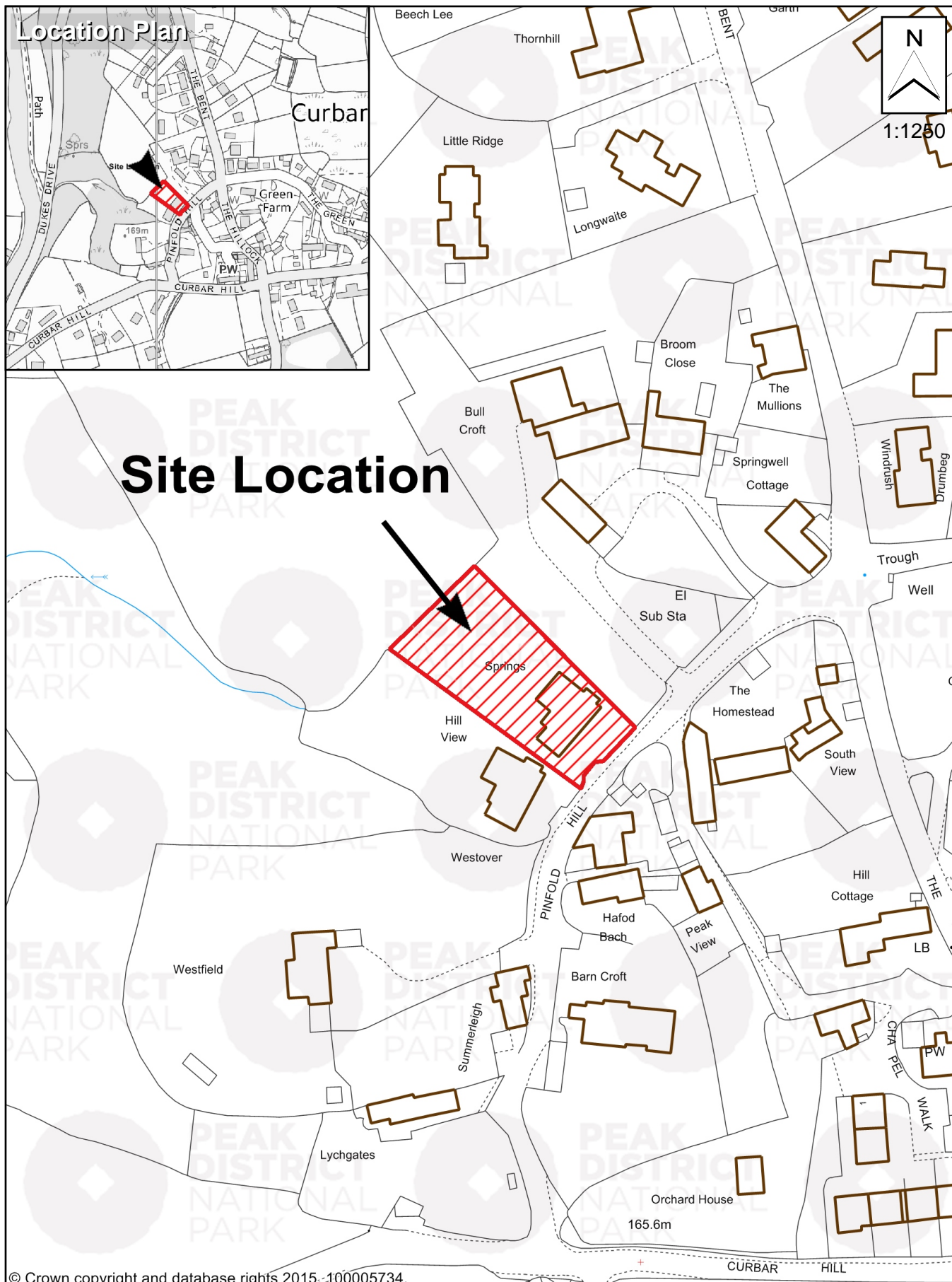
Human Rights

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

List of Background Papers (not previously published)

Nil

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Committee Date: 15/01/2016
 Item Number: 17
 Application No: NP/DDD/1115/1062
 Grid Reference: 425026, 374703

Title: Pinfold Croft
 Pinfold Hill
 Curbar



**PEAK
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 NATIONAL
 PARK**

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18. FULL APPLICATION – EXTENSIONS AND ALTERATIONS TO EXISTING DWELLING AT 2 BOOTHS EDGE COTTAGES, SHEFFIELD ROAD, HATHERSAGE (NP/DDD/1115/1067, P.4318, 424094 / 380833, 29/12/2015/AM)

APPLICANT: MR & MRS ADRIAN & TRACY FOX

Site and Surroundings

2 Booths Edge Cottages is located within the group of buildings which make up Hathersage Booths, approximately 900m to the south east of Hathersage village. The application site is therefore considered to be in open countryside and is located outside of the designated Hathersage Conservation Area.

The property is a two bedroom single storey semi-detached dwelling constructed from natural gritstone with red brick quoins under a pitched roof clad with natural blue slate. To the rear is a small timber conservatory with a shallow pitched roof. The floor level of the property is set level with the adjacent track whereas the level of the rear garden steps down significantly by 1.5m following the slope of the hillside and is level with the eaves of the property to the rear (Derwent Cottage).

Access to the property is via a single width track which is shared with nearby properties and also forms the route of a public footpath. The application building fronts directly onto the track.

The nearest neighbouring properties are 1 Booths Edge Cottages which is the adjoining property to the south east, Derwent Cottage and Derwent View to the south west, The Old Barn to the west and the Millstone Inn pub to the south.

Proposal

This application seeks planning permission for alterations and extensions to the existing building.

The submitted plans show that the existing single storey building would be extended upwards to create a first floor by raising the height of the walls and the eaves and ridge height of the roof to match that of the adjacent building (1 Booths Edge Cottages). The walls of the extension would be natural gritstone to match the existing and the new roof structure would be clad with natural slate. Two windows are proposed in the front (north east) elevation and two windows and two roof lights in the rear (south west elevation).

This extension would effectively move the existing two bedrooms upstairs and allow the ground floor to be utilised for larger living accommodation.

The plans also show that the existing conservatory would be demolished and replaced with a new 'lean-to' rear extension built from matching materials. The existing terrace to the rear of the building would be extended southwards by 1.2m and a lower terrace area would be created, both provided with new stone retaining walls and steps. The higher terrace would be provided with glass balustrades.

RECOMMENDATION:

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

- 1. Statutory three year time limit for implementation.**
- 2. In accordance with specified amended plans.**

3. **Details of construction compound (including and storage and parking areas) to be submitted and approved in writing by the Authority prior to the commencement of the development.**
4. **Stipulate architectural and design specifications including natural stone walls, natural blue slate roof, stone chimney, timber windows and doors, roof lights, pipework, roof verges and natural stone retaining walls.**

Key Issues

- Whether the proposed extensions and alterations detract from the character, appearance or amenity of the existing building, its setting or that of neighbouring properties.

Relevant Planning History

2015: NP/DDD/0815/0767: Planning application for extensions and alterations to dwelling withdrawn prior to determination.

The agent withdrew the 2015 application following advice from officers that the proposed flat roofed garden room extension to the rear was not acceptable in design terms. Officers advised that the design be amended and simplified to a 'lean-to' in matching materials. Officers also advised that the proposed glazed doubled doors at first floor on the rear elevation be amended to windows to reflect the rest of the building.

Consultations

Highway Authority – No objection.

District Council – No response to date.

Parish Council – No objection to the intention to increase the capacity of the property into a more convenient living space but do raise the following concerns:

If the roofline of the property was reduced between 30 & 60 cm's this would be more sympathetic to the locale, ensuring that the individual identities in this conspicuous hamlet of characterful buildings is maintained. Reservations are expressed about the glass balustrade which is not at all in keeping with the area, and the skylights in the extension appear to be unnecessary given the SW facing aspect.

There does not appear to be any provision for parking within the curtilage of the property, and the access to the property is via a public footpath. Although this does appear to be used by vehicles, it is totally unsuitable for heavy vehicles, whilst the proximity of the public footpath on which the property is situated raises public safety issues around delivery and storage of materials during construction.

Representations

A total of six letters of representation have been received to date. All of the letters object to the proposed development. The reasons for objection are summarised below, the letters can be read in full on the Authority's website.

- Proposed first floor extension would give direct line of sight into The Old Barn which is 12m away. This would cause severe loss of privacy and overlooking of The Old Barn.
- The proposed two storey elevated gable end would be overbearing to The Old Barn.

- The proposed first floor extension would overlook 1 Booths Edge Cottage.
- The proposed first floor extension would overlook the garden of Bretton View and harm the privacy of the occupants of that property.
- There is no vehicular access and no parking for additional cars / trucks. Development would be likely to obstruct the track and public footpath.
- It is not viable to construct this development on such an enclosed site. Construction would block the track / footpath to all users and as the track is not suitable for heavy vehicles construction works could undermine nearby properties. Concern that the foundations of the property will not support the development.
- It is not considered safe or viable to build upwards alongside 1 Booths Edge Cottages.
- The environmental impact assessment screening opinion is wrong and misleading as the proposed development does have significant adverse environmental impact on the Booths hamlet and surrounding dwellings.
- The proposed two storey extension is out of harmony with the original building. To substantially increase its height and mass / volume is unacceptable. The building should retain its original low horizontal rural former barn character with ashlar / random natural gritstone.
- Any approval would set a precedent for similar development to extend modest outbuildings.
- There has not been any similar extension on a semi-detached bungalow in the area and the existing extension to 1 Booths Edge Cottages was completed in the 1960s when planning regulations were less stringent particularly when the original single storey barn was not intended to be a two storey building.
- When 1 Booths Edge Cottages was extended the materials had to match the existing reconstituted stone structure. Any new extension should therefore have to match this to be acceptable.
- Question the intended use of the building – whether it would be a family home, second home, holiday let or buy to let property.

Main Policies

Relevant Core Strategy policies: GSP3, DS1

Relevant Local Plan policies: LC4, LH4, LT11 and LT18

National Planning Policy Framework

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

Development Plan

LH4: Extensions and alterations to dwellings is particularly relevant and says:

Extensions and alterations to dwellings will be permitted provided that the proposal does not:

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

GSP3 and LC4 together require the detailed treatment of any proposal to be of a high standard that respects, conserves and where possible enhances the landscape, built environment and valued characteristics of the area, paying particular attention to scale form and mass of existing buildings, design details in accordance with adopted design guidance, landscaping and the amenity, privacy and security of the development and neighboring properties.

LT11 and LT18 require all new development to be served by safe access and adequate parking and turning arrangements.

Assessment

Design and Visual Impact

The proposed development represents a substantial extension to the existing dwelling by effectively extending upwards to change the property from a single storey to two storey building. Concerns have been raised in representations that this extension would be out of harmony with the existing building by substantially increasing its height, mass and volume in an unacceptable manner.

A number of representations describe the history of 1 and 2 Booths Edge Cottages as originally being a single storey agricultural building which was later converted to two dwellings. Following the conversions 1 Booths Edge Cottages was substantially extended up to two storeys following the grant of planning permission in the 1960s.

Despite the apparent historic origins of these buildings it is considered clear that the character of the buildings today are of a pair of domestic properties. Any former historic or vernacular merit related to the former use of the buildings is no longer obvious and the later extensions to 1 Booths Edge Cottages in particular give the buildings overall a suburban rather than traditional appearance.

Therefore while Officers are sympathetic to concerns that development which would harm the character of vernacular buildings should not be permitted it is considered that the proposed development should be assessed against the character of the buildings as they stand today rather than any former vernacular characteristics.

The proposed development would change the character of the building by increasing it from a single storey to two storey dwelling. It is considered that this would result in 1 and 2 Booths Edge Cottages appearing as two semi-detached two storey dwellings and as such it is considered that the development would not appear to be alien in design or intrusive in the context of the buildings and surrounding built development.

The design and materials of the proposed extensions would match the existing building as would the proposed window openings. There are no objections to the proposed door openings on the rear extension or the glazed balustrade as this part of the building effectively hidden from public vantage points by the main building and nearby buildings.

Concern has been raised that any extension should be in artificial stone brickwork to match the first floor of 1 Booths Edge Cottages, however Officers consider this to be a unsympathetic building material which has resulted in that property having an overtly suburban appearance and therefore that the opportunity should be taken to use natural materials to match 2 Booths Edge Cottages rather than matching the later artificial brickwork.

It is therefore considered that while the proposed extension would not be a subordinate addition as advocated in adopted design guidance that in the context of this site there is an opportunity to increase the height of the building to create a two storey dwelling in a manner which does not harm the character or appearance of the existing building in accordance with LC4 (i). Officers have sought amended plans to reduce the fenestration on the south west elevation of the building and the revised details are considered to be acceptable.

The proposed extended building would not have any impact upon the scenic beauty of the surrounding landscape as it would be read with the group of buildings which make up Hathersage Booths the majority of which are two storey and viewed against the rising valley side. The visual impact of the proposal from public vantage points would be limited by topography and intervening distances other than from the adjacent footpath where the visual change would be noticeable but not harmful in the context of surrounding built development.

Amenity and Highway Safety

Concern has been raised by a number of neighbouring properties that the proposed development would harm the amenity and privacy of the occupants of those properties.

The proposed first floor windows would overlook the rear gardens of both 1 and 2 Booths Edge Cottages but this relationship is typical for semi-detached properties and is not considered to be an arrangement which would harm the residential amenity or privacy of 1 Booths Edge Cottages in an unacceptable manner. It is also noted that the existing first floor windows to 1 Booths Edge Cottages have a similar relationship with the rear garden of the application property.

Officers were concerned that the proposed terrace would have resulted in overlooking over the boundary to 1 Booths Edge Cottage and back towards the rear windows and conservatory to that dwelling. Officers have therefore sought amended plans which show the terrace brought back away to the boundary to overcome this potential issue. Given the levels between the amended terrace areas and the distance to the boundary fence it is not considered that this part of the development would give rise to any additional overlooking issues.

Derwent Cottage is located to the rear (south west) of the property and is set at a lower level such that the eaves of Derwent Cottage meet the lower garden level within the application site. Derwent Cottage is located within 13m of the rear elevation of the proposed dwelling but there

are no window or door openings in the northern elevation to that property which could give rise to any concerns of loss or privacy or overshadowing.

The Old Barn is located to the north west of the application site. The dwelling on that property is approximately 28m from the nearest part of the application building. Given the distance and orientation it is considered that the proposed development would not result in an loss or privacy to the occupants of The Old Barn.

Concern has been raised that extending to two storeys would have an overbearing impact upon The occupants of The Old Barn. The proposed development would increase the single storey gable facing The Old Barn to two storeys which would have a greater visual impact. The application building is adjacent to a garage and parking area but given the distance to the main building to that property and other neighbouring properties it is not considered that the proposed development would result in any significant loss of daylight or sunlight or be overbearing to the occupants of any neighbouring property.

Finally, Bretton View is located to the east of the application site. The dwelling on that property is approximately 17m from the nearest part of the application building. The rear garden of Bretton View extends north westwards on the far side of the track relative to the application site. Given the orientation of the two buildings it is considered that the proposed development would not give rise to any significant overlooking between habitable windows to the two properties.

There is a high hedge along the southern boundary Bretton View which already acts to screen views from 1 Booths Edge Cottages which otherwise would overlook the garden area. Similarly it is considered that the hedge would effectively foil any views from the proposed development. Furthermore it is considered that the proposed development would look over the rearmost part of the garden to Bretton View and not the parts of the garden closer to the building where a higher degree of privacy would be reasonably expected.

Therefore having thoroughly assessed the potential impact of the proposed development upon the privacy, security and amenity of the neighbouring properties it is considered that the development would not have a harmful impact in accordance with GSP3, LC4 and LH4.

The existing and proposed extended dwelling does not benefit from any off-street parking and this is a concern raised in representations. However, this is an existing situation and as the proposed extended dwelling does not include any additional bedrooms Officers agree with the Highway Authority that the proposal would be unlikely to give rise to any Highway Safety or amenity issues when completed compared to the existing dwelling.

Concern has been raised that during construction that the proposed development could block access to neighbouring properties and block or obstruct use of the public footpath. Private rights of access are not a planning consideration and therefore are given limited weight. It does however appear that there are two access points onto the track from the main road and therefore it would be possible to maintain access to all neighbouring properties during construction.

Officers acknowledge that the site is of a limited size and that the storage of materials or plant on the track or parking construction vehicles would be likely to obstruct the public footpath. Therefore if permission is granted, a condition would be recommended to require details of any construction compound or storage area to be submitted and agreed. In addition a footnote would be attached to any decision notice to inform the applicant and agent of their obligations in regard to the adjacent footpath.

Other Issues

The representations raise a number of other issues including the safety and viability of building the proposed development and the suitability or otherwise of the existing foundations to the property. The way in which construction is undertaken is a matter which is controlled by building

regulations and therefore it is not appropriate to seek to control this during the planning process. Similarly legal issues such as whether the developer would have a right of access or permission to build off a boundary or partition wall are covered by separate legislation including the Party Wall Act. It is therefore recommended that no weight is given to these issues in the determination of this application.

Concern has been raised that approval of this application would set a precedent for similar extensions to vernacular buildings in the National Park which would be harmful. Officers agree that in the majority of cases substantial extension of traditional agricultural or utilitarian buildings would not be appropriate in design terms, however, this application has been assessed on its own merits, taking into account the character and appearance of the building and its setting and in this context the proposals are considered acceptable. It is therefore considered that the proposal would not lead to a harmful precedent within the National Park.

The intentions of the applicant and the future occupation of the dwelling has been queried in representations. The existing building is an unrestricted market dwelling and the proposed extensions would not change that fact. Therefore speculation about whether the proposed house would be occupied as a primary, secondary or holiday residence is given no weight.

Finally concern has been raised that the Environmental Impact Assessment screening opinion completed by the Planning Manager is inaccurate and misleading. This document is completed for the purposes of the Environmental Impact Assessment Regulations and states that in this case the Authority considers that an Environmental Impact Assessment is not required in order for the Authority to determine this application. The impact of the proposed development has been assessed taking into account the submitted form, plans and documents and the issues raised in representations.

Conclusion

It is considered that the proposed development would conserve the character, appearance and amenity of the existing building, its setting and that of neighbouring properties in accordance with GSP3, LC4 and LH4. Subject to conditions the proposed development would not harm highway safety or the amenity of road users.

If permission is granted conditions would be recommended to secure the submitted plans, to require details of a construction compound to be submitted and agreed prior to the commencement of the development and to specify approved materials and architectural specifications to secure a high standard of design in accordance with GSP3 and LC4.

In the absence of any further material considerations the proposal is therefore considered to be in accordance with the development plan and is recommended for approval subject to the conditions outlined in this report.

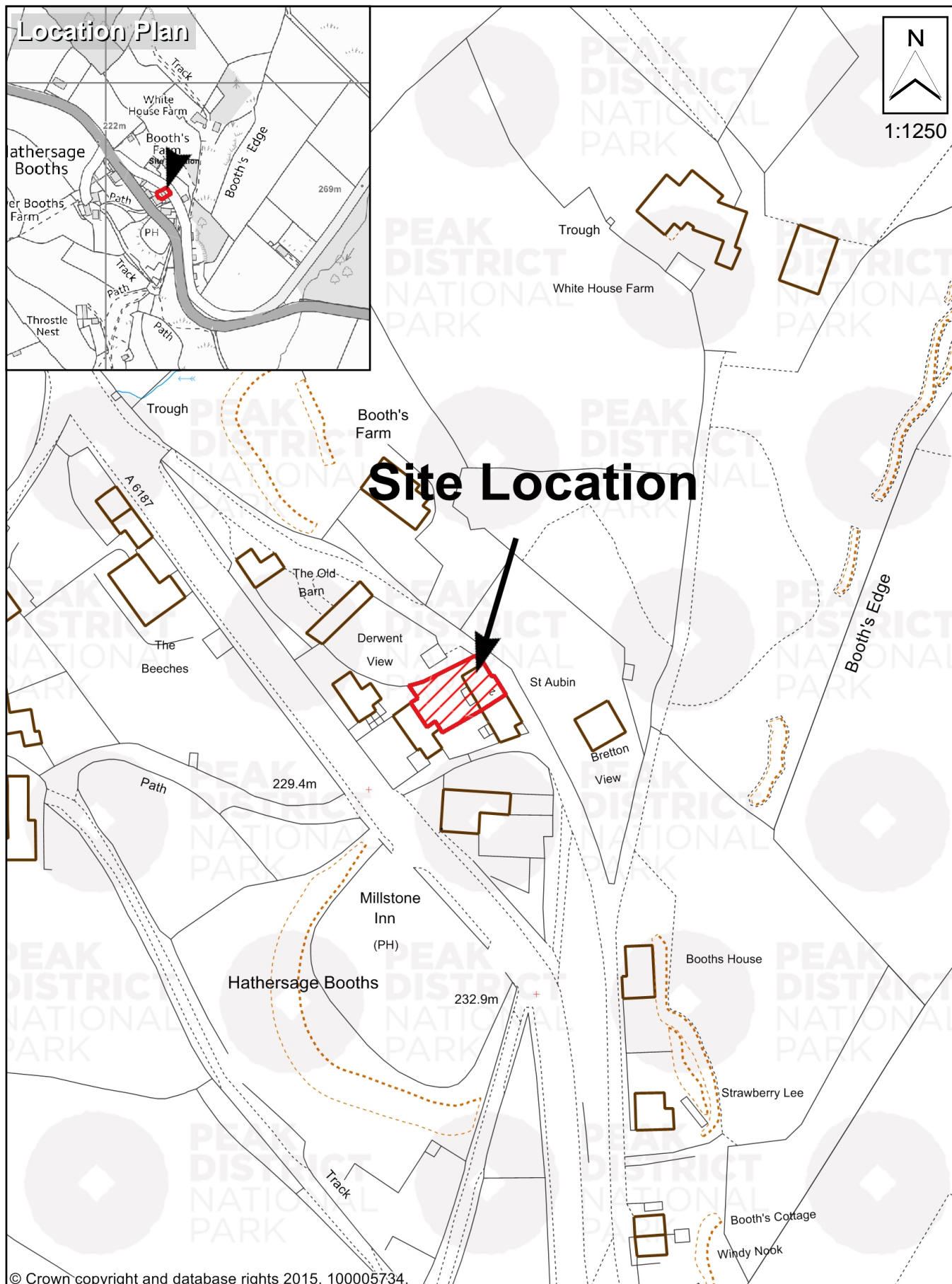
Human Rights

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

List of Background Papers (not previously published)

Nil

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Committee Date: 15/01/2016
 Item Number: 18
 Application No: NP/DDD/1115/1067
 Grid Reference: 424094, 380833

Title: 2 Booths Edge Cottages
 Sheffield Road
 Hathersage



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19. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2016 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team in the last quarter (October – December 2015). The majority of breaches of planning control are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Director of Planning and Head of Law have joint delegated powers to authorise such action whereas delegated authority not to take formal action is held by the Director of Planning and Planning Team Managers.

The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so and any action taken will need to be proportionate with the breach of planning control to which it relates. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. It must also be clear that resolving the breach would be in the public interest.

The NPPF states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. Many, but by no means all, LPAs have published a Plan. In March 2014 the Authority published its Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to the attention of the Authority, what matters may or may not be investigated and the priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches. The Local Enforcement Plan is available on the Authority's website or in paper form.

It should be noted that at the end of the current quarter (31 March 2016) the part-time Senior Monitoring & Enforcement Officer post, which was created in 2012 and has been renewed each year on a temporary contract basis since then, will not be renewed. This means that the Monitoring & Enforcement Team will return to the full-time establishment of four officers. This will inevitably have an impact on the capacity of the Team to deal with the current level of casework.

RECOMMENDATION:

That the report be noted.

Summary of Activity

(a) Formal notices have been issued in the following cases this quarter:

None

(b) The following breaches have been resolved this quarter:

09/0082 Land at Highcliffe Near Eym	Siting of yurts	Yurts removed
15/0104 White Lodge Calver Road Baslow	Erection of advertisement sign	Sign removed

15/0016 Converted Shippon West End Cottage Townhead Eyam	Unauthorised use as holiday let	Planning permission granted
06/0135 Barn Farm Birchover	Use of land for caravanning and camping in excess of permitted numbers and duration of stay, and use of areas without planning permission	Planning permissions granted for additional areas. No evidence of current breach of conditions
12/0042 Sheffield Pet Crematorium Hollow Meadows Sheffield	Erection of a building and use as a dwelling house	Enforcement notice issued and use as dwelling house ceased. Planning permission granted for use of building in association with crematorium
15/0072 Bank House Hollinsclough	Creation of hardstanding/foundation for barn	Planning permission granted
10/0070 Land off Binn Lane Marsden	Erection of animal shelter and creation of track/access	Planning permission granted for track/access. Shelter immune from enforcement action
10/0101 Crown Cottage Winster	Listed Building Installation of flue pipe and breach of conditions regarding windows on NP/DDD/0109/0031 & NP/DDD/0906/0824 and 0828	Not expedient to pursue enforcement action
14/0610 25 Fulwood Lane Sheffield	Erection of garage	Garage removed
10/0196 Bempton House Main Road Nether Padley Grindleford	Non-compliance with approved plans for extension of garage and conversion of roofspace to office	Immune from enforcement action
15/0017 Withamley House Bradfield Sheffield	Erection of replacement dwelling (planning permission previously granted for alterations and extensions, but building substantially rebuilt)	Planning permission granted
13/0127 1-5, Victoria Terrace Great Longstone	Change of use of land to domestic garden, Erection of rear extensions to 1 & 3.	Planning permissions granted for extensions Not expedient to pursue change of use

15/0009 Paddock House Farm Alstonefield	Residential caravan	Caravan removed
14/0553 Land Opposite Peach Lodge Foolow	Erection of wooden building	Building removed
09/0132 Damside Farm Damside Lane Peak Forest	Residential caravan	Caravan removed
11/0206 Bridge House Farm Rowsley	LISTED BUILDING. Replacement of picking hole with window and creation of first floor office	Listed building consent granted
14/0285 Knowle Farm Fox Lane Holmesfield	LISTED BUILDING Satellite dish on south elevation	Satellite dish removed
15/0068 Moorview Carr Lane Bamford	Erection of building	Planning permission granted
15/0067 The Old Wool Shop High Street Tideswell	Unauthorised change of use from A1 (shop) to A3 (food and drink)	Planning permission granted
15/0122 Former Coal and Haulage Depot Site Moorlands Lane Froggatt	Non-compliance with approved plans for erection of dwelling	Non-material amendment granted
11/0012 Hammerton Hall Farm Litton	Breach of conditions 4 (rendering of exposed concrete panels), 5 (dark staining timberwork) & 7 (landscaping) on planning permission for agricultural building (NP/DDD/0310/0304)	Condition 5 complied with. Not expedient to take enforcement action in respect of conditions 4 & 7
11/0100 Holmelacy Farm Tideswell	Extension of agricultural building to house a residential caravan	Immune from enforcement action
15/0033 6 New Road Eyam	Use of part of dwelling as self-catering accommodation	Planning permission granted

09/0181 Hayloft Cottage Holly House Farm Flagg	Erection of external chimney stack in breach of conditions attached to permission for conversion of barn to dwelling (NP/DDD/1106/1017)	Not expedient to take enforcement action
10/0106 Land near the junction of the B5054 and A515 Newhaven	Advertisement sign (for Dauphin Antiques, Hartington)	Sign removed
13/0155 Crumbly Cottage Eagle Tor Birchover	Extension not in accordance with approved plans and conditions	Planning permission granted
13/0111 Hardingsbooth Farm Longnor	Breach of landscaping conditions on planning permission for extension to agricultural building and creation of slurry store	Conditions now complied with
14/0550 Land at Stanedge Road Bakewell	Creation of hardstanding on agricultural land	Permitted development
15/0075 Netherfield Conksbury Lane Youlgrave	Development being carried out in breach of conditions attached to permission for extension to dwelling (NP/DDD/0913/0805)	Conditions discharged
15/0111 Diggle Mill House Diggle	Creation of window openings	Permitted development

Overview of Caseload

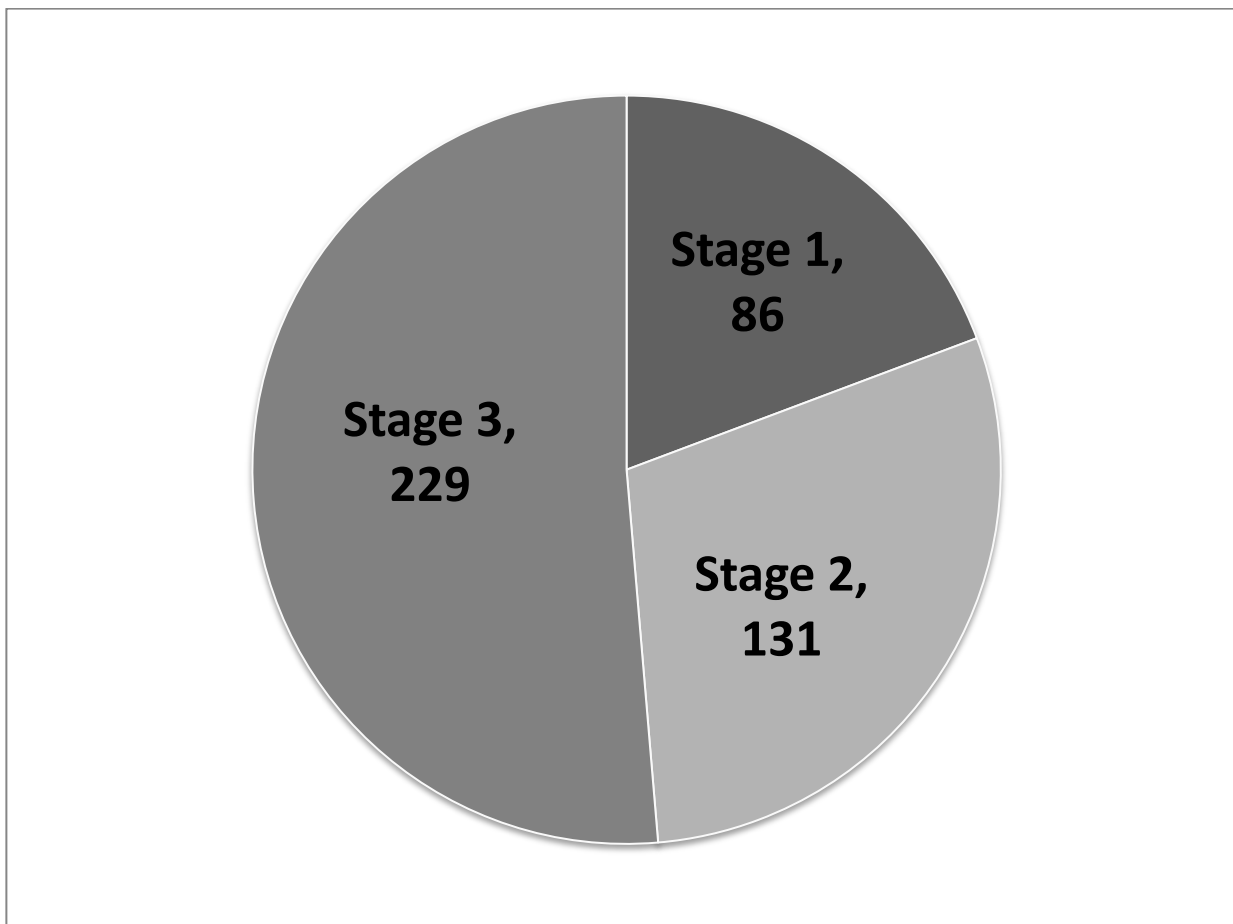
The following table provides an overview of the Team's caseload. Figures for the preceding quarter are shown in brackets :

	Received	Investigated/Resolved	Outstanding
Enquiries	100 (96)	88 (93)	90 (80)
Breaches	41 (34)	30 (24)	438 (431)

In order to help focus resources and increase the pace of progress on casework, officers have recently introduced a system which classifies breaches, as early as possible in the process, as Stage 1, Stage 2 or Stage 3. Stage 1 cases are those where it is likely to be 'not expedient' to take enforcement action because of the nature or impact of the development/breach; Stage 2 are those where a conditional planning permission would be likely to resolve the breach and Stage 3 are those where formal enforcement action is likely to be required. This is a case-specific judgment in each case based on the seriousness of the breach. By making this judgment at an earlier stage cases are progressed more quickly with a greater emphasis on moving to formal action in cases identified as Stage 3. To encourage the submission of applications for Stage 2 cases we are making more use of Planning Contravention Notices and giving a clearer indication to owners that

the absence of planning permission is likely to adversely affect any future sale of the property. For cases at Stage 1 a delegated decision not to take enforcement action is normally made at the outset and we do not normally devote resources to seeking the submission of an application.

The following chart shows the outstanding breaches broken down into each of the three stages.



High Profile Cases

The following cases are those which are considered to be of particular interest to Members due to the nature of the breach(es) and/or the high level of community concern.

Case Reference	Breach	Current Position
05/0087 New Mixon Hay Farm Onecote	Use of land for storage of building materials, vehicles, scrap etc	Site meeting held May 2015. Owner being encouraged to continue clearing stored materials.
06/0010 Midfield Kettleshulme	Storage of vehicles, vehicle parts, building materials and equipment	Enforcement notice in place. Owner is in process of clearing site. Regular site meetings being held to check on progress.
08/0104 Fernhill Cottage, Hollow Meadows	Excavations and re-profiling works and erection of walls/buildings	Enforcement notice in place. Discussions ongoing with new agents over submission of application for access drive etc.

11/0015 Home Farm Sheldon	Excavations at rear of guest house, laying of stone on land and insertion of windows and doors in	Discussions ongoing over a suitable scheme following refusal of application for conversion of buildings and erection of extensions in November 2014.
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20. 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/CEC/0415/0310 3138559	Conversion of barn to single dwelling at Brink Farm, Pott Shrigley, Macclesfield, SK10 5RU	Written Representations	Delegated
NP/SM/0515/0480 3135926	Conversion of workshop to an open market dwelling at The Cottage, Warslow	Written Representations	Delegated
15/0083 3137597	Unauthorised extension to Maynestone Farm, Hayfield Road, Chinley, Derbyshire, SK23 6AL	Inquiry	Delegated
NP/DDD/0715/0692 3138958	Removal of planning condition at Gorse Hill, Gorse Bank Lane, Baslow, DE45 1SG	Written Representations	Delegated

2. APPEALS WITHDRAWN

There were no appeals withdrawn during this month.

3. APPEALS DECIDED

There were no appeals decided during this month.

4. RECOMMENDATION:

That the report be received.

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