

# Public Document Pack

Peak District National Park Authority

Tel: 01629 816200

E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)

Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)

Minicom: 01629 816319

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



Our Ref: A.1142/1446

Date: 9 June 2016



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 17 June 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 held on 13 May 2016** (*Pages 1 - 8*)
3. **Urgent Business**
4. **Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application (EIA): Demolition of Existing Industrial Buildings, Development of 55 Dwellings (C3), Erection of 6 Industrial Starter Units (B1), Car Parking, Landscaping and Drainage Attenuation with Access from Netherside (Starter Units) and Bradwell Head Road (Residential), at Newburgh Engineering Co Ltd, Newburgh Works, Netherside, Bradwell NP/0815/0779,P.5008, 17/08/16, 417360/381299/JK** (*Pages 9 - 56*)

Site Plan 1

Site Plan 2

7. **Annual Report on Planning Appeals 2015/16 (A.1536/AM/JRS/KH)** (Pages 57 - 62)
8. **Head of Law Report - Planning Appeals (A.1536/AMC)** (Pages 63 - 64)

### **Duration of Meeting**

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

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

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

#### **Agendas and reports**

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk).

#### **Background Papers**

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

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

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

#### **Written Representations**

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

#### **Recording of Meetings**

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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**

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

### **To: Members of Planning Committee:**

Chair: Mr P Ancell  
Vice Chair: Cllr D Birkinshaw

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

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## MINUTES

Meeting: **Planning Committee**

Date: Friday 13 May 2016 at 10.00 am

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

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr D Chapman, 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 and Vacant

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

Apologies for absence: Cllr C Carr, Cllr Mrs N Hawkins and Cllr G Weatherall.

### 70/16 MINUTES OF PREVIOUS MEETING

The minutes for the last meeting of the Planning Committee held on 15 April 2016 were approved as a correct record.

### 71/16 MEMBERS DECLARATIONS OF INTEREST

Item 6

It was noted that some members had received an email from the applicants.

Mr Robert Helliwell had received an email from Mr B Graham.

Item 7

It was noted that some members had received an email from Mr Peter Thompson with photos.

Item 9

Mr Robert Helliwell had received a phone call from an objector

Item 14

It was noted that some members had received emails regarding this report from Mr Richard Mason.

Mr Paul Ancell had received indirect email correspondence from Mr Richard Mason.

Cllr Patrick Brady had met with Mr Richard Mason

**72/16 PUBLIC PARTICIPATION**

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

**73/16 FULL APPLICATION - RE-DEVELOPMENT OF BUSINESS PARK TO CREATE HERITAGE CENTRE WITH CRAFT SHOP/CAFE WITH ASSOCIATED RETAILING, TWO TIED WORKER ACCOMMODATION UNITS, TOURIST ACCOMMODATION SPACE, TRAINING ROOM/COMMUNITY FACILITY, CAFE AND OFFICE SPACE AT, ROCKMILL BUSINESS PARK, THE DALE, STONEY MIDDLETON**

The following spoke under the Public Participation at Meetings Scheme:

- Mr Chris Tsiekepi, representing SMILE, Supporter
- Ms Sue Bettney, Chair of Stoney Middleton Parish Council, Supporter
- Ms Beth Ely, Supporter
- Mr Colin Hall, Applicant

The application had previously been approved subject to conditions and prior entry into a S.106 Agreement at the Planning Committee in December 2013. Following continued consultation with the Chair and Vice Chair of Planning Committee the decision had been made by the Chair of Planning Committee that the application be bought back to the Committee to consider required changes to the Section 106 agreement which were outside the scope of the previous resolution. There had been a delay in finalising the agreement and returning to Committee as the applicant had wished to purchase land to be included in the development prior to signing.

The proposed changes to the S.106 related firstly to the tied worker dwellings currently for use of staff employed to work in Rock Mill Accommodation unit. This would change to also include staff working in the Heritage Centre and if no staff require accommodation it would default to meeting eligible local needs for affordable housing. The second change would remove the restriction on common ownership of the Rock Mill Accommodation building and the Heritage Centre.

Members commended the developers for commitment to the development and the community.

The officer's recommendation to approve the application with section 106 Agreement and conditions was moved, seconded, put to the vote and carried.

**RESOLVED:**

**That the application be APPROVED subject to prior entry into a S.106 legal agreement requiring the accommodation centre and heritage centre to be developed concurrently, provision of community space, highway works and control of occupancy of the worker accommodation units; and**

**Subject to the imposition of planning conditions within Appendix 3 of the report with delegated authority to the Director of Conservation and Planning to finalise detailed conditions following consultation with the Chair and Vice Chair of the Planning Committee.**

Cllr Mrs K Potter left the meeting at 10.45 and returned at 10.47.

**74/16 FULL APPLICATION - CONVERSION OF STONE BUILT OUTBUILDING TO HOLIDAY ACCOMMODATION AT 1 THE CROSS, GREAT LONGSTONE**

The application had been deferred by the Planning Committee in April pending a site visit to provide members with an understanding of the site including parking and access rights.

Members had visited the site on the previous day.

The following spoke under the Public Participation at Meetings Scheme:

- Mr Peter Thompson, objector
- Mr Paul Hudson, objector

Members discussed the impact of the proposal on neighbours and the issue around the safety of parking and access from the parking space to the highway. Discussions around alternatives to the proposal to improve safety would be difficult to enforce.

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

**RESOLVED:**

**That the revised application be REFUSED on the grounds that the development would have an adverse impact on residential amenity of neighbouring properties by virtue of over intensive use and car parking.**

The meeting was adjourned from 11.25 to 11.30 following consideration of this item

**75/16 CONSULTATION RESPONSE - PROPOSED DEVELOPMENT OF AN ALTERNATIVE SCHEME OF 3 WIND TURBINES WITH HEIGHT TO BLADE TIP OF UP TO 100M AND ASSOCIATED SUBSTATION BUILDING, NEW AND UPGRADED ACCESS TRACK FROM MANYSTONES LANE AND B5056, HARDSTANDING, TEMPORARY COMPOUNDS AND ASSOCIATED WORKS AT GRIFFE GRANGE, MANYSTONES LANE, BRASSINGTON**

Members discussed the impact on the landscape of the additional turbines as proposed and the concerns over the cumulative impact which should be mentioned in the objection as an additional bullet point.

The recommendation as set out in the report for the National Park Authority to Object with additional bullet point was moved, seconded, put to the vote and carried.

**RESOLVED:**

**The National Park Authority OBJECTS to the revised proposals for three wind turbines (100m to blade tip, 59m hub height) at Griffie Grange for the following reasons:**

- **By virtue of their design and siting, and size and scale, the three turbines at Griffie Grange would have a significant adverse visual impact on the landscape character of the National Park, substantially detract**

from the enjoyment of its special qualities, and result in harm to its cultural heritage.

- The harm caused by these three turbines in isolation would be further exacerbated by their cumulative effects combined with the presence of seven other operational turbines within the local area as the increasing spread and number of turbines would significantly increase their influence and result in increased harm to the character and appearance of the landscape and the setting of the National Park.
- The revised proposals would therefore conflict with the statutory purposes of the National Park's designation and conflict with national planning policies in the Framework.
- The cumulative impact of an additional site so close to those already in use would be unacceptable on the surrounding landscape.

Accordingly, it is also recommended that this Authority should continue to support any subsequent defence of the current appeal by the District Council.

**76/16 FULL APPLICATION - RETROSPECTIVE APPLICATION FOR RETENTION OF FACILITIES BLOCK - LOSEHILL HALL, HOW LANE, CASTLETON**

Members had visited the site on the previous day.

Mr Robert Helliwell, Ms Stella McGuire and Cllr David Chapman all declared that they knew one of the speakers Mrs Priestley. Cllr Chapman also declared that he knew Ms Serby who was also speaking.

The following spoke under the Public Participation at Meetings Scheme:

- Ms Maeve Serby, Objector
- Mrs Janet Priestley, Objector
- Ms Sheila Bailey, Objector

Two further letters of representation had been received objecting to the application.

Members discussed concerns over the use of the site for camping and lack of restrictions other than 60 days a year limit. The YHA have a Camping Exemption Certificate issued by Natural England which is due to expire in 2017 and Members requested that the Authority request consultation with Natural England before the certificate is renewed.

Concerns regarding design, material and location of facilities which were not in keeping with landscape were also raised.

The motion for refusal contrary to officer recommendation was moved, seconded, put to the vote and carried.

**RESOLVED:**

**That the application be REFUSED on the grounds that the development has an adverse impact on the site and its setting by virtue of its location, design and use of materials.**



**77/16 FULL APPLICATION - ALTERATIONS AND EXTENSION TO REAR OF PUB PLUS ALTERATIONS AND EXTENSION TO EXISTING OUTBUILDING, THE MOON INN, STONEY MIDDLETON**

Members had visited the site on the previous day.

A motion to approve the application was moved subject to conditions, seconded, put to the vote and carried.

**RESOLVED:**

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

- 1. Statutory time limit for implementation.**
- 2. In accordance with specified amended plans.**
- 3. Conditions seeking prior approval of and specification of architectural and design details including stone sample panel, roof slates, windows and doors, rainwater goods and roof verges.**
- 4. The accommodation hereby approved to be occupied as staff accommodation and short stay letting units ancillary to the Moon Inn only and to be retained within a single planning unit.**

**78/16 FULL APPLICATION - ERECTION OF NEW STOCK & FODDER STORAGE BUILDINGS AT PICTOR FARM, WARDLOW**

The application was deferred by the Planning Committee in April for further discussion about alternative siting/layout with the applicant.

Following discussions with the applicant no changes had been made to the application which had been presented to the April Committee at the applicant's request.

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

**RESOLVED:**

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

- 1. The siting of the proposed building, with particular reference to its orientation, would result in a prominent structure that would project beyond the existing building line into the Open Countryside. It would thereby have a detrimental effect on the valued rural characteristics and visual appearance of the surrounding area, particularly as this is a gateway Conservation Area site into the village of Wardlow. The proposed building would therefore be contrary to policies L1 and L3 of the Core Strategy, policies LC4, LC5 and LC13 of the Local Plan, as well as the SPG: 'Agricultural Developments in the Peak District National Park'.**

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**79/16 FULL APPLICATION - PROPOSED SINGLE STOREY CONSERVATORY/EXTENSION AT THE OLD BAKERY, THE DALE, HATHERSAGE**

Three further letters of representation had been received:- those received after the report had been published raised the same points as those mentioned in the report.

During discussions of the proposal Members requested that a record be made of the former shop front before it is removed as it is an important part of the history of the building. It was agreed that a photographic record would be appropriate.

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

**RESOLVED:**

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

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**
- 3. Natural gritstone to match the existing walls.**
- 4. Roof to be tiled in slate.**
- 5. Rooflight to be set flush with roof slope and 'conservation' style.**
- 6. Conservatory to be constructed of timber with a glass roof.**
- 7. External doors and windows to be constructed of timber.**
- 8. The external windows and doors shall have stone cills, lintels, surrounds to match the existing building.**
- 9. Photographic record (inside and out) of the former shop front prior to demolition.**

In accordance with the Authority's Standing Orders, the meeting voted to continue its business beyond three hours.

**80/16 LISTED BUILDING CONSENT APPLICATION: RETROSPECTIVE CONSENT FOR UNAUTHORISED WORKS TO LISTED BUILDING AT 4 ANSON ROW, WINSTER**

Members noted that the work had conserved the special qualities of a building at risk.

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

**RESOLVED:**

**That the application be APPROVED.**

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**81/16 MONITORING & ENFORCEMENT ANNUAL REVIEW: APRIL 2015 - MARCH 2016**

Consideration of the report had been deferred by the Planning Committee in April.

The Monitoring and Enforcement Manager introduced the report and emphasised the reduction in staffing resources. He also pointed out that the annual target for resolving breaches had been met.

Due to the increase in the number of cases reported each year the Director of Conservation and Planning reported on changes to the process of dealing with cases which involved more engagement with the Area planning teams to look at cases once they have been approved as a way of using existing staff more effectively and in recognition of the reputational issue.

Enforcement Training had been offered to Parish Councillors and two events are due to take place on the 25 May and 15 June. It was noted that this could increase the number of cases being reported.

The Director of Conservation and Planning also reported on a recent visit he had made to Lean Low Farm, Hartington a prominent site with permission to extend existing buildings to house equipment which was currently spread over the land. The owner was informed that he had three months from March 2016 to comply with conditions and tidy the land or the Authority would pursue enforcement action.

A motion to note the report was moved, seconded, put to the vote and carried.

**RESOLVED:**

**That the report be noted.**

**82/16 ANNUAL REPORT ON PLANNING APPEALS 2015/16**

A motion to defer consideration of the report to the next Planning Committee was moved, seconded, put to the vote and carried.

**Resolved:**

**To DEFER to the next Planning Committee Meeting**

**83/16 HEAD OF LAW REPORT - PLANNING APPEALS**

**RESOLVED:**

That the report be noted

The meeting ended at 1.50 pm

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**6. FULL APPLICATION (EIA): DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, DEVELOPMENT OF 55 DWELLINGS (C3), ERECTION OF 6 INDUSTRIAL STARTER UNITS (B1), CAR PARKING, LANDSCAPING AND DRAINAGE ATTENUATION WITH ACCESS FROM NETHERSIDE (STARTER UNITS) AND BRADWELL HEAD ROAD (RESIDENTIAL), AT NEWBURGH ENGINEERING CO LTD NEWBURGH WORKS, NETHERSIDE BRADWELL NP/0815/0779,P.5008, 17/08/16, 417360/381299/JK**

**APPLICANT: Camstead Ltd & Newburgh Engineering Ltd**

**Site and Surroundings**

Newburgh Engineering Works is located in the centre of Bradwell village and covers a substantial area of land to the east of the main street, 'Netherside' (B6049) running through the centre of the village. The works sits behind the commercial and residential buildings fronting onto Netherside which comprise the Pennine workshop, Bradwell Autos and the associated dwelling, the Newburgh Gatehouse/Office and Newburgh Hall.

The works site, which houses several substantial industrial sheds and associated yards, extends from behind the properties fronting Netherside down the gently sloping ground toward the Bradwell Brook which forms the eastern boundary of the site. To the north the works backs onto the rear gardens of a number of semi-detached dwellings on Springfield and Bradwell Head Roads. To the south it abuts the residential curtilages of three detached residential dwellings, Newburgh House, 'Willowbrook' and 'Saxelberry'.

The main access into the works site is off 'Netherside' immediately south of 'Bradwell Autos' Garage, a former petrol filling station, now used as a haulage operators depot. There is a secondary access into the north side of the works via Bradwell Head Road and a further minor access off the end of Softwater Lane.

The application site area extends to 2.7ha and comprises the area covered by the Engineering Works including the open area of grassland between the works and the Bradwell Brook to the east and the two traditional buildings at the Netherside frontage of the site, Newburgh Gatehouse and Newburgh Hall. The vehicular access onto Softwater Lane is not included within the site area.

Whilst much of the traditional core of the village of Bradwell is a designated Conservation Area, the majority of the application site area comprising the Industrial sheds and yards lies outside the Conservation Area. Only the traditional buildings of the Newburgh Gatehouse and Newburgh Hall (both of which are considered to be local non-designated heritage assets) lie within the Conservation Area.

The whole of the application site lies within the boundary of Bradwell village which sits within the Derwent Valley whose surrounding landscape character type is described as 'Valley Farmlands with Villages' in the Authority's Landscape Strategy and Action Plan.

The only open green space within the application site area comprises the open grassed space at the eastern end of the site between the industrial sheds and Bradwell Brook. This latter space has had its original level lifted up over many years from the disposal of old foundry sand from the works. It has been seeded with grass and this level area is now well above the level of the Bradwell Brook in comparison with the natural level of the opposite bank, nevertheless the grassed area lies within Flood Zone 2. The rest of the site is Flood Zone 1. There are a number of mature trees lining the banks of the Bradwell Brook. Within the Brook there is an isolated and fragile population of water voles, a protected species under the Wildlife and Countryside Act.

The main block of industrial buildings associated with the Newburgh Engineering works lie to the north of the main access road down into the site. These are relatively modern buildings of a large industrial scale and utilitarian design and include the square 'Davie block' Newburgh 'Tower'. They are in better condition than those on the southern side, which are generally of a smaller scale. From Netherside the overall scale of the works buildings is largely screened from public view as a result of them sitting at a lower level and being screened by the roadside buildings and mature coniferous planting down the southern boundary and adjacent mature gardens. The housing estate off Bradwell Head and Springfield Close act as a foil to the buildings from the North but at the expense of the adjacent houses being dominated by the height and large scale of the Industrial sheds. In wider views of the village from the public rights of way on the higher ground of Bradwell Edge, the scale of the works and its dominating impact upon the village and its setting can be clearly seen.

Decisions taken by Newburgh Engineering a number of years ago led to the company re-locating most of their operations to Rotherham which has effectively downsized their engineering operations and industrial impact in Bradwell to a size where Newburgh Engineering now only occupy a small part of the buildings on the site. Whilst some buildings have been let to other users from time to time the majority of the site is now disused and the buildings are no longer fit for the purposes Newburgh Engineering now require.

### **Proposal**

The application has been amended since submission but remains for the demolition of all the existing industrial buildings followed by redevelopment of the site for 55 two storey dwellings, comprising 43 open market and 12 affordable units, along with the erection of a new L shaped industrial building housing 6 units behind Newburgh Hall. The development also comprises car parking, landscaping and drainage attenuation with the existing main works access from Netherside being retained for the new industrial units only and Bradwell Head Road being used to access the residential development. The open land beside Bradwell Brook would be landscaped to form public open space and would also contain a surface water drainage attenuation pond.

The main change in the application since submission relates to the erection of the detached 'L shaped' 929m<sup>2</sup> industrial building which instead of being a single user unit for Newburgh Engineering Ltd is now divided into 6 units, 1 for Newburgh with the remaining 5 Industrial 'Starter' units being for let. Consequently, the link extension has been omitted between the new industrial facility and the Newburgh Hall, within which the ancillary facilities such as offices and welfare were to be provided for Newburgh Engineering. Newburgh Hall and Gatehouse would be refurbished and remain as existing in respect of their uses.

The proposal shown on the amended plans comprises of the following detailed elements:

#### **Industrial Facility**

- 929m<sup>2</sup> of industrial space in 6 units, the largest of which (408m<sup>2</sup>) is intended to be occupied by Newburgh Engineering Ltd, the remaining 5 units ( 3 at 111m<sup>2</sup> & 2 at 93m<sup>2</sup>) being to let.
- The plans show the provision 17 (incl 2 disabled) car parking spaces, cycle parking and HGV delivery and turning space.

#### **Residential**

55 new dwellings comprising 43 open market houses and 12 affordable houses

Dwelling Types – All 2 storey houses.

12 x 2 bed affordable dwellings to meet local needs

16 x 3 bed

13 x 4 bed

14 x 5 bed

All the houses have a minimum of 2 dedicated parking spaces with the larger houses having between 3 and 6 spaces (including garaging).

#### Public Open Space

The open grassed area between the new housing and Bradwell Brook would be laid out as public open space within which there would be a surface water flood attenuation pond and footpath access to Softwater lane and the wider public right of way network.

#### Supporting information

An Environmental Impact Statement assesses the potential impacts of the proposed development in terms of Traffic and Transport, Landscape and Visual Impact, Ecology and Nature Conservation, Flood risk and drainage, Noise and Vibration, Air Quality, Ground conditions, Cumulative Effects/Summary of predicted effects. Since submission the Environmental Statement has been updated with further information taking account of the changes in the amended plans.

A Development Financial Viability Appraisal has also been submitted. This has been assessed by an independent Chartered Surveyor on behalf of the Authority and his findings have been incorporated in the assessment section below.

The application is also accompanied by an updated Planning Statement and a Design and Access Statement (not updated).

#### **RECOMMENDATION:**

**That subject to the prior entry into a Section 106 agreement which a) Transfers the 12 completed affordable units free of charge to the Bradwell Community Land Trust; and b) Restricts the occupation and affordability of the affordable houses, along with the prior completion and reporting of the results of an archaeological site evaluation (with any significant issues arising being reported back to Committee following consultation with the Chair and Vice Chair) that the application be APPROVED subject to the following conditions:**

- 1. Commence development within 3yrs**
- 2. Define approved plans**
- 3. Withdraw permitted development rights for extensions to the affordable houses only and for all housing - alterations to external appearance of the dwellings, porches, gates, fences walls or other means of boundary enclosure,**
- 4. Phasing of development – to secure that the affordable housing and the industrial space is provided during development of the market dwellings.**
- 5. Specify architectural details relating to walls roofs, drives, paths, materials, doors/windows, boundaries**

6. **Agree final finished floor levels for the houses prior to work commencing on the construction on the residential development (other than demolition)**
7. **Agree sample walling materials, roofing tiles, industrial sheeting profile/colour, surfacing and paving materials.**
8. **Submit and agree all joinery details/finish**
9. **Submit and agree with Implementation an amended landscaping scheme incorporating additional tree planting within the streetscene of the housing development and ecological enhancement of the open space comprising;**
  - **Revised Suds basin location and design as well as connectivity with the brook.**
  - **The retention of an increased area of unimproved grassland, with enhanced planting and seeding to maximise the ecological benefits.**
10. **No development to take place until a detailed plan/methodology has been agreed in writing for the long term maintenance of the area of public open space and the balancing pond by a suitable organisation**
11. **No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Authority.**
12. **No development shall take place until a detailed assessment has been provided to and approved in writing by the Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.”**

#### **Environment Agency Conditions**

13. **Carry out development in accordance with the approved Flood Risk Assessment (FRA) June 2014 and the following mitigation measures - finished floor levels are set no lower than 300mm above the 1:100-year climate change flood level.**
14. **Development not be commenced until such time as a scheme to ensure no raising of ground levels within the 1:100 year climate change outline has been submitted and approved.**
15. **No development until a scheme of site investigation and risk assessment to assess the nature and extent of any contamination of the site and deal with the risks associated via the submission of a remediation scheme (if required) shall each be**
16. **submitted for written approval by the Authority.**
17. **No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy including reporting of Unexpected Contamination Importation of soil to site and the effectiveness of the remediation shall be submitted to the Authority for written approval.**



- 18 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
- 19 No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Authority.

**Conditions covering construction and use**

- 20 Restrict the usage class of Industrial units to B1
- 21 Submit and agree scheme to mitigate noise levels from the new industrial facility and from the rear of Bradwell Autos in relation to adjacent housing.
- 22 Specify and agree construction working hours - to be restricted to 8am - 6pm weekdays and 8am – 1pm Saturdays, no working on Sundays or bank holidays.
- 23 Restrict timing of delivery vehicles servicing the industrial units.
- 24 Mitigation measures recommended in Environmental Statement to limit dust generation during the construction phase.
- 25 Submit and agree in writing a scheme of environmental management for the dwellings and industrial facility

**Ecology Conditions**

- 26 No development shall take place until a construction environment management plan has been submitted to and approved in writing by the Authority
- 27 No development shall take place until a Species Protection Plan detailing the protection and/or mitigation of damage to protected and notable species such as bats, badger, breeding birds, reptiles, water vole, otters, white clawed crayfish and their associated habitats has been submitted to and approved in writing by the National Park Authority.
- 28 No removal of vegetation or works involving demolition of buildings that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
29. Prior submission and agreement (with implementation) of any external lighting to be installed on site with the Authority.

**Highway Conditions**

- 30 Submit, agree and implement a travel plan for the whole scheme
- 31 No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and approved in writing by the Authority.

- 32 Development shall not be commenced on the residential scheme until a detailed scheme of highway improvement works along Bradwell Head Road together with a programme for the implementation and completion of the works has been submitted to and approved in writing. Work to be completed before any dwellings are occupied.
- 33 No housing development shall take place until construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing
- 34 The carriageway(s) of the proposed estate road(s) and footpaths shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s) footpaths. Final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling,
- 35 Internal estate street junctions shall be provided with 2.4m x 25m visibility splays in either direction The area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
- 36 The estate street layout shall be provided with 25m forward visibility sightlines, 17m in the case of speed control bends, as laid out in the County Council's 6C's design guide, the area in advance of the sightline being laid out as an extended footway, forming part of the estate street and not part of any plot or other sub-division of the site.
- 37 Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Authority.
- 38 Prior to the commencement of the development details shall be submitted to and approved in writing by the Authority showing the means to prevent the discharge of water from the development onto the highway.
- 39 Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Authority.
- 40 Dwellings not to be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Authority. Interim turning arrangements must remain available until any permanent estate street turning is available.
- 41 Premises not be occupied until space has been provided within the property curtilage for the parking and manoeuvring of residents and visitors vehicles (including secure / covered cycle parking), and thereafter maintained
- 42 The dwellings the subject of the application shall not be occupied until a pedestrian link has been provided to Soft Water Lane, designed, laid out and constructed, all as may be agreed with the Local Planning Authority in writing.
- 43 Any pedestrian access from the new residential street into the proposed commercial area shall be for private access use only, and shall remain so until such time that a fully segregated route can be demonstrated.

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- 44 The private driveways / parking spaces from individual properties, to the proposed estate street, shall not be taken into use until they have been provided with 2.4m x 25m visibility splays in each direction the sightlines remaining free from any obstructions to visibility over 1m high, Individual driveway / parking spaces shall also be provided with 2m x 2m x 45 degree pedestrian inter-visibility splays being maintained clear of any object greater than 0.6m in height.
- 45 The garage / car parking spaces shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
- 46 No gates or barriers, including any parts of their opening arc, shall be permitted to open out over public highway limits. In the case of the commercial area, any gate shall be setback a minimum 15m from Netherside and shall open inwards only.
- 47 No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority.
- 48 No commercial building shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed Thereafter, these areas shall be kept free of obstruction
- 49 No commercial building shall be occupied or use commenced until the car/vehicle parking area shown on the approved drawings has been completed and thereafter, the area shall be kept free of obstruction

#### Archaeological conditions

- 50 No development shall take place until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved by the Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Authority.
- 51 No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation
- 52 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."
- 53 Highway Advisory Footnotes
- 54 DCC Advisory Footnotes
- 55 Environment Agency Footnotes/Advice

## **Key Issues**

1. Whether there is a need to retain more or all of the site for continued employment purposes.
2. The principle of redevelopment of the redundant parts of the industrial site for housing.
3. Whether the level of market housing is justified enabling development to secure a viable development which delivers the enhancement of the site and meets the objectives of the Bradwell Neighbourhood Plan in terms of market and affordable housing numbers.
4. The appropriateness of the layout of the proposed housing and industrial development to its setting within Bradwell village.
5. The impacts of the proposal upon the Bradwell Conservation Area and its setting.
6. The impacts of the development upon the amenity of neighbouring properties, with particular regard to the potential for noise and disturbance from both the new industrial facility and the relationship of the proposed housing to the rear of the Bradwell Autos/Haulage site.
7. Highway/Access issues particularly in relation to the main access into the site being via Bradwell Head Road
8. Whether there are any significant environmental impacts likely to arise as a result of this development in respect of Landscape and Visual Effects, Ecology and Nature Conservation, Cultural Heritage and Archaeology, Socio-Economic, Geology and Soils, Water Environment, Noise and Vibration, Air Quality, Traffic and Transport and Cumulative Effects

## **Planning History**

### **Newburgh Works**

The engineering works, a B2 general industrial planning use, was established on this site in 1938, well before the National Park was designated. Over the years it has expanded considerably in both footprint and in the scale of buildings on the site.

Newburgh Engineering Ltd made decisions a number of years ago to re-locate the majority of their operations to Rotherham. They now run a split operation between Rotherham and Bradwell. This has resulted in substantial surplus industrial space at Bradwell, which on occasions has been rented out to other parties over the years.

Newburgh Engineering Ltd now occupy only a small area of the site and in a building/s that are largely no longer fit for purpose. Whilst they wish to retain part of their business in Bradwell they require new purpose built premises fitted out to meet current/future needs.

The planning history lists a number of planning applications for new sheds and associated works to expand the site over the years. The notable ones relevant to the application comprise;

1978 - Planning Application for extension of tipping scheme on the open area of land between the works and Bradwell Brook where the company were tipping foundry sand. Following completion this land was levelled seeded and used as a sports area.

2013 – Approval for replacement roof covering & replacement windows as part of a Thermal Insulation improvement works scheme to shop 6 (i.e. the unit Newburgh propose to move into).

2014 – Outline application - Masterplan for the development of Newburgh Engineering industrial site and adjoining land into a balanced mixed use residential, industrial, commercial, retail and social scheme withdrawn.

### Newburgh Hall/Gatehouse

1998 – Approval for Change of use from social club to offices and light industrial use Newburgh Social and Sports Club

1999 – Approval for Change of use of Newburgh Hall to antiques centre, 3 workshops and coffee shop - Implemented but the centre closed down some time ago.

The Gatehouse has been used in the past as a reception point and office/meeting room for Newburgh Engineering and more recently as a police station/office however that use ceased in 2014.

### **Consultation Responses**

These are summarised below, with the originals available to view in full on the Authority's website.

#### Derbyshire County Council - Economy, Transport & Environment Department – No objections

Response to the Submitted scheme: This is a unique brownfield redevelopment opportunity, particularly because of the scale of the housing development proposed at up to 55 units. Although the PDNPA does not have a housing target in the Core Strategy the development could contribute to meeting some of the housing provision requirements recently set out in the Draft Derbyshire Dales Local Plan.

The key concern with the proposed development is the amount of affordable housing proposed - 8 affordable units i.e. only 14% affordable. This is a unique housing development opportunity in the National Park to provide a sizeable amount of much needed affordable housing for the area and it is therefore essential that the level of affordable housing is maximised on the site in the context of Policies and at a level which is considered by the PDNPA to be financially viable. As currently proposed, the level of affordable housing on the site would appear to be far too low in the context of the 'exceptional' approach to new housing development in Policies DS1 and HC1 of the LDFCS and would weigh significantly against the acceptability of the proposed development, notwithstanding the potential positive locational and housing land supply benefits of the scheme outlined above.

DCC's Landscape Officer has no strategic landscape comments.

*No Response to date on amended plans (Planning Officer note – The amended scheme is for 12 units of affordable housing which will be provided free of charge to the Bradwell Community Land Trust who would let the houses to local persons in need of housing via a management agreement with PDRHA)*

#### DCC Strategic Infrastructure and Services – No objections – footnotes recommended

In summary, advice to be provided via notes attached to planning permission (if granted) on:

- Access to high speed broadband services for future residents (in conjunction with service providers); and
- Designing new homes to Lifetime Homes standards.

DCC Flood risk management team – No objection subject to conditions covering the following;

A maintenance plan is required to demonstrate the maintenance methodology and detailing the likely organisation/authority who will adopt and, or maintain the balancing pond for the lifetime of the development. It is noted that the applicant has undertaken a desk based study of existing ground conditions but has not undertaken any intrusive ground investigation to support and inform the application. Therefore the application cannot fully demonstrate the runoff destination hierarchy as described in Document Part H of the Building Regulations 2000.

No information has been submitted to illustrate the exceedance flood flow paths in excess of the 1 in 100 year rainfall event. This is necessary, where reasonable practicable, in accordance with S9 of the Non-statutory technical standards for SuDS (March 2015) to minimise the risk to people and property. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

Any works in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc.)

Recommends the following conditions/footnotes;

1. Submit and agree detailed design and associated management and maintenance plan of surface water drainage for the site.
2. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

Advisory Notes :

A - The applicant should the appropriate level of treatment stages from the resultant surface water in line with the CIRIA SuDS Manual C697. This type of development requires >2 treatment stages before outfall into a surface water body/system which may help towards attainment of downstream receiving watercourse's Water Framework Directive ecological status.

B - It is advised that any SuDS features are designed and constructed in accordance with the specifications presented in the CIRIA SuDS Manual C697.

C - As the site is currently developed, it is recommended that the applicant appropriately investigates the condition/functionality of any existing surface water infrastructure which may be utilised within the proposed drainage strategy.

D – Further Notes on how to overcome objections and discharge conditions.

Derbyshire County Council - Highway Authority – No objections subject to conditions.

Comments as follows:

The applicant has been in ongoing discussions with DCC and has now demonstrated an internal layout that is both acceptable and suitable for adoption. Modifications to the layout of Bradwell Head Road can be covered by Condition.

The pedestrian link to Soft Water Lane is across land within the control of the applicant and can therefore be provided. The alternative footpath link through the commercial area is now shown as terminating – raise no objection to this being retained as a private pedestrian area into the commercial area for staff use.

Accordingly, subject to inclusion of the conditions and advisory notes which have been incorporated into the officer recommendation above, the Highway Authority does not wish to raise any further highway comments:

Derbyshire Dales District Council – Objected to the submitted plans as only 8 affordable dwellings were being provided instead of 12.

The Bradwell Housing Need Survey identified that 12 new homes are required. The proposal for 8 x 2 bed homes would help to meet the predominant need from smaller households, with the District Council recommending that a local lettings policy is attached to allow flexibility on household size. The proposed new affordable homes should be owned and managed either by the newly formed Bradwell Community Land Trust (CLT) or a housing association already operating in our area.

The District Council strongly resists this proposal as only 8 of these 12 homes will meet the need identified in the survey, with 4 of the 12 being open market with a 20% discount for local people. The Bradwell Housing Need Survey of 2014 did not identify local people that would be able to afford an open market home with a 20% discount and it is also unclear how this model would work in practice. The plans indicate that 8 of the affordable homes will be bordered by a garage, a factory and workshops - whilst the site is constrained, householders with less choice should not be penalised. The plans also indicate that the 2 bed homes have a floor area of 72m<sup>2</sup>. The government's Technical Housing Standards – Nationally Described Space Standards (DCLG, March 2015) indicate that a 2 bed 4 person property should be a minimum of 79m<sup>2</sup>. In terms of tenure, the District Council strongly recommends that the 12 homes are provided for rent. This is supported by both the recent Housing Need Survey and previous attempts to sell shared ownership properties in Bradwell, which in the end were converted to rent.

The affordable housing need identified in Bradwell's Housing Need Survey of 2014 may also suddenly increase in the near future. Newburgh has around 18 properties in Bradwell that it rents out privately. Recent efforts by Newburgh to sell some of its properties, led to a number of households being threatened with homelessness and approaching the District Council for help in finding a new home. In summary, this brownfield site in the centre of Bradwell is a very rare development opportunity and, as such, it is important that 12 affordable rented homes are achieved on site which are owned and managed by Bradwell CLT or a housing association.

*Officer Note: No response to date on amended plans which now propose 12 affordable dwellings for rent in line with the surveyed needs and of a size which meets the PDNPA floorspace guidelines.*

DDDC Economic Development Manager – Support amended proposals

#### *Submitted Scheme*

The significant planning history of the site supports the need to find a solution acceptable in planning terms which helps maintain the village as both a living and working community. Retaining (and creating the conditions for more) higher skilled jobs is a priority of the Derbyshire Dales Economic Plan 2014-19.

Whilst the proposed scheme involves the loss of employment space (although understood to be underutilised at present), the redevelopment of modern industrial space will enable retention of the 25 skilled jobs currently employed on site. Safeguarding these jobs is important to the local economy.

Previous applications for the site have included incubation space for start-up / small businesses which are not included within this application. The recent Derbyshire Dales Housing and Economic Development Needs Assessment (GL Hearn Sept 2015) points to a predominantly local market for office and industrial premises within the District with some demand for small, industrial space. Although a small number of units would be a welcome addition to the scheme (and help replace some of the employment space lost), officers are mindful of the need to strike a balance between desired development and scheme viability. However, subject to the outcome of this assessment and taking account of issues already identified regarding proposed levels of affordable housing, the delivery of new premises to retain existing skilled employment in the area remains the priority.

Regarding the design, it would be preferable for the proposed workspace to be capable of subdivision and adaption if necessary to provide for other business uses in the future.

#### *Amended Plans*

As per the District Council's comments on the original submission, although the proposal involves the loss of (underutilised) employment space, the mixed use redevelopment of the site to include new modern industrial space - now understood to comprise B1 light industrial floor space – is supported. The provision of new industrial space to both retain the existing business and accommodate potential new tenants is welcomed and will benefit the local economy. However, whilst circulation within the proposed access yard area has been improved, it is advised that consideration is given to increasing the 17 car parking spaces currently proposed to serve 6 business units.

Regarding the range of proposed uses for Newburgh Hall, careful consideration needs to be given to appropriate uses for this building. Uses which could negatively impact on business operations within the new units should be resisted. To help make up for the overall loss of employment space on the site, consideration should be given to utilising the building for additional employment uses, potentially through the provision of good quality, affordable office space suitable for occupancy by smaller firms assuming adequate demand can be demonstrated.

DDDC Environmental Health Team- No objections to the scheme.

Bradwell Parish Council – Unanimously approve the amended scheme

#### *Objected to submitted plans*

There is a general acceptance within the village that development of the site would be of benefit to the community, provided that any such development is of a scale which is in keeping with the size of the community, and that the community would derive tangible benefits, such as affordable housing for local people.

Council has formed the opinion that although we would like to support the application, because it is close to being the sort of development which would be good for the village, there are some areas which we feel are inappropriate as submitted. The issues in question are: a. Housing: b. Vehicular Access: c. Car Parking in and Around the Site d. Pedestrian and Cycle Access



We are impressed by the general quality of the submission and believe that if the amendments itemised above can be incorporated, the development would create an enhancement to the site of the highest quality, in keeping with the special nature of Bradwell village.

### Amended Plans

Unanimous decision to approve the application in principle, subject to clarification of the following points.

1. The construction materials for houses – *Officers have advised natural stone will be conditioned*
2. The plots at the rear of Bradwell Autos which has expressed concern about night noise due to their activities. We would need confirmation that relevant noise measurements will be carried out to assess the level of possible nuisance and assurances that appropriate measures would be taken to minimise any disturbance for occupants. The concern about noise does of course extend to the whole site, including the newly constructed Newburgh Engineering facility and we assume noise measurements will take place for that facility as well. *Officers note that whilst no objections have been raised by the Environmental Health Officer the Authority is aware of the potential for disturbance from compressors and other activities which whilst this may or may not amount to a statutory nuisance but consider it prudent to require this concern to be addressed by conditioning the agreement of a scheme of survey and mitigation works to ensure the occupiers of the affordable units are not subjected to unacceptable adverse impacts upon their amenity.*
3. We require clarification as to how the pedestrian access via Softwater Lane will be owned and managed. *Officer Note – This is within the ownership of the applicants and is covered by Grampian style condition.*
4. Bearing in mind the above we would ask that the Design and Access Statement be updated. *Officer note – Although ideal practice this has not been updated and there is no formal mechanism to insist upon this.*

Continuing concern about parking and access has been expressed at our open meetings by several residents who live along Bradwell Head Road. *Officers note additional measures now included in the application.*

The Council was very pleased to see that as an integral part of the agreement, twelve affordable homes are to be provided, free of charge, to be owned by Bradwell Community Land Trust.

Finally, the Council did recognise that there are still some outstanding issues relating to the layout, viability, ecology and archaeology which may instigate some changes about which we are unable to comment at present. It is assumed that the outcome of these issues will be publicised and further comment invited. *Officer Note – These issues are addressed in the conditions and footnotes.*

Council supports the general principles of this application which should help to maintain a vibrant community.

### Western Power Distribution - No Objections

The existing site has two distribution sub stations (one feeds out onto the LV network feeding the village of Bradwell, with the second being for the existing Engineering works), LV & HV cables within the development area. Before any works could commence the developer would

need to approach WPD with a detailed plan so that the equipment can be diverted. This work would be chargeable to the developer. Any demolition works must not be undertaken while live electrical equipment is in proximity.

Environment Agency – No objections, in principle, to the proposed development but recommends that if planning permission is granted planning conditions are imposed covering the following issues;

Flood risk, groundwater and contaminated land, biodiversity protection and enhancement, and protected species along with footnotes re agreement over foul and surface water waste disposal

Severn Trent Water – No reply to date

However, in relation to the previous withdrawn application commented in 2013 and raised no objections subject to the following condition and advice note which are still relevant today:

1. Submit agree and then implement plans for the disposal of surface water and foul sewage.
2. Note that there is a public sewer located within the application site. The developer is advised to contact Severn Trent Water to discuss a solution which protects both the public sewer and the proposed development.

Crime Prevention Officer – No objections

Measures to reduce opportunities for crime and disorder have been incorporated into the design. No further comments to make to amended plans.

PDNPA Policy Team – No objections in principle

PDNPA Transport & Climate Change Policy Team – No objections in principle

Comments summarised as follows;

#### *Travel Plan*

The application states no travel plan was required to support the application because the proposed development falls below the threshold set out within the six counties design guide.

Whilst the development may fall below the threshold within the six counties design guide, regard should be made to Policy T2 of the Peak District National Park Local Development Framework Core Strategy. Policy T2: Reducing and Directing Traffic, Part F states:

*“Sustainable transport patterns will be sought that complement the development strategy (DS1). Travel Plans will be used to encourage behavioural change to achieve a reduction in the need to travel, and to change public attitudes toward car usage and public transport, walking and cycling. Travel Plans to reduce traffic movements and safeguard transport infrastructure will be required on appropriate new developments and encouraged on existing developments.”*

In this instance, we believe that the size of the development, which is significant in size for the National Park, necessitates the requirement of a Travel Plan. There is much within the Transport Assessment that would lend itself to a Travel Plan for the site, and whilst we appreciate that this may be an unexpected area of work, we believe that it demonstrates a commitment to delivering opportunities for sustainable travel to, from and within the site.

### *Parking and access*

States that the majority of dwellings are proposed to accommodate at least 2 vehicles. This appears to be in line with the adopted Derbyshire Parking Standards within the Peak District National Park Local Plan 2001. This states that there should be 2 parking spaces for 2-3 bed dwellings and 3 spaces for dwellings of 4 or more bedrooms. On the basis that the site will comprise a total of 31 2-3 bed roomed houses and 24 4-5 bed roomed houses, the total provision should not exceed 134 spaces for the residential development, unless there are exceptional circumstances.

The quantum of parking referred to is within the limits specified within the Derbyshire Parking Standards as contained within the District National Park Local Plan 2001 and are therefore acceptable.

The measures being undertaken to ensure that there is good accessibility on foot and by cycle to shops, services and public transport are supported.

The approach detailed of ensuring that the residential parking is located within the curtilage is appropriate in this location, particularly as it should reduce on-street parking by all but visitors.

### *Sustainability, Sustainable Construction (page 69 of D and A statement)*

The potential measures referred to are welcomed as a means of reducing the environmental and carbon footprint of the site. It is important that as many measures as feasibly possible to both mitigate against, and adapt to climate change within the development. We would welcome clarification as designs are firmed up as to what measures will be included. If approved, the development offers an opportunity to demonstrate an exemplar approach to sustainable building with the National Park.

### Natural England – No objections

#### *Statutory nature conservation sites – no objection*

The proposal is unlikely to affect any statutorily protected sites or landscapes.

#### *Protected species*

Have not assessed impacts on protected species and refer to Standing Advice.

#### *Local sites*

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the Authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### *Biodiversity enhancements*

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. (para 118 NPPF)

### *Landscape enhancements*

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

### *Sites of Special Scientific Interest Impact Risk Zones*

The Authority must consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest”.

### Derbyshire Wildlife Trust - No response

### PDNPA Conservation Officer – No objections subject to conditions

Makes a large number of detailed comments which have largely been incorporated into the amended plans and or conditions. The remaining summarised points include:

#### 1. *Relationship between Conservation Area at Netherside and the new development*

It is disappointing that there is no direct physical connection between Netherside and the residential areas of the development site, and only minimal visual connection. However, if an opportunity arises in the near-future to provide a pedestrian connection by extending the path up to Netherside, this would be welcomed.

#### 2. *Materials*

In discussions the unacceptable palette materials for the houses has been remedied, this information is required to be conditioned and should include the stone type (e.g. limestone, gritstone) proposed for walling, dressings, chimneystacks, as well as proposed roofing material. The proposal is for the large open areas of block paving to be coloured ‘Red/Charcoal Multi’ is inappropriate a grey colour would therefore be more appropriate.

NPPF paragraph 131 emphasises “the desirability of sustaining and enhancing the significance of heritage assets”: there is no suggestion in the proposals that enhancements to the exterior of Newburgh Hall, a non-designated heritage asset, are proposed. Removing the non-traditional, modern cement render would be a positive enhancement to the heritage asset and should be considered; if the stonework is in too poor a condition to be left unexposed, re-rendering the building in a more sensitive, traditional lime render would still be an enhancement.

#### 3. *Boundaries*

There are still places where boundaries to the public domain are not edged with stone walls to the back edge of the pavement.

The eastern boundary to the development, with the curved road and hedgerow, creates a weak edge to the site; the choice of hedging, in particular, is non-traditional in the settlement and in the location. Stone walling would be more in keeping and provide greater definition to the boundary.

#### 4. *Newburgh Hall*

The proposal appears to be removing the external steps to the south elevation gable. These are a significant feature of the non-designated heritage asset should be retained.

PDNPA Landscape Architect - Whilst in principle the proposed replacement the out of scale and unattractive industrial units with a more appropriate use / grain is considered to be positive, he does not consider the proposed development meets the requirements of Policy LC4 Design, Layout & Landscaping (a) 'where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area' so cannot support the application as it stands.

In respect to the amended plans states, pragmatically, whilst not happy with the overall scheme layout, do not object to it in principle. However, he does have a series of concerns regarding the detail of the scheme and whilst each individually is not significant, collectively their cumulative effect is and does not think these concerns can be resolved solely via conditions. Recommends a revised plan covering the following key landscape issues:

1. Screening of the southern elevation of the industrial units (the proposed 'instant hedge' is not enough)
2. The lack of tree planting in front gardens which would enhance the streetscape.
3. The 'home zone / shared surface' spaces within the housing areas are devoid of any interest and therefore serve limited function.
4. The inappropriate curving & discontinuous hedge / wall boundary with the open space to the east - would like to see a continuous straight dry stone wall to the east of the road – the curved carriageway could remain and wildflower seeding utilised inside the wall boundary.
5. It appears that on this eastern boundary there is a 600mm wide 'apron' on either side of the road – I would ideally like to see these 'aprons' removed and a proper pedestrian footpath link (ideally on the west side of the road) put in place to aid pedestrian permeability.
6. As the scheme layout extends the existing development edge into the existing open space I would like to see enhancements to this open space. Whilst I am happy to leave exact details of this to ecology colleagues, I think the SuDS scheme is not well-considered (basically an oval on the plan), there is far too much amenity grass seeding (areas of disturbance should be minimised and any re-instatement should be based on the use of sub-soil and appropriate wildflower seeding). However, the design & management of this area is something that could be secured by condition.

PDNPA Ecologist - No objection subject to conditions

#### Recommended Conditions

1. No development shall take place until a construction environment management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Authority.
2. No development shall take place until a Species Protection Plan detailing the protection and/or mitigation of damage to protected and notable species such as bats, badger, breeding birds, reptiles, water vole, otters, white clawed crayfish and their associated habitats has been submitted to and approved in writing by the National Park Authority.
3. No removal of vegetation or works involving demolition of buildings that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
4. Prior submission and agreement of any external lighting to be installed on site with the Authority.

## Historic England

### Summary

Bradwell crosses the Grey Ditch a Scheduled Monument designated on the basis of its national archaeological importance. The archaeological potential of the site to support the significance of the Grey Ditch a Scheduled Monument is insufficiently addressed in this application. A staged programme of archaeological investigation will be essential based closely upon the advice of the National Park's Acting Senior Conservation Archaeologist (see NPPF para 128 /129 and 141). Provision should be made for the preservation in-situ of remains of demonstrably equivalent importance to scheduled monuments (NPPF 139). If these issues are not properly addressed we would view the application as representing unjustified harm to the scheduled monument's significance (NPPF 132 / 134).

### Historic England Advice

Bradwell lies to the south and partly across the line of the Grey Ditch a Scheduled Monument designated on the basis of its national archaeological importance. This massive earthwork feature is understood to have been constructed in the early medieval period following the collapse of Roman rule. In forming a line of control at the junction of the Roman roads from the Peak south of Navio fort, the Grey Ditch expresses something of the new political realities of the period. Any remains of late Roman or early medieval date which could be located on the Newburgh Works site would have the capacity to dramatically extend and modify our understandings of the context in which the Grey Ditch was built and used, and hence would relate directly to the conservation of its significance a matter to which great weight should be given by your authority (NPPF 132). The archaeological potential of the site to support the significance of the Grey Ditch a Scheduled Monument is insufficiently addressed in the ECUS report supporting this application. Given the likely shallow screed floors of the existing industrial buildings on site there is substantial archaeological potential throughout the site as a whole not just within areas of undeveloped ground (contra the ECUS report). A staged programme of archaeological investigation will be essential based closely upon the advice of the National Park's Acting Senior Conservation Archaeologist (see NPPF para 128 /129 and 141). Provision should be made for the preservation of in-situ of remains of demonstrably equivalent importance to scheduled monuments (NPPF 139). If these issues are not properly addressed we would view the application as representing unjustified harm to the scheduled monument's significance (NPPF 132 / 134).

### Recommendation

We recommend that you follow closely the advice of your Acting Senior Conservation Archaeologist and Conservation Officers in respect of appropriate archaeological investigation and mitigation so as to overcome the unmanaged risk to the significance of the Grey Ditch scheduled monument. In the absence of such issues being addressed we do not believe the application can be safely determined. With regard to the potential of development on site to enhance and support the character of the Conservation Area we refer you to advice of the Authority's Conservation Officers.

### PDNPA Archaeologist – No objection subject to conditions

The application is accompanied by a cultural heritage desk-based assessment prepared by ECUS. This document provides an accurate assessment of likely archaeological impacts from the redevelopment proposals and I recommend that this meets the heritage information requirements at NPPF para 128 with regard to below ground/buildings archaeology.

The scheme will involve the loss of the industrial buildings at Newburgh engineering, and alterations to the former police station and Newburgh Hall. Newburgh Engineering was established on the site in 1938, and most of the industrial buildings on the site are likely to date from the mid-20th century. In built heritage terms the site is of minimal significance and does not require a historic building record. The police station and Newburgh Hall are, however, locally significant buildings judged important in terms of the Conservation Area. These should be subject to a baseline historic building record and structural watching brief during alteration works to provide a mitigation record in line with NPPF para 141.

With regard to below-ground archaeology the site contains a findspot (approximate) of two Neolithic polished stone axes (MPD566) potentially indicative of purposeful deposition. The DBA also notes prehistoric (a roundhouse, cist burial, lithic stray finds) and Romano-British (Roman roads, a spindle whorl, pig of lead and a burial) evidence from within the vicinity of the site. There is consequently some potential for buried archaeological remains within the proposal site, though this is likely to have been severely impacted within the footprint of the Newburgh Engineering buildings.

Archaeological potential is therefore primarily concentrated within the small undeveloped area to the east, and in open areas of the Newburgh Engineering site. It has been accepted in the context of previous applications that the archaeological interest in the site could be addressed through mitigation work secured by planning conditions, and I see no need to vary this approach in relation to the current proposals. The archaeological work should comprise a phase of trial trenching to identify areas of archaeological interest, followed by strip and-record/open area excavation of any significant archaeology thus identified. This would be in line with NPPF para 141, to ensure the recording of archaeological remains in advance of development impacts. The following conditions should therefore be attached to any planning consent:

a) No development shall take place until a Written Scheme of Investigation for archaeological work, historic building recording and structural watching brief has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

## **Representations**

At the time the report was drafted 23 representations had been received comprising of 13 objections, 2 raising concerns, 8 making comments and 3 letters of support. The points made are summarised below. Please note that full copies of all representations along with all the documents relating to the application are available on the Authority's web site.

Those raising objections make the following points with many commenting they could support it had the scale and access been changed

1. Bradwell Head Road as the sole entrance to the new housing development is totally unsuitable in its present state due to its width, alignment and no's of resident parked vehicles.
2. The localised highway improvements on Bradwell Head road are insufficient to compensate for loss of parking spaces
3. Question the traffic consultants survey methodology in assessing Bradwell Head Road
4. There is inadequate infrastructure in the village to sustain the influx of new residents.
5. Conflict with the Bradwell Neighbourhood Plan which limits the maximum of open market houses to 40, based on an acceptable housing density for the usable land. This application exceeds this number by 17.5%.
6. Bradwell has a recognised need for twelve, rented affordable houses not six rented houses and two shared ownership properties. This provision does not meet the identified needs. There are two 'intermediate' houses within the plan. These will be available for purchase to people demonstrating a local connection, for the first sale only. Thereafter these houses will revert to open market housing, unless a section106 agreement is applied.
7. The need in Bradwell is for employment to attract young families to reverse the decline in the number of school pupils
8. Bradwell is becoming a retirement home, or dormitory for the richer workers in Sheffield or Manchester. If this application is allowed proceed, it will exacerbate this process, and further erode the essential character of the village.
9. The few affordable homes to be built will be as small as is legally permissible, certainly quite unsuitable for bringing up families.
10. The only concession to the need for employment in the proposed plans is the construction of generous new premises to replace the existing Newburg buildings; this will give relatively little extra employment.
11. The opportunities for small start-up businesses, on which the long-term economic health of Bradwell depends will be greatly diminished by the loss of the industrial buildings.
12. The few affordable houses proposed in this development will be grouped around Bradwell Auto Services, a thriving engineering business which is definitely an asset to Bradwell. This company sometimes has to carry out fairly noisy work late into the evening, and it is clearly not a good idea to surround them with domestic dwellings.



13. Size of affordable housing is inadequate and therefore does not meet Bradwell's need.
14. 6C's design guide states 'New residential streets should be designed to form part of a well-connected street network'. Paragraph 3.16 states 'such a development will usually need at least two access points to the highway network'. This plan does not meet these requirements.
15. There is a severe shortfall of parking spaces and will therefore add to existing parking problems in Bradwell
16. The modern street layout without footpaths is dangerous
17. Little overall planning gain to the residents of Bradwell from this application.
18. The greatest need in Bradwell is for job opportunities. The engineering provision related to this application is for mainly highly skilled engineers. The employer has recognised that these skills are not widely available in the area. This implies that there is limited gain for the village.
19. The application recognises 'enhanced leisure facilities' but plans only identify a section of green space which has been recognised as unsuitable for house building.
20. The mix of open market dwellings does not include any provision for those villagers contemplating downsizing.
21. Safety concerns about young children accessing the brook

Those raising concerns make the following points

1. The possibility of contamination within the site from engineering operations
2. Strong concern about the proximity of new housing to the recovery/garage/haulage garage and the potential impact of adverse noise affecting the houses or the presence of the houses impacting adversely on the business operations.
3. No provision appears to be made for rainwater soakaways at the dwellings

Those making general comments make the following points

1. No direct pedestrian access to Netherside
2. Concern about potential traffic congestion on Bradwell Head Road and question its suitability for use and suggest the existing access is used instead
3. No bungalows in the scheme meeting the local elderly's needs
4. Question the need for 4 and 5 bed houses.
5. Question the layout of the affordable units
6. Safety and suitability concerns over the use of the proposed footpath to Soft Water lane over lack of lighting, conflicts between pedestrians/cyclists using the narrow bridge over the brook and residents cars as well as on Soft Water Lane which is regularly used by agricultural vehicles and large contractors machinery in addition to flooding regularly.

7. Amenity issues over the revised layout which results in the houses immediately behind Willow Brook House looking into each other's windows and made worse by the proposed removal of the only tree which would give some limited screening.
8. The boundary between Willow Brook House drive and the site needs to be fully defined by dry stone walling to maintain continuity.
9. More through paths needed to integrate the development with the village
10. More residents only parking required to stop on-road parking
11. Limestone walling should be used and wooden windows, not UPVC
12. More landscaping within the housing area is needed and more tree-planting is needed on the open space to match the adjacent scrub areas.
13. More terraced houses and less large houses should be employed to match Bradwell character and provide for local families
14. There is no sustainable energy generation on any of the dwellings or industrial units

Those supporting the scheme make the following points:

1. Development will greatly improve Bradwell's village character and that none of the site's existing buildings have any special architectural interest.
2. With regard to the proposed factory / industrial unit, I feel it is important that it does not overwhelm Newburgh House
3. The PDRHA state they are in discussions with Bradwell CLT over PDRHA managing the affordable houses for the CLT given PDRHA's close working relationship with DDDC and experience of working with local communities.

Bradwell CLT

1. The Bradwell Neighbourhood Plan states a requirement for 12 affordable houses on the Newburgh based upon the latest housing needs survey. Therefore BCLT is pleased to see that 12 affordable houses for rent are to be provided free of charge. BCLT has made its existence known to the developer of the Newburgh site and would like all stakeholders to know that it wishes to be the provider of affordable rented housing on the Newburgh site.
2. BCLT is aware that in order to secure the affordable rented housing, details of any agreement will have to be included in the Section 106 agreement for the site. BCLT would ask that this legal agreement and any other documents required make it clear that the affordable rented properties will be handed over to BCLT.
3. BCLT will have to consider its future obligations when delivering the affordable housing and its primary concern will be the wellbeing of its future tenants. BCLT has been working with the Planning Policy team and Derbyshire Dales Housing on a lettings policy that provides maximum benefit for the people of Bradwell and surrounding parishes.

4. BCLT also recognize that the ongoing management of the affordable houses will be facilitated by a housing association, and we have started this engagement. There is a note of support for this development from Peak District Rural Housing as one of the people we will engage with before the houses are delivered. We also expect all candidates to be generated through the Home Options scheme.
5. BCLT is aware there is one concern that may affect the peaceful enjoyment of the eight affordable houses that back onto BM Charles garage. The garage is a 24/7 operation and provides much needed local employment. While the proposed specification of the houses is of a high quality we would like to see a noise audit carried out and suitable noise protection built into the planning conditions.

## **Planning policies and Legislation**

### **Legislation**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires the Authority to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that where an application is made to the Council for planning permission, the Authority shall have regard to the provisions of the development plan and any other material considerations.

Section 72 of the Listed Building Act 1990 contains a requirement for the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

### **Development Plan Policy**

#### **Major Development in a National Park**

Whether a proposed development in the Park should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, is stated by the National Guidance to be a matter for the relevant decision taker, taking into account the proposal in question and the local context. In this case the current proposals comprise 'major development' because the application seeks permission for EIA development comprising 55 houses and commercial buildings with a floor area of 929 m<sup>2</sup> and because of the overall scale and impact of the development upon the village.

GSP1(D) in the Authority's Core Strategy says in securing National Park purposes major development should not take place within the Peak District National Park. Major development will only be permitted following rigorous consideration of the criteria in national policy which is set out in para 116 of the NPPF.

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

1. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
2. the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

3. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

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

#### The Authority's Local Development Framework Core Strategy Development Plan Document adopted in 2011

This provides, along with saved policies in the 2001 Local Plan, the policy framework for considering the development. The following list of policies are those of which account has been taken in the consideration of the application:

Core Strategy - GSP1, 2, 3, 4, DS1, L1, L2, L3, CC1, CC2, CC5, HC1, E1, T2, T3, T6, T7.  
Saved Local Plan Policies - LC4, LC5, LC8, LC15, LC16, LC17, LC18, LC19, LC20, LC21, LC22, LC24, LH1, LH2, LE4, LE6, LU1, LU2, LT10, LT11, LT17, LT18, LT21, LT22.

In summary, General Strategic 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 promotes sustainable development. GSP2 supports development that would enhance the valued characteristics of the National Park and sets out the criteria upon which proposals intending to enhance the park must meet and states that they must demonstrate significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and not undermine the achievement of other policies. Furthermore work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings. Policy GSP3 sets out the principles and finer criteria for assessing impact on valued characteristics stating that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Policy GSP4 covers the use of Planning conditions and/or legal agreements to achieve the spatial outcomes in the plan.

GSP3 is supported by the provisions of saved Local Plan policy LC4 (a), which says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4(b) goes on to say, amongst other things, that particular attention will be paid to scale, form, and mass in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting along with design matters, landscaping the amenity of nearby properties and any nuisance or harm from lighting schemes

Local Plan policy LC5 also seeks to preserve and enhance the National Park's historic built environment and respectively address development that would affect the special qualities of a designated Conservation Area and its setting. Local Plan policy LC5 requires that development within Conservation areas should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. Proposals involving demolition of existing buildings which make a positive contribution to the character and appearance or historic interest of the Conservation Area will not be permitted unless the demolition is to remove an unsightly or otherwise inappropriate modern addition to the building.

Core Strategy (CS) Policy DS1 sets out the development strategy for the park and states that the majority of new development (including about 80 to 90% of new homes) will be directed into Bakewell and named settlements such as Bradwell. In all settlements it states that the following forms of development (relevant to this case) will be acceptable in principle; extensions to existing buildings; recreation and tourism; conversion or change of use for housing, community facilities and business uses including visitor accommodation, preferably by re-use of traditional buildings; renewable energy infrastructure; utilities infrastructure; other development and alternative uses needed to secure effective conservation and enhancement.

In the named settlements like Bradwell it states there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements new build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises. Other than in Bakewell, no development boundaries will be drawn.

Policy DS1 further states that Where there is pressure for development and the National Park Authority is uncertain about the capacity for this in a named settlement, an assessment of site alternatives will be required to demonstrate the extent of development which may be permitted. This process should involve the Parish Council or Parish Meeting and demonstrate that the proposed development complements the settlement's overall pattern of development; the character and setting of nearby buildings and structures; and the character of the landscape in which the settlement sits.

L1 requires that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan, and other valued characteristics. L2 requires that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate, their setting. L3 seeks to ensure the National Park's historic built environment is conserved and enhanced for future generations and set out three criteria under which the current application should be assessed because of the potential impacts proposed development on cultural heritage assets of archaeological, architectural, and historic significance:

- A. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest;
- B. 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 of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;
- C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.

Policy CC1 seeks to build in resilience to and mitigate the effects of climate change and requires all development, amongst other things to; make the most efficient and sustainable use of land, buildings and resources, take account of the energy hierarchy and achieve a minimum sustainability standard in all new housing. CC2 and CC5 cover low carbon and renewable energy development and flood risk and water conservation respectively.

Policy E1 relates to business/economic development in towns and villages. Proposals for business developments are acceptable in DS1 settlements like Bradwell as long as they are of an appropriate scale consistent with the needs of the local population. Where possible proposals should reuse existing traditional buildings or previously developed sites. Specifically the policy states that improvements to existing employment sites to make them more attractive to business will be welcomed. Policy E1D further states that the Authority will safeguard existing business land or buildings, particularly those of high quality and in a suitable location. It goes on to states that where the Authority consider an employment site to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

Policy HC1 sets out the Authority's approach to new housing in the National Park. The supporting text to policy HC1 clearly sets out at paragraph 12.18 that new housing in the National Park is not required to meet open market demand. However, paragraph 12.19 goes on to acknowledge that the provision of open market housing is often the best way to achieve conservation and enhancement or the treatment of a despoiled site and makes specific reference to the redevelopment of employment sites (this is followed through in E1D).

Policy HC1 states that exceptionally new housing (whether newly built or from re-use of an existing building) can be accepted where it A) addresses eligible local needs B) provides for key workers or C) in accordance with core policies GSP1 and GSP2 it is required to achieve conservation or enhancement in settlements listed in DS1 e.g. Bradwell. For schemes like this which propose more than one dwelling they must also address identified eligible local needs and be affordable with occupation restricted to local people unless a) it is not financially viable, or b) it would provide more affordable homes than are needed in the parish and adjacent parishes, in which case a financial contribution will be required towards affordable housing elsewhere in the park.

In respect of affordable housing (although none is now proposed as part of this development) Local Plan policies LH1 and LH2 are relevant as they set out the requirements in terms of the occupancy of affordable housing units. LH1 relates to the circumstances in which a person can occupy an affordable housing unit. They must be in housing need, with that need unable to be met by the existing housing stock. It requires that a potential occupant meets local occupancy requirements as set out in policy LH2 and that the units are of a size and type likely to stay affordable in perpetuity.

Policy T1 aims to reduce the need to travel by unsustainable means. Paragraph 15.25 of the Core Strategy states that the Landscape Strategy and the Design Guide give a design context for infrastructure projects and complement the Manual for Streets for settlements. Streets should be places where people want to live and spend time, rather than just being transport corridors. Nationally, high standards of urban design are expected in towns and villages with transport infrastructure contributing positively to the quality of the street scene. In a national park nothing less is acceptable. T3A therefore states that Transport infrastructure, including roads, bridges, lighting, signing, other street furniture and public transport infrastructure, will be carefully designed and maintained to take full account of the valued characteristics of the National Park.

Policy T6A states that the Rights of Way network will be safeguarded from development, and wherever appropriate enhanced to improve connectivity, accessibility and access to transport interchanges.

Policy T7B states that residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, taking into account environmental constraints and future requirements. T7C states that non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity.

Local Plan Policies LC16, LC17 and LC18 refer to the protection of archaeological features; site features or species of wildlife, geological or geomorphological importance; and safeguarding nature conservation interests respectively. All seek to avoid unnecessary damage and to ensure enhancement where possible.

Transport policy LT11 refers to minimising the impact of car parking.

*The Bradwell Neighbourhood Plan.*

This represents the most up to date local plan and relevant policies to this development state;

*Policy H1: Provision of affordable housing*

The provision of local needs affordable housing is encouraged, provided it is limited to the needs of the Parish and adjoining Parishes and is based on the current local needs housing survey.

Policy H2: Housing development on the Newburgh site

This Plan supports the development of the Newburgh site for the provision of open market homes as part of a mixed use development to enhance the character of Bradwell, subject to the number of open market dwellings not exceeding 40; and the provision of local needs affordable housing at a level in accordance with a financial viability assessment and an up-to-date housing needs survey. Where possible, the affordable dwellings will be delivered by Bradwell Community Land Trust. The development of the site for housing alone is not acceptable but must form part of a mixed use development.

Policy H3: Bradwell built area

The Plan encourages development to meet Bradwell's housing needs to be located within the built area of Bradwell, as shown in Figure 2.

Policy H4: Provide a broad mix of housing types

New housing developments for schemes of more than three dwellings must provide a mix of different housing types. Where practical and viable, such developments should include a mix of starter homes, family sized homes with three or more bedrooms and homes suitable for older people.

Policy H5: High quality designs for new development which enhance village character

Proposals for housing development will be considered in relation to the following criteria:

1. The design and layout of development shall reflect the eclectic mix of the buildings in the village in terms of their scale, layout and juxtaposition.
2. New development should be designed to respond to the specific character of the site and its local surroundings and to create a sense of place.
3. Land must be provided for garden or amenity space and should be commensurate with the size and type of dwelling and in conformity with the character of the area.
4. Garden and amenity space shall be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy.
5. Bin stores and recycling facilities should be designed to screen bins from public view, whilst being easily accessible for residents.
6. Meter boxes, flues, grilles and ventilation ducts should be designed and sited to be unobtrusive and the colour treatment should match the materials used on the remainder of the building.
7. Ensure that gutters and pipes are designed and constructed to be within the character of other local structures and are located to minimise their visual impact.
8. Lighting schemes shall prevent light spillage and glare and face inwards, away from open landscapes.

Policy LE1: Protecting employment sites and uses :

Proposals for the redevelopment or change of use of land or buildings from employment to non-employment uses will only be supported where:

1. It can be demonstrated that the existing use is no longer economically viable AND
2. The site has been marketed at a reasonable price for at least a year and in an appropriate manner and no other suitable employment or service trade uses or interest in acquisition has been expressed OR
3. It can be demonstrated that employment use of the site is detrimental to the living conditions of residents or unacceptable in terms of the impact on the built or landscape character of the National Park OR
4. Permitted Development Rights allow for such changes.



Policy LE2: Industrial and business development of the Newburgh site:

Proposals for the mixed use development of the Newburgh site must be supported by a comprehensive master plan for the whole of the site. The Neighbourhood Plan supports proposals that provide a mix of different uses and which conserve and enhance landscape character. Small starter business units providing opportunities for smaller businesses are particularly encouraged. The comprehensive master plan for the whole of the site will be subject to an environmental impact assessment. Proposals that result in significantly increased levels of HGV traffic leaving the site via the centre of the village will be resisted.

Policy LE3: Support efforts to provide a high quality communications infrastructure:

On sites for new residential, industrial and business development all new properties should be served by a superfast broadband (fibre optic) connection installed on an open access basis when available unless it can be demonstrated through consultation with British Telecom, or other appropriate body, that this would not be either possible, practical or economically viable.

Policy T1: Provision of footpaths and cycle ways:

This Plan supports the provision of footpaths and cycle ways, provided they do not have a negative impact on the local environment, ecology or residential amenities. Proposals to redevelop the Newburgh site must give consideration to the development and improvement of routes and facilities for pedestrians and cyclists.

Policy E1: Applications for new development must meet the local drainage requirements:

A Sustainable Urban Drainage system (SUDs) 8, as an alternative to conventional drainage, will be required for developments of ten dwellings or more, and on equivalent non-residential or mixed schemes, unless it can be demonstrated that a SUDs system would not be suitable for the intended location.

Policy E2: Local Design Policies:

New development must contribute to local character by retaining a sense of place appropriate to its location. Developers are strongly encouraged to support proposals with a Building for Life assessment. Development proposals must be designed to retain, or where appropriate, replace, dry stone walls and trees and hedgerows. Where development will affect trees and/or hedgerows, proposals should be accompanied by a survey which establishes the health and longevity of affected trees and/or hedgerows and an appropriate management plan.

Other Relevant Documents

*Affordable Housing SPG*

The Affordable Housing SPG sets out in more details the criteria that both affordable housing units and the occupants of affordable houses should meet. The SPG requires the input of a Registered Social Landlord for developments of more than three units. Units of more than 87 sq. m cannot be considered to be affordable. The SPG introduces the concept of controlling occupancy by S106 obligations.

*Employment Land Review*

Overall, the review concludes that the most viable employment sites in the National Park are located in Bakewell and the Hope Valley rather than in outlying villages with access constraints and communications difficulties. It also states that there is a general over supply of employment land in the sub-region and that there may be scope to lose existing employment sites.

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*Landscape Strategy and Action Plan*

*The Peak National Park Design Guide and its technical supplement The Building Design Guide*

*The Bradwell Village Plan*

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in 2012. 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. The Authority has considered the relationship between the Core Strategy and the National Planning Framework and resolved that they are consistent. This application does not raise matters that suggest otherwise.

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

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the Framework confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation, whilst paragraph 116 sets out guidance on major developments in designated areas (this application is for "major" development):

*"115. 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. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*

*116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

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

It also points out (footnote 25) that further guidance and information, including explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010.

The NPPF sets out the government's planning policies to achieve sustainable development and sets out the three dimensions to sustainable planning with the planning system needing to perform an economic role in building a strong economy support growth, a social role in supporting strong healthy communities by providing housing to meet needs and creating a high quality environment with services that reflect a communities needs and support its health social and cultural well-being and an environmental role to protect and enhance the natural, built and historic environment and mitigate and adapt to climate change. The plan contains a presumption in favour of sustainable development.

Chapter 11 of the framework covers conserving and enhancing the natural environment, with Chapter 12 containing policies covering conserving and enhancing the historic environment

The National Planning Policy Guidance was published in 2014 to support the framework

## **Officer Assessment**

### **Introduction**

The current proposal represents a wholesale redevelopment of the Newburgh works for a mixed housing and industrial use. Whilst the traditional buildings of Newburgh Hall and Newburgh Gatehouse at the front of the site would be retained in current uses, all the existing 'modern' industrial sheds and yards to the rear along with the Newburgh Tower would be demolished. The site would then be redeveloped for 55 houses accessed off Bradwell Head Road from the north with a separate Industrial compound housing a new industrial building and the existing Newburgh Hall and Gatehouse accessed off Netherside. The new industrial facility would be divided into 6 units with Newburgh Engineering Ltd occupying one unit and letting the remaining units on the market. The 55 houses would comprise 43 open market and 12 affordable houses. All the houses would be 2 storeys. A financial development appraisal has been submitted by the applicants to demonstrate that the additional 3 market houses over and above the limit of 40 set by the Neighbourhood plan are needed to deliver the 12 affordable houses free of cost to the Bradwell Community Land Trust.

### **General Principle of Development**

The proposed redevelopment site comprises 'previously developed land' within the village of Bradwell, a named settlement identified in Core Strategy policy DS1, although it is recognised that the eastern edge of the site is 'green' in the sense that it is comprises an open grassed area. (former sports field created on restored industrial tipping).

As a named settlement in Core Strategy Policy DS1, Bradwell is considered in policy terms to have scope to maintain and improve the sustainability and vitality of the community via new build development which will be acceptable in principle where it comprises affordable housing, and business premises. Furthermore at the local level Policy H2 and LE2 of the Bradwell Neighbourhood Plan support a masterplan approach to a mixed use redevelopment of the Newburgh site for the provision of open market homes and business premises to enhance the character of Bradwell. This is subject to the number of open market dwellings not exceeding 40 and the provision of local needs affordable housing at a level in accordance with a financial viability assessment and an up-to-date housing needs survey.

The Neighbourhood plan also particularly encourages small starter business units to provide opportunities for smaller businesses. Major redevelopment for a mixed housing and industrial scheme is therefore acceptable in principle on this brownfield site, subject to compliance with national and local planning policy considerations and provided the normal scale, layout, design and landscaping considerations are being satisfied.

The NPPF states in paragraph 116 that major development in the National Park should be refused except in exceptional circumstances and where it can be demonstrated to be in the public interest. In this case the site is an existing and increasingly disused industrial site which is surplus to local market needs. Redevelopment would bring about major enhancement to the village and the Parks landscape, meeting several policy objectives and boost the viability and vitality of the community as well as the wider local economy. The scheme could not be relocated outside the Park and achieve the necessary enhancement or benefits to the local economy. It is therefore considered these are the clear exceptional circumstances and public interest which allows the principle of this major development in the Park.

In principle, a development which provides a more appropriate scale and type of industrial facility with premises tailored to meet Newburgh Ltd.'s needs as well units scaled to meet realistic local needs whilst redeveloping the remaining premises with a mixed use development of market housing, affordable housing and public open space has the potential to realise the enhancement opportunity sought by Development Plan policy. Although the principle of the provision of the public open space is accepted by policy and could represent significant enhancement of the site, the use of the remaining areas for housing would however only be acceptable enhancement under policy E1D if the redevelopment were for affordable housing - unless proven to be unviable – HC1Cii, in accordance with policies GSP1 and GSP2.

#### The principle of the loss of the existing Newburgh Industrial space.

The Newburgh Engineering Works is a large B2 industrial site and being located within the heart of the village is somewhat unique within the Park, particularly in respect of its scale and close proximity to adjacent residential properties. The site, although largely screened from public views along the main street by the frontage development, contains very large industrial sheds and associated yards and covers a significant area of the village. Due to decisions taken by the company some time ago to relocate the majority of their operations outside the Park, coupled with the increasing age and dilapidation of the sheds, the existing buildings are no longer fit for purpose and in any case exceed the space Newburgh Engineering now requires.

Whilst some of these redundant sheds have been let from time to time to other users for various periods of time, no long term tenants came forward to justify retention of all of the vacant space. The Newburgh Engineering works was never a 'planned' industrial site and the current works have evolved over a long period of time from a small family firm originally housed within modest workshops. It is now a large site whose buildings dominate the east side of the village, but which still provides significant local employment despite effectively being a 'non-conforming use' in terms of its scale, traffic generation and inappropriate relationship to the village and immediate surrounding residential property. The skilled engineering jobs provided have however benefitted the local rural economy so it is particularly welcomed that the Company are committed to maintaining their presence on the site, albeit in much reduced form and provide further business units for letting. The new industrial space would help maintain and expand local employment opportunities with direct benefits for the village and the local economy. The scale of provision would also be of a more proportionate and sustainable size and appropriate within policy for its setting within the community and the National Park.

In respect of the principle of the redevelopment of the remaining vacant industrial premises for other use, under Core Strategy policy E1D it must first be established whether or not this is still required for employment use. Core Strategy policy E1D allows in principle for the re-use of employment sites for other uses where they are no longer appropriate. It states that in these circumstances, opportunities for enhancement will be sought which may include redevelopment to provide affordable housing (reflecting the fact that there is no allocation in the Development Plan for market housing in the National Park) or community uses. The first step is therefore to identify whether or not the continued use of the site for employment purposes is still appropriate and valued, particularly as the NPPF prioritises sustainable economic growth.

The industrial buildings south of the access road are generally in poor condition and have reached the end of their planned design life. Those on the north side are larger and in better condition and on occasions some on this side have been let to other businesses. Although the applicant has previously stated that the lets have not been viable or long term, no detailed evidence to support such claims has been submitted and neither has any evidence been submitted that they have been actively marketed for sale or rent once they were no longer needed by Newburgh Engineering.

Despite the lack of marketing, the Peak Sub-region Employment Land Review identified in 2008 an over-supply of employment land in the sub-region and suggested that the amount of existing employment land could be reduced significantly. The study recommended that the future viability of employment sites should be assessed against factors such as ease of access, conflict with neighbouring uses and remote location. The Newburgh Works site was not one identified in the land review as one of the best employment sites. After liaising with industrial development officers at county/district level, it is considered that on the available evidence it is highly unlikely that there is sufficient demand, particularly in the current economic climate, for the remaining factory buildings to be brought back into productive use due to the site constraints that now exist in terms of their condition, relationship to housing and the village centre, scale, location and access to the main road network.

The officer conclusion therefore remains consistent with the stance taken in the last application for redevelopment, that the redundant industrial space/buildings can, in accordance with policy E1, be considered for release to an appropriate new use, especially as this represents a clear opportunity to achieve significant enhancement of the site and the village setting.

*Whether the level of new market housing is justified enabling development to secure a viable scheme to achieve the enhancement of the site and meet the objectives of the Bradwell Neighbourhood Plan.*

The amended application now includes the provision of 12 units of affordable housing for rent within the total of 55 houses which precisely meets the identified local need for affordable housing within Bradwell parish.

In the amended application the need for the 43 units of market housing, 3 over the maximum set by the Neighbourhood plan, is argued by the applicants to be necessary enabling works to secure a financially viable redevelopment of the redundant works site and thus deliver the wider enhancement and the aims (housing and employment) sought by the masterplan approach in the Neighbourhood plan. In particular the applicants state that in order to deliver the 12 affordable houses at no cost to the CLT and generate the sum Newburgh Engineering Ltd require for the site 43 market houses are needed. The figure required by Newburgh for the site is stated to be that necessary for them to reinvest in the provision and fitting out of the new industrial facility to meet their specific and exacting requirements in order to continue to operate and meet their customers' requirements and thereby remain competitive in the industrial market they operate within.

To support their case for the overall scale of housing and for the open market housing numbers to exceed Neighbourhood plan limits, a Financial Viability Appraisal has been submitted by the applicants and this has been assessed by an independent professional surveyor specialising in development viability appraisals.

The surveyor notes that the applicant's Development Appraisal has three prongs.

1. It seeks to demonstrate the financial justification for the applicant's case to construct open market houses, contrary to Local Development Plan Policy, on the grounds that by doing so, the development will be able to provide 12 Affordable Homes for transfer, without price or premium, to Bradwell Community Land Trust.

2. It seeks to justify a departure from the Bradwell Parish Neighbourhood Plan Policy H2 which *“supports the development of the Newburgh site for the provision of open market homes as part of a mixed use development to enhance the character of Bradwell, subject to the number of open market dwellings not exceeding 40; and the provision of local needs affordable housing at a level in accordance with a financial viability assessment and an up to date housing survey needs.....”*
3. Lastly it is the justification for the Land Value incorporated into the FDA. It is the intention of the land owner – Newburgh Engineering Ltd – to reinvest the capital receipt from the sale of the land into the retained portion of the site, the construction of new build industrial space and refurbishing the existing Newburgh Hall for employment use. Camstead Limited have provided a cost estimate and the target “Land Cost” in the Housing FDA is intended to ensure that the full cost to Newburgh Engineering of relocating the remaining elements of the works into (part of) the new space and Newburgh Hall is fully funded by the housing scheme.

The full report is available on the Authority’s web-site but in summary the key points of the consultants findings on the appraisal are that:

- It is a fair representation of the costs and sale yields Camstead are anticipating for the scheme.
- The provision for Gross Profit based on 17.5% of Gross Development Value (GDV) falls just outside the range that would normally be expected being typically 20% to 24% of GDV.
- The capital receipt required by the site owner for the residential development site is stated to be (as a minimum) sufficient to cover the full cost of providing the new and refurbished employment space including all relocation costs, fit out and adaption costs likely to be incurred by Newburgh Engineering Ltd. Clearly, the final figure will not be representative of the Market Value of the site in its present condition.

This raises two issues to be addressed. The first relates to a fair and reasonable value to be attributed to the residential site and the second is the detail of the schedule of estimated costs to form and create the new employment space.

The applicant has not provided a site valuation nor any supporting evidence. The surveyor considers that comparable site value evidence would suggest that the expectation of generating circa £1.6m for the subject site for continuing employment use, bearing in mind the site to be valued does not include the current primary access and retained industrial land, would seem optimistic.

However he goes on to state that whilst it may be argued the Market Value of the subject site falls below that required by the land owner, we must nevertheless accept that if the Authority is seeking to gain an Affordable Housing provision and bring a difficult and redundant industrial site into successful re-use with the added benefit of some further employment space being created to modern standards, then the requirement of the land owner – i.e. “willing seller” cannot be ignored.

The surveyor considers the overall construction costs for the replacement new and refurbished employment space appear reasonable. He did not have sufficient detail relative to the additional costs Newburgh Engineering will incur to adapt the new building and relocate but was inclined to accept the submitted costs at face value.

The applicant has submitted two FDA's – one assumes a maximum of 39 open market houses together with 12 affordable homes and produces a residual land value of **£1,312,319** whilst the second, for a total of 43 open market houses and maintaining the 12 Affordable homes produces a residual land value of **£1,614,656**. It is argued by the developer that only by producing the higher number of open market houses can the land owner economically afford to construct the new employment space and maintain the presence of Newburgh Engineering in Bradwell.

The applicant has not produced a sequential test demonstrating the financial implication of providing a lesser number of affordable homes and the impact on both profitability and residual land value. The surveyor therefore carried out his own test and found that;

With 40 open market homes and maintaining the residual land value at £1.6m, then the appraisal produces ten affordable homes plus two serviced plots.

To produce six affordable homes and six serviced plots and maintain residual land value at £1.6m requires 34 open market houses.

In conclusion the surveyor stated

*“1. The (revised) submitted FDA for a development of 55 houses is a reasonable and realistic appraisal of likely cost and yield of the proposal.*

*2. It is for PDNPA to decide if, in order to achieve the construction and transfer of ownership to an acceptable authorised body of 12 Affordable Houses prioritises over policy H2 of the Bradwell Parish Neighbourhood Plan.*

*3. I am satisfied that if Policy H2 is to be the over-arching policy in this matter, that 10 affordable houses plus two fully serviced plots for construction of future affordable homes is capable of being achieved if the open market housing on the Newburgh site is limited to a maximum of 40. It should however be noted that a lesser number of open market houses could be developed if the number of completed affordable houses was to be reduced but with a corresponding increase in the number of fully serviced plots.”*

The starting point for officers' consideration of the level and type of housing on the site is set by the Bradwell Neighbourhood plan along with policies E1D HC1, GSP1-3 and the development strategy (DS1) in respect of housing provision in the Park. In this case officers consider that the proposals on the table in this application strike the correct balance of housing numbers and that the additional exceptional 3 units of open market housing over and above the Neighbourhood Plan limit is a justified exception to achieve the necessary level of affordable housing, enhance the site and the village whilst retaining a valued employer and providing new employment opportunities. In supporting this amended scheme officers are encouraged by the very strong support from the Parish Council and the potential for very significant long terms benefits to the community and future provision of local facilities arising from the involvement of the BCLT with the development.

Finally, with regard to the principle an increased residential population, if the site is redeveloped, it has the potential to bring benefits to the local rural economy as new residents would help support local shops, pubs, schools, businesses and other community facilities within the village and elsewhere in the Hope Valley.

### **Design layout and landscaping considerations**

#### **Access**

The existing main access into the site off Netherside will be retained and used first for construction access and then thereafter will be used for the sole purpose of the new Industrial facility and the

Traditional buildings of the Newburgh Gatehouse and Newburgh Hall. Newburgh Hall also has the benefit of a separate direct access off Netherside into a forecourt area in front of the building.

The residential development would be served from a single access point off Bradwell Head Road which is already an existing vehicle access into the Newburgh engineering works. Bradwell Head Road would be subject to some modification in terms of the provision of localised widening in response to local concerns about congestion rather than any need raised by the Highway Authority. The use of this single access point is considered acceptable by the Highway Authority who have accepted the principle of the off-site highway improvements on Bradwell Head Road subject to agreement over the details.

The access into the site from Bradwell Head Road would comprise a typical tarmac estate road with 2 m tarmac footpath. Once into the site there will be a small arrival 'square' and from here the estate road would loop around the site to the east forming a central spine road off which would be smaller side spurs before returning to the 'arrival square'. The plans show varying materials such as pavers to give variety and interest to the layout to reflect as far as possible the character of Bradwell within the constraints of meeting modern visibility sight lines.

### Layout

Newburgh currently operate from the site and therefore need to maintain production throughout the development. Therefore if the application is accepted the plan is that they will construct the new industrial facility first and then move into the new premises. The housing developer will then take possession of the site and commence demolition of the industrial buildings in preparation for the residential development. It is, however, anticipated that an earlier start may be able to be made on some demolition of the parts of the site which would not affect Newburgh's operations.

The residential layout is intended to be built out as a single continuous development to completion. Work would generally move west to east down the site in a phased manner with the affordable housing being completed alongside the market housing. A condition is recommended to secure the phasing and thus the delivery of the affordable dwellings.

The layout has followed extensive pre-application advice from officers. The housing layout has an irregular pattern and enables a number of views out to the wider landscape and hills as well as having views closed off by buildings to provide visual end stops within street views. Within modern highway constraints the developer has reflected as far as able the character of Bradwell into the new layout which shows a mix of house types and styles which add variety and interest to the development which is largely arranged around the main estate road. The development comprises largely of a mixture of detached and semi-detached forms with a limited number of smaller houses arranged in short terraces. The houses each have parking either alongside or in front of dwellings and in the case of some affordables, in a rear parking court. The detached dwellings either have a drive to the side leading to a garage, have a drive to the front with an integral garage or have 'car port' style arrangement where 2 cars can be driven under the house so that they are off the road and reduce the impact of the car on the street scene.

The larger semi-detached dwellings have garages to the side with a drive in front while smaller semi-detached dwellings have either frontage car parking or parking down the side of the house. The majority of the frontages are now bounded by natural stone walling which would bring a harmonious and consistent treatment to the frontages visually tying the whole development together.

All the properties will have individual footpath accesses to their rear gardens and should enable the waste and recycling bins to be located at the rear of the properties, out of sight from the street. Rear gardens are bounded by close boarded fencing.



### Design

The houses are predominantly 2 storeys in height with only a very small number of 2.5 storey dwellings in key locations. The materials for the houses would be predominantly natural limestone walling with gritstone dressings to windows and doors. There is an opportunity to employ render on some side and rear elevations although not being clear on the revised plans would need to be agreed under the design details condition. Roofs would be natural blue slate with natural stone chimneys. The design of the houses has been amended following the advice from the Conservation and Planning officers and now reflects the character of Bradwell, satisfactorily, picking up on local vernacular styles and materials. The Crime Prevention Officer has noted that the dwellings give good surveillance to all areas of open space and roads

The proposed Industrial facility is an L shaped building of typical construction having a steel frame and clad with coloured profile steel cladding. It has a low pitched roof and has been positioned within the site at the rear of Newburgh Hall. The land slopes down here and this along with the screening impact of Newburgh Hall will mean the facility will have a reduced visual presence over the current industrial shed on the same site. The building is relatively tall because it has been designed to the minimum necessary internal height to meet Newburgh's production need. The external appearance would be very similar to the unit which already exists on the site but with a much improved external appearance and colour which as proposed on the plans is slate blue for the roof with grey walling. Whilst the colours are acceptable the shade needs to be specified in the conditions to ensure the building blends sympathetically with the character and appearance of its setting.

Refurbishment of the existing Newburgh Hall is welcomed and is not in fact development requiring planning permission.

### Landscape considerations

Being almost wholly a brownfield site there is little existing green landscaping other than the open space to the east by the brook and some mature coniferous trees down the southern side of the existing industrial buildings. These trees are to be removed and replaced by more appropriate species

The current building line / development edge is being extended into the area of open space to the east of the site. The proposed new curved access spine road and hedgerow would form the boundary definition between the housing and the landscape to the east. The Authority's landscape architect feels however that this arrangement gives a lack of definition and the curved nature of this boundary is not in keeping with the surrounding landscape context. He also comments that there is limited tree planting along this boundary which could be strengthened. Given the loss of open land in this area his view is that there is scope for greater enhancement potential which is not being achieved by this boundary configuration. His recommendation is that an amended landscaping scheme is sought which delineates this transition between the developed area and the open space with a straight drystone wall with additional tree and shrub planting. The proposed boundary treatment however follows officer advice and was considered, on balance, to be acceptable; however in light of the landscape and ecology officers' views below it is considered appropriate that the landscape strategy for the whole of the open space is revisited via a condition requiring a revised landscaping scheme taking account the aims of the masterplan approach in the application to bring about overall enhancement to the site and the village.

The other main concern from the Authority's Landscape Architect related to the applicant's approach to a landscape strategy for the site and how this fitted in with the landscape strategy / key characteristics of the LCT and PDNPA policy for landscape enhancement. Whilst not objecting in principle to the development the Landscape Architect would like to see some modest improvements to the landscape design e.g. more tree planting to front gardens to enhance

streetscapes, are needed to ensure the final landscape design is responsive to place, the character of Bradwell and the surrounding landscape. A condition requiring the submission of an amended landscaping scheme covering those matters is therefore recommended.

#### Impacts upon the Conservation Area

The Conservation Area only covers the traditional buildings of Newburgh Hall and the Gatehouse, the rest of the site lies outside. The traditional buildings at the front of the site have now been excluded from the development proposal. Refurbishment plans by Newburgh would be capable of enhancing the Conservation Area but is not work requiring development consent.

The removal of the large area of industrial sheds and their replacement by low traditional dwellings in natural local materials will clearly bring positive enhancement to the setting of the conservation area. The new industrial facility is set down behind Newburgh Hall and would, taking into account the impacts of existing buildings on the same site, have a neutral impact provided adequate replacement screening down the southern boundary is provided.

#### Ecological Considerations and the Open space beside Bradwell Brook

The ecological report states that the site is considered unlikely to support Great crested newts, badgers, reptiles, brown hare and ground nesting birds. Bats were recorded roosting in a number of houses adjacent to the site but none of the buildings on site were considered suitable or identified as roosts following the activity surveys. A number of hirundine nests were recorded on one building most likely to be from swallows or house martins. Water voles are known to occur on the Bradwell Brook in good numbers, otters may also use this watercourse. Species which may also occur within the site include hedgehog and white-clawed crayfish.

The Authority Ecologist notes the development will lead to the loss of a small number of leylandii trees on the south side of the industrial sheds however these are to be replaced with other more appropriate species in the plans in order to foil the otherwise stark appearance of the new industrial facility.

The plan to retain a significant proportion of the semi-improved open grassland at the bottom of the site as public open space is welcomed given it is capable of bringing significant enhancement of the area and complimenting the setting and the immediate environment of the Bradwell Brook. The proposed footpath running across this open space linking the new development to Softwater Lane to the wider public footpath network is also a public benefit that is welcomed. There are, however, some concerns from an ecological perspective about the amount of semi-improved grassland to be retained and the long term impact of the public use of this open space on the fragile nature of the water vole population in the Brook.

Whilst the Authority's Ecologist and Landscape Architect are happy to see the green open space being retained they are concerned that opportunities to retain and enhance the existing habitats have not been taken. Only a small proportion of the semi-improved grassland will be retained under current proposals, which they consider will lead to a net loss in biodiversity. Therefore Ecology has objected to the latest landscaping proposals for this area and recommends that a greater proportion of the grassland habitat should be retained and enhanced using seed collected from the adjacent meadow. Furthermore the grassland areas should be suitably managed to ensure a diverse sward and details of the management regime should be included within the Management plan. Officers consider this can reasonably be achieved via an amended landscaping scheme for the site and a condition is accordingly included in the recommendation above.

The ecologist and landscape architect also consider the SUDS scheme should be modified to maximise biodiversity interest. At present it is shown on the plans as a simple grassed basin. Modifying the scheme to give a series of wetland habitats with connectivity to the brook would

provide a sustainable drainage system, whilst complementing the existing habitats to the east and provide opportunities for species such as water vole to colonise. These areas would need to be suitably managed and details of the management regime included in a management plan. Officers consider that such a change by adding greater visual interest and enhanced habitat biodiversity for this area is an important landscape and ecological enhancement to an otherwise plain scheme. This can be secured by a suitably worded condition and is considered reasonable and necessary to make the development acceptable in biodiversity terms.

It is intended to leave an 8m buffer from the brook to ensure that the brook will not be directly affected by site works which will need to be maintained throughout the period of development, with the exception of habitat creation works and along with the whole of the finally landscape area will need to be appropriately managed long term.

Impacts on protected species include breeding birds that may utilise buildings on site, reptiles within grassland habitats and indirect impacts upon species utilising the watercourse and associated corridor. Details of how direct and indirect impacts will be controlled at construction stage should be included in the CEMP and a species protection plan which have been included above as conditions.

The PDNPA Ecologist is most concerned about the impacts on species associated with the watercourse and surrounding habitats at post development phase. The increased disturbance from people and their pets (cats and dogs) could have a significant impact on the wildlife in the area, particularly on the water vole population. There has been a decline in numbers of water voles within the National Park as a result of disturbance, habitat loss and predation and there are now few strongholds left. This site was considered a strong hold for this species in 2010 when it was surveyed by Derbyshire Wildlife Trust and it is felt that water vole may have been under recorded in the survey accompanying the application. The landscaping scheme therefore needs to carefully consider measures that can be put in place to protect/mitigate the impacts on riparian species. Fencing and defensive planting are likely to be required and the details of which can be secured by the landscaping condition. In addition to this, a management plan will be required to ensure that the habitat is maintained for protected and notable species present along the corridor.

To compensate for the increased disturbance, the ecologist strongly recommends that the management plan stretches beyond the site boundaries, providing suitable habitat for species away from the development site. However, the applicants do not own or control such land and would therefore be unable to carry out any off site works. The aims of this work are supported by Planning Officers who are liaising with the developer to explore other ways of achieving biodiversity enhancement in the area perhaps by way of payment to fund enhancement work in the locality by others e.g. a wildlife trust.

A number of other ecological mitigation and enhancement measures are included within the submitted reports and need to be conditioned in full, such as the inclusion of suitable bat and bird boxes within the proposed new houses, the details of these measures and any habitat management proposals should be detailed in a species protection plan.

Finally the ecology team noted that Himalayan balsam is present along the watercourse which has not been picked up as an issue in the survey. The management plan would also need to include the control of this invasive species. The presence of harvest mice has not been picked up in the current Environment Statement, but was included as a notable species in the 2008 ES for the larger withdrawn development in 2014. Measures put forward above would also safeguard this species.

In conclusion, the public open space is an acceptable and welcome land use for this part of the site which with suitable revision to its design and layout is capable of bringing enhanced biodiversity for this riverside environment. Appropriate fencing and planting to protect the ecological interest in the brook would however restrict the publically accessible open space.

### Archaeological Considerations

In built heritage terms the site is of minimal significance and does not require a historic building record now that the Newburgh Gatehouse and Newburgh Hall have been omitted from the development. Bradwell lies to the south and partly across the line of the Grey Ditch, a Scheduled Monument designated on the basis of its national archaeological importance. This massive earthwork feature is understood to have been constructed in the early medieval period following the collapse of Roman rule and lies to the north of the Newburgh Works site. Historic England comment that *“any remains of late Roman or early medieval date which could be located on the Newburgh Works site would have the capacity to dramatically extend and modify the understanding of the context in which the Grey Ditch was built and used, and hence would relate directly to the conservation of its significance, a matter to which great weight should be given by the Authority”*.

Historic England further commented that *“the archaeological potential of the site to support the significance of the Grey Ditch a Scheduled Monument is insufficiently addressed in the ECUS report supporting this application. Given the likely shallow screed floors of the existing industrial buildings on site there is substantial archaeological potential throughout the site as a whole not just within areas of undeveloped ground (contra the ECUS report). A staged programme of archaeological investigation will be essential based closely upon the advice of the National Park’s Acting Senior Conservation Archaeologist (see NPPF para 128 /129 and 141). Provision should be made for the preservation of in-situ of remains of demonstrably equivalent importance to scheduled monuments (NPPF 139). If these issues are not properly addressed we would view the application as representing unjustified harm to the scheduled monument’s significance (NPPF 132 / 134).”* In the absence of such issues being addressed they did not believe the application can be safely determined.

In contrast the Authority Archaeologist raised no objection subject to conditions and in his opinion the assessment prepared by ECUS provided an accurate assessment of likely archaeological impacts from the redevelopment proposals and in a further contrast with Historic England’s advice considered it met the heritage information requirements at NPPF para 128 with regard to below ground/buildings archaeology. The developer has therefore been proceeding upon this understanding.

Clearly there is some potential for buried archaeological remains within the proposal site. Whilst there have been differing views as to the likely harmful impacts on below ground remains from the industrial buildings/yards, the site slopes and there is known to be built up areas where ground may lay undisturbed along with any remains.

Whilst it was accepted in the context of previous application that the archaeological interest in the site could be addressed through mitigation work secured by planning conditions in the light of Historic England advice the Authority’s new Conservation Archaeologist is clearly concerned that her predecessor’s advice did not properly address the potential impacts upon the significance of archaeology that may be within the site as articulated in the Historic England response. She and the Historic England officer therefore strongly recommend the archaeological work should comprise a phase of trial trenching prior to determination of the application to ascertain the nature of ground disturbance from foundations and floor slabs and thereby identify areas of archaeological interest to inform the second stage archaeological works.

For their part the applicants' agent has relied upon the advice of the former Authority Archaeologist recommended condition and states his client is not willing to carry out the pre-determination works now being requested. They feel the requested works are unduly onerous in scale and cost and would impact severely on buildings and yards which the housing developer does not yet own and which in any case parts of which are still in active use. Furthermore the site owner is unwilling to allow the inevitable damage to his building assets in advance of a planning consent. In trying to address Historic England's and the Authority Archaeologists concerns planning officers consider a pragmatic approach would be for the application to be presented to Planning Committee in order to get an in principle decision subject to the archaeological investigation. The resolution to approve would provide the assurances needed to carry out the archaeological investigation whilst the necessary Section 106 legal agreement and decision notice are being finalised. If any significant archaeological issues arise then the decision can be referred back to committee or if not the decision issues. In the circumstances your officer consider this to be the most appropriate way to resolve the current Authority Archaeologists concerns about how her former colleagues advice did not adequately address the concerns being raised by Historic England and to comply with the NPPF.

### **Environmental Management**

The application details discuss the potential to incorporate enhanced insulation, renewable energy technology and energy saving measures into the development as part of the Design and Access statement. However no firm details have been submitted as part of the application in respect of any inclusion of solar and / or photovoltaic panels, air source or ground source heat pumps into the development. Clearly certain aspects lend themselves to such technologies e.g. solar voltaic panels on the industrial building. In the absence of such detail it is considered appropriate to impose a planning condition to require details to be submitted and approved in due course and it is recommended that any measures are secured by an appropriate planning condition to ensure compliance with Core Strategy policy CC1.

CC1 and the Authority's Climate Change and Sustainable Building SPD require all new housing to be built to a minimum sustainability standard equivalent to that required by the government of affordable housing by Registered Social landlords (RSLs). A written statement to parliament from the Department for Communities and Local Government dated March 2015 is a material consideration in this respect. In the decision taking section of the written statement is says that Government Policy is that planning permissions should not be granted requiring or subject to conditions requiring compliance with any technical housing standards other than for those areas where there are existing policies on access, internal space or water efficiency.

CC1 requires development to meet an equivalent to that required by Government of affordable housing by Registered Social Landlords rather than a specific standard. The Government does not currently require RSLs to meet any specific standard so it is unnecessary to impose conditions requiring development to meet technical standards.

Whilst the application contains supporting statements about the use of sustainable design construction methods to reduce the environmental footprint of the development no firm details of any renewable technologies have been incorporate into the proposal or shown on the plans. The submitted Design and Access statement stated a number guiding principles for sustainable design and construction that would be explored as part of the detailed design process. These included matters such as:

- The use of efficient appliances, heating systems, energy controls and management; improved insulation and glazing;
- The use of recycled construction materials and aggregates, and the preference for using environmentally friendly and more sustainable materials and products;

- The use of permeable surfaces and paving as part of the sustainable urban drainage strategy;
- The conservation of natural resources on site such as hedgerows and trees;
- Providing grassland, native trees, shrubs, hedgerows, street trees and garden trees, which will encourage biodiversity as well as sustainable drainage;
- Controlling water demand through best practice approaches such as low flow showers and baths, dual flush toilets, efficient taps, water efficient white goods, and rainwater harvesting through water butts;
- The potential for air source heat pumps, solar panels and photovoltaics to deliver renewable energy; and
- The consideration of other emerging technologies during the course of the design phases.

### **Summary of Environmental Impacts**

The Environmental Impact Assessment has demonstrated that there are unlikely to be any significant adverse environmental impacts of redeveloping the site, despite several areas of concern in respect of the ecology, landscape and archaeological impacts and, taken as a whole, the redevelopment offers the opportunity for positive benefits and significant enhancement.

Where impacts may arise, adequate mitigation has been proposed which can be carried through into conditions. However, as it is inevitable that people choosing to live on this site may commute to work elsewhere due to a lack of public transport infrastructure, the scheme fails to meet national and local policy aimed at reducing private car travel and carbon emissions. A travel plan can help mitigate some, however, this needs to be weighed against the benefits that redevelopment could offer Bradwell, the wider rural community and to the landscape of the National Park. On balance, therefore, officers concur that the environmental impact of the scheme will largely be beneficial.

The area of the site to be developed with housing is 'previously developed land'. Its redevelopment therefore complies with national policy prioritising the reuse of previously developed land to provide new houses. A limited extension into the green space at the eastern end of the site is involved in the scheme but this is balanced by enhancements to the remainder of that space which would significantly improve its biodiversity value.

### **Overall Conclusion**

The development strategy outlined in policy DS1 of the Core Strategy DPD identifies Bradwell as one of the larger named settlements in the Park, being capable of accepting new housing and upgraded industrial development to maintain and improve its sustainability and vitality.

The above report has demonstrated that the redevelopment of this site which comprises 'major development' for the mixed use masterplan scheme comprising new build industrial space and housing is acceptable in principle.

The site is considered to represent a unique housing windfall site within the National Park with obvious opportunity for significant enhancement that would also make a significant contribution to meeting housing demand in the wider Derbyshire Dales and Hope Valley. The redevelopment of the redundant industrial premises is both desirable on townscape and economic grounds and can be justified as the reuse of the entire site for employment uses has been demonstrated to be no longer appropriate to retain for current needs. Furthermore the scheme would provide new premises to retain Newburgh Ltd on site and safeguard local employment opportunities at the same time as providing additional spaces of an appropriate scale to the local market for letting to new businesses.

The expectation under policy HC1 is that for housing schemes of this scale the development must also address identified local need for affordable housing. Policy E1D requires former employment sites to be redeveloped for community benefits such as affordable housing.

The Bradwell Neighbourhood Plan now supports redevelopment for a mixed housing and employment use subject to a limit of 40 market houses. Whilst the application proposes 43 open market houses a viability appraisal justifies the overall scale of housing and the breach of the local plan limit as necessary enabling development to secure the delivery of the 12 affordable dwellings at no cost to the BCLT, deliver the enhancement of the whole site and provide for retention of Newburgh on the site as well as the provision of further appropriately scale business units to let. In this case officers and the local community via the Parish Council support the prioritisation of the affordable housing delivery to the BCLT over strict adherence to the plan limit on numbers as an acceptable balancing exercise in this case.

Amended plans show a housing development that is laid out with individual houses whose form, design and use of local natural materials adequately reflect the character of Bradwell to accord with Authority design advice. The development would be served by suitable access roads and adequate provision is made for parking within the site of residents vehicles.

Subject to an amended landscaping scheme for the site which amongst other matters enhances the biodiversity of the public space to the east and shows more individual trees within the residential streetscape, there are no objections on ecology or landscape grounds.

The proposal to deal with the pre-development archaeological investigation works between the committee and the signing of the required legal agreement and subsequent issue of the decision notice, assuming Committee approval is given, represents the best way to resolve the applicants' and Authority Archaeologists' concerns whilst meeting the requirements of the NPPF. In this way any findings can be considered and dealt with before any final consent is issued and they can be used to inform the final wording of the archaeological conditions with the possibility, if necessary, of bringing the application back to committee in the unlikely event anything major is found. On this basis there would be no archaeological objections to the proposal.

Finally, it cannot be overemphasised how important an issue the future redevelopment of the Newburgh site has been for the village and community of Bradwell. The site dominates the village and detracts from its character, appearance and setting. Whilst all agree redevelopment is essential, progress in sorting this difficult site and finding the right balance of mixed uses for Bradwell and the National Park has proved difficult. The adoption of the Bradwell Neighbourhood Plan has now informed the overall scale and provided the detailed policy framework for this revised application which is now unanimously supported by the Parish Council.

This application therefore represents a major positive step in bringing forward the redevelopment of this site and for all the above reasons the officer recommendation is that the application be approved subject to the prior entry into the legal agreement and detailed conditions as set out above.

### **Human Rights**

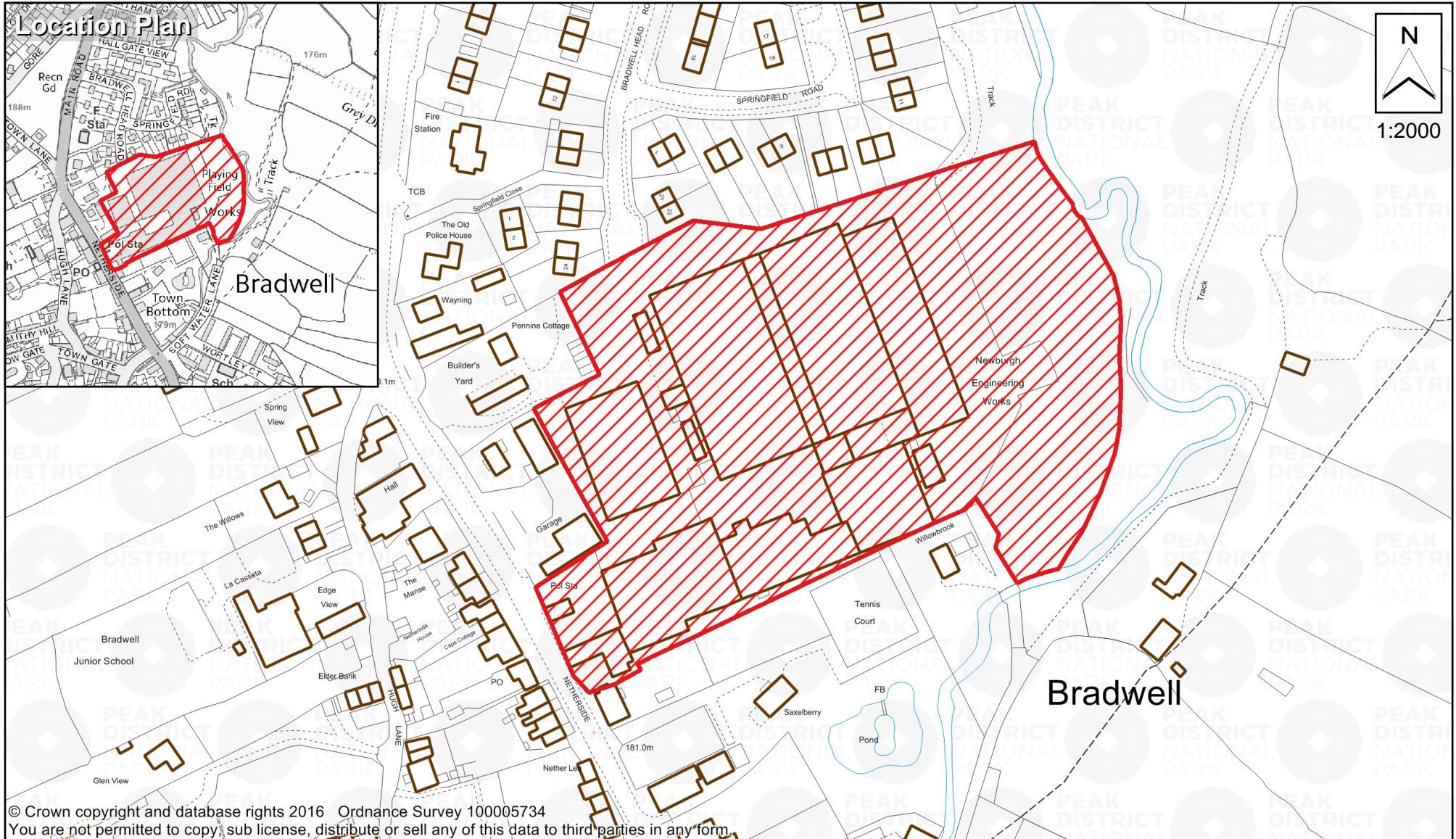
Any human rights issues have been considered and addressed in the preparation of this report.

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


Nil

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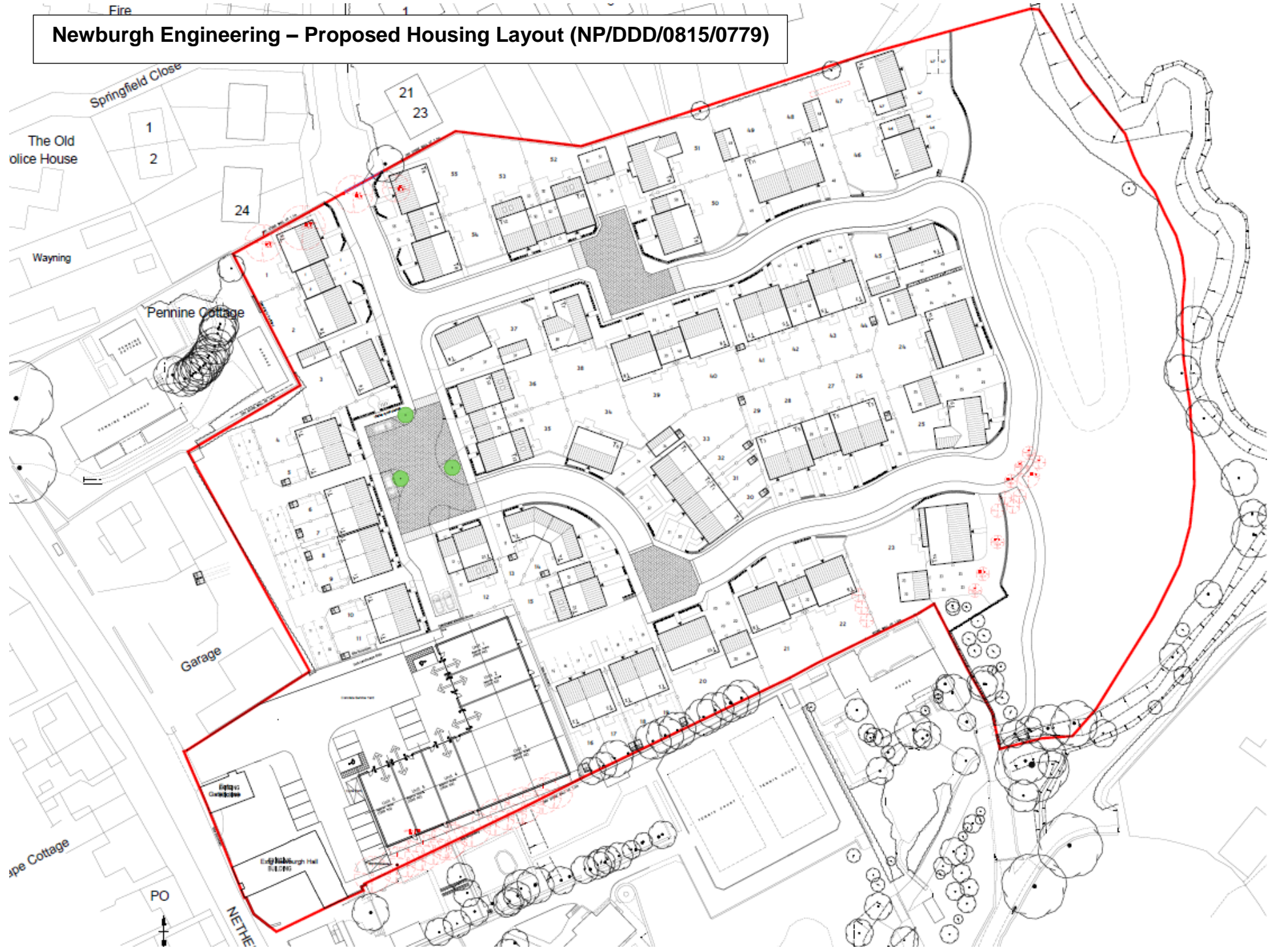
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<p>Committee Date: 17/06/2016                  Item Number: 6                  Application No: NP/DDD/0815/0779                  Grid Reference: 417360, 381299</p>	<p><b>Title:</b> Newburgh Engineering Co Ltd                  Newburgh Works                  Netherside                  Bradwell                  S33 9NT</p>	 <p><b>PEAK DISTRICT NATIONAL PARK</b></p>
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**Newburgh Engineering – Proposed Housing Layout (NP/DDD/0815/0779)**



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## **7. ANNUAL REPORT ON PLANNING APPEALS 2015/16 (A.1536/AM/JRS/KH)**

### **Purpose of Report**

This report summarises the work carried out on planning appeals from 1 April 2015 to 31 March 2016.

### **Information on Appeals Process**

In this period 34 new appeals were received, of which 14 were still in hand as of the 1 April. During the year 29 appeals were decided and 0 were withdrawn.

Of the total new appeals:

- 2 were to follow the informal hearing procedure
- 18 were to follow the written representation procedure
- 5 were to follow the householder appeals procedure
- 7 were to follow the enforcement appeal procedure
- 1 was to follow the LDC appeal procedure
- 1 was to follow the public inquiry procedure

### **Outcome of Appeals**

The chart below shows the outcome of appeals over the last five years. The percentage of appeals allowed in the year 2015/16, at 24% is lower than the previous 5 years, although the context for this is analysed in more detail below.

	<b>2105/16</b>	2014/15	2013/14	2012/13	2011/12	2010/11
DECISIONS	<b>29</b>	35	33	38	38	51
Allowed	<b>7</b> <b>24%</b>	15 43%	11 33%	10 26%	15 39%	15 29%
Dismissed	<b>22</b> <b>76%</b>	20 57%	22 67%	28 74%	23 61%	35 69%

The national average for appeals allowed (according to the figures from the Planning Inspectorate up to the end of December) for 2015/16 was 32% for householder appeals and 33% for all other appeals excluding householder.

Of the 7 appeals allowed during this period, 5 (72%) were dealt with by written representations, 1 (14%) by the Householder procedure and 1 (14%) was dealt with by the enforcement appeal procedure

### **Enforcement**

During the period 7 new enforcement appeals were handled, of these 3 were dismissed, 1 was allowed and 3 were awaiting determination.

### **Householder Appeals**

In the year to 31 March 2016, 5 new householder appeals were submitted. Of these, 3 were dismissed, 1 was allowed and 1 was awaiting determination.

### List of Appeals Allowed

Each appeal decision, whether allowed or dismissed, has been reported to Committee during the year. The following is a list of all the appeals which were allowed or partially allowed during 2015/2016.

<b>Appeal Site</b>	<b>Development subject to appeal</b>	<b>Mode of appeal</b>	<b>Decision date</b>	<b>Delegated/ Committee</b>	<b>Main issue</b>
Barn Farm, Birchover	Use of land to accommodate up to 25 tents during the months of June, July and August each year	Written Representations	18/06/2015	Delegated	Effect of the proposal on the living conditions of the residents with particular regard to noise and disturbance
Five Acres Farm, Wardlow	Use of yard for parking 2 lorries, in addition to retention of use of yard for agricultural purposes	Written Representations	29/07/2015	Committee	Whether the proposal would accord with both local and national planning policy on farm diversification and whether the development would conserve the landscape and scenic beauty of the National Park
Endcliffe Court, Ashford Road, Bakewell	Six number one bedroomed flats	Informal Hearing	11/08/2015	Committee	Whether the development proposed would be consistent with the principles of sustainable development, and having regard to the Development Plan and the National Planning Policy Framework

Barn adjacent to the B5056, Winster, DE4 2DR	Change of use/conversion of an agricultural barn to provide a single local need/affordable residence	Written Representations	02/09/2015	Delegated	Whether the proposed development would have an effect on highway safety
Former Goldcrest Works, Main Road, Stanton-in-the-Peak	Change of Use of “croft” to domestic curtilage, erection of gritstone clad retaining wall and association ground works	Written Representations	29/09/2015	Committee	Whether the proposal would preserve or enhance the character or appearance of the Stanton-in-the-Peak Conservation Area
Flash Bar Stores, Quarnford, Buxton	Against an Enforcement Notice – without planning permission, change of use of the Land to a mixed use comprising A1 retail and A3 café and C3 residential use and; without planning permission carrying out building operations comprising the extension and alterations to the roof, installation of solar panels and installation of a door to the building.	Written Representations	17/02/2016	Delegated	Whether the residential occupation of the outbuilding is justified by the needs of the existing business, and the effect of the development and works which have been carried out on the character and appearance of the building and its setting in the National Park
Redbourn e Cottage, White Lodge Lane, Baslow	Proposed two storey extension to detached dwelling over and to the rear of existing garage and single storey side/rear extension	Householder	29/03/2016	Delegated	Effect of the proposal on the living conditions of the occupiers at the neighbouring property in terms of outlook and light

## Delegation / Planning Committee

Total number of planning applications decided between 1 April 2015 and 31 March 2016 was 1127 of which 910 (81%) were determined under delegated powers.

Of the 29 appeals decided:

- 21 (72%) related to applications determined under delegated powers. Of these 17 were dismissed and 4 were allowed
- 8 (28%) appeals were determined by Planning Committee. Of these 5 were dismissed and 3 were allowed

## Comment

The percentage of appeals allowed against the Authority's decisions in 2015/16 was lower than last year, at 24% rather than 43%. The total number of appeals has dropped, particularly from the very high level of 2010/11. Those appeals which have been allowed have been cases where a site specific judgment by the Inspector has been different from that of the Authority. There have been no appeals allowed which were fundamentally contrary to policy or which raised wider policy issues. This is welcome and shows that the Authority's decisions and its policies are generally being supported by the Planning Inspectorate.

Members will be aware of any issues raised by specific appeal decisions (both allowed and dismissed) as the Director of Conservation & Planning sends all members a short analysis of each decision, together with the decision letter itself, when an appeal is determined. Three appeals were allowed this year in cases where Members had overturned the officer recommendation (Five Acres Farm, Wardlow; Endcliffe Court, Bakewell and the Former Goldcrest Works, Stanton-in-the-Peak).

One of the appeals dismissed was in respect of an objection to a Prohibition Order at Bakestonedale, near Pott Shrigley. The Appeal was against the proposed Order, with the Inspector making a recommendation to the Secretary of State, who confirmed the Order. The case was dealt with by written representations, having initially been listed as an Inquiry. In January 2016 there was also a public inquiry into a Prohibition Order relating to Longstone Edge/Backdale; the decision is awaited.

There has been an increase in the number of enforcement appeals this year: 3 are currently being handled, 1 was allowed and 3 were dismissed.

At the Authority there has been an increase in the number of appeals heard at informal hearings, and also an increase in those dealt with by written representations. Nationally the figures (up to the end of December), for public inquiries, hearings and written representations have plateaued, with public inquiries accounting for 4% of all appeals in 2015/16 whilst hearings accounted for 7% in 2015/16 and written representations accounted for 89% in 2015/16.

The householder appeal service continues to be a success, allowing a quicker and simpler process and the opportunity for officers to use the delegated report as the essential evidence to defend the appeal. To date no problems have occurred with the processing of appeals electronically.



## **Human Rights**

The appeals procedure is consistent with human rights legislation.

## **RECOMMENDATION:**

**That the report be noted.**

## **Background Papers** (not previously published):

Appeal statistics

**Appendices** – None

## **Report Author, Job Title and Publication Date**

Andrea McCaskie, Head of Law, John Scott, Director of Conservation & Planning and  
Karen Harrison, Democratic & Legal Support Assistant

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**8. HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)**

**1. APPEALS LODGED**

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/S/1015/1009 3148333	Development of single subterranean/earth sheltered eco-house self-build dwelling for existing local residents, associated access and extensive soft landscaping scheme on land adjacent to the Old Vicarage, Heads Lane, Bolsterstone	Written Representations	Committee
NP/DIS/1115/1116 3149538	Discharge of Condition 2 attached to NP/DDD/0215/0074 – Change of Use of 'Croft' to domestic curtilage, erection of gritstone clad retaining wall, and associated ground works at The Former Goldcrest Engineering Works, Main Road, Stanton-in-the Peak	Written Representations	Delegated

**2. APPEALS DECIDED**

The following appeal has been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/1115/1053 3141649	Demolition of farmhouse and erection of replacement dwelling house; demolition and rebuilding of stables to form additional living accommodation; erection of stable buildings and garaging at Bleaklow Farm, Bramley Lane, Hassop, DE45 1NS	Written Representations	Dismissed	Committee

The Inspector felt that the development would have had a significant adverse effect on the character and appearance of the area. It would have also conflicted with LH4 and LH5 of the Local Plan together with GSP1, GSP2, GSP3 and L1 of the Core Strategy, which collectively seek to ensure that development proposals secure the statutory aims of the Peak District National Park, and respect, conserve and enhance all valued characteristics of the site and buildings, with particular reference to the effect of the proposal on the character and setting of buildings and landscape within which they sit. For these reasons the Inspector concluded that the appeal should be dismissed.

**4. RECOMMENDATION:**

**That the report be received.**

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