

# Public Document Pack

**Peak District National Park Authority**

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



Our Ref: A.1142/1447

Date: 7 July 2016



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 15 July 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 of 17 June 2016** (*Pages 1 - 10*)
3. **Urgent Business**
4. **Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application - Demolition of existing industrial units and construction of replacement employment floorspace, improvements to existing site access, parking, landscaping and other associated works at Riverside Business Park, Buxton Road, Bakewell (NP/DDD/0316/0280, P4822, 421111/369121/ 30/03/2015/ALN)** (*Pages 11 - 38*)  
Site Plan
7. **Full Application - Change of use to Field Nos 8485 and 8877 to a seasonal overflow camping field at Knotlow Farm, Flagg (NP/DDD/0216/0085, P7457, 04/07/2016/ALN)** (*Pages 39 - 54*)

Appendix 1

Site Plan

8. **Monitoring and Enforcement Quarterly Review - July 2016 (A.1533/AJC)** (Pages 55 - 60)
  
9. **Designation of Chinley, Buxworth and Brownside Parish as Neighbourhood Plan Areas (IF)** (Pages 61 - 68)  
Appendix 1  
  
Appendix 2
  
10. **Confirmation of Tree Preservation Order Where Objections and Representations are Received (GM)** (Pages 69 - 74)  
Appendix 1
  
11. **Head of Law Report - Planning Appeals (A.1536/AMC)** (Pages 75 - 76)

### **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 Strategy and Development 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

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

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

## General Information for Members of the Public Attending Meetings

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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 Mrs C Howe
Cllr H Laws	Ms S McGuire
Cllr J Macrae	Cllr Mrs K Potter
Cllr Mrs L C Roberts	Cllr Mrs J A Twigg
Cllr D Williams	

### Other invited Members: (May speak but not vote)

Cllr A McCloy                      Cllr F J Walton

Constituent Authorities  
Secretary of State for the Environment  
Natural England

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



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**MINUTES**

Meeting: **Planning Committee**

Date: Friday 17 June 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 C Carr, Cllr D Chapman,  
Mr R Helliwell, Cllr H Laws, Ms S McGuire, Cllr J Macrae,  
Cllr Mrs K Potter and Cllr Mrs J A Twigg

Cllr A McCloy attended to observe and speak but not vote.

Apologies for absence: Cllr N Gibson, Cllr Mrs C Howe and Cllr Mrs L C Roberts.

**84/16 MINUTES OF PREVIOUS MEETING HELD ON**

The minutes of the last meeting of the Planning Committee held on 13 May 2016 were approved as a correct record.

**85/16 MEMBERS DECLARATIONS OF INTEREST**

Items 6

Cllr Patrick Brady declared a personal interest as he knows Mrs Linda Grainger who spoke on this item.

Cllr Mrs Judith Twigg declared a personal interest as she attends Bradwell Parish Council but does not take part in discussion on planning matters.

**86/16 PUBLIC PARTICIPATION**

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

**87/16 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**

Members had visited the site on the previous day.

In introducing the report the Planning Officer highlighted corrections/additions to the report as follows:

- An officer declaration of interest has been received and can be viewed on the Authority's website.
- The Community Land Trust (CLT) do not have a management agreement with Peak District Rural Housing Association. No decision on which Housing Association to use will be made until after the Committee decision.
- The response from the Rural Housing Enabler, supporting the proposal, was briefly summarised as she would be speaking later to the points made.
- Archaeology – the Authority's archaeologist's comments had been omitted from the report in error. Those comments included an objection to the scheme due to insufficient information available about the site and a field evaluation was needed. Following work with the developers, the Authority's Archaeologist has agreed a plan to evaluate the site over two phases. The Authority's Archaeologist and Historic England are now happy to proceed.
- Adjustments to the wording of the phasing condition to allow discharge of detailed matters relating to each phase prior to work starting on that phase rather than for the whole site only.

Newburgh Engineering will move into one or more of the new industrial units once built and need a variation of conditions as currently the units are B1 and Newburgh Engineering required them to be B2 units. Condition 22 will be amended to show the change in condition and update development description but to ensure the units revert back to B1 should Newburgh Engineering decide to leave the premises. Delegated authority was requested for Director of Conservation and Planning to agree minor changes to the conditions in consultation with the Chair and Vice Chair of the Committee.

Limitations of traditional buildings and land ownership on the site along with the movement of Heavy Goods Vehicles (HGVs) had not allowed the provision of a footpath to the main street of the village but a piece of land has been set aside should there be a change in use of land on the site currently occupied by the Bradwell Autos HGV garage.

The applicants had put forward proposals to improve access and parking along Bradwell Head Road in response to local concerns over the expected increase in traffic as the only vehicle access to the housing development.

The Authority's Landscape Architect requested changes to the plans to add further structural tree planting in front gardens and a continuous wall on the eastern boundary as the choice of hedgerow is non-traditional in the village.

Further discussions had taken place with the Environmental Health Office following concerns about the noise level from the garage on the west side of the site identified during the site visit. A need for an acoustic fence and screen planting was identified and will be added to condition 19.

Bradwell Neighbourhood Plan placed a limit of 40 market homes on the Newburgh site. The development has 43 but the additional three homes are necessary to ensure viability and enable the developer to build 12 affordable homes to meet the local need and hand them to the Community Land Trust free of charge.

The following spoke under the Public Participation at Meetings Scheme:

- Cllr Chris Furness, member in Support

- Mr Barry Fletcher, local resident, Objector
- Mr Peter Higgs, Bradwell Parish Council, Supporter
- Ms Linda Grainger, Bradwell Parish Council Neighbourhood Planning Team, supporter
- Mr Andrew Nash, Bradwell Community Land Trust, Supporter
- Ms Isabel Frenzel, Rural Housing Enabler, Derbyshire Dales District Council, Supporter
- Mr Robert Cogings, Head of Housing, Derbyshire Dales District Council, Supporter
- Alistair Flatman - Agent

The Chair of Committee congratulated all involved in producing a planning application on such a large scale that could be approved.

The meeting was adjourned from 11.10 to 11.15 for a short break.

Members noted concerns regarding noise from the industrial units and requested the addition of a conditions restricting permitted development rights for alterations, preventing outside storage, to ensure there were the minimum number of openings on the rear of the buildings adjacent to the housing and that no external equipment (e.g. extractor fans) be fitted to this part of the building. The officer confirmed that this and more detail would be added to the condition to cover this.

Members noted the concerns raised regarding the access to the site via Bradwell Head Road and the proposal made by the developer in consultation with the Highways Authority to mitigate the impacts and provide additional parking. More off road parking would need to be provided than currently proposed.

Members noted the recommendation to change the plan to put a wall along the edge of the site adjoining the flood plain. This suggestion was rejected in favour of the planned proposal for a hedge along the road.

Members requested additions to condition 5 to include utility boxes for electricity/gas meters and their location out of sight of the road.

Members noted that the planning application does not mention renewables or sustainability and requested that the developers be encouraged to refer to Core Strategy CC1.

Three main areas to be clarified within the conditions are:

- Agreement to improve access via Bradwell Head Road with Highways Authority.
- Noise issues from Bradwell Autos and industrial units
- Sustainability and green credentials of development site

The recommendation for Approval was moved and seconded. The motion was then voted on and carried.

### **RESOLVED:**

**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 that the application be APPROVED subject to prior reporting of the results of an archaeological site evaluation (with any significant issues arising being reported back to Committee following**

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**consultation with the Chair and Vice Chair) and the following conditions (and subject to minor amendments at the discretion of the Director of Conservation and Planning):**

- 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. No external noise generating machinery on industrial units; and excluding permitted development rights in relation to alternations or increases in size of industrial units.**
- 5. Phasing of development – to secure that the affordable housing and the industrial space is provided during development of the market dwellings.**
- 6. Specify architectural details relating to walls roofs, drives, paths, materials, doors/windows, boundaries and utility meter housing**
- 7. Agree final finished floor levels for the houses prior to work commencing on the construction on the residential development (other than demolition)**
- 8. Agree sample walling materials, roofing tiles, industrial sheeting profile/colour, surfacing and paving materials.**
- 9. Submit and agree all joinery details/finish**
- 10. 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;**
- 11. Revised Suds basin location and design as well as connectivity with the brook.**
- 12. The retention of an increased area of unimproved grassland, with enhanced planting and seeding to maximise the ecological benefits.**
- 13. 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**
- 14. 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.**



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15. 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**

16. 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.
17. 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.
18. 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 submitted for written approval by the Authority.
19. 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.
20. 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.
21. 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**

22. Restrict the usage class of Industrial units to B1 except for those units used by Newburgh Engineering (the later B2). All units to be B1 when not used by Newburgh Engineering.
23. 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 including the erection of an acoustic fence at the rear of Bradwell Autos. Restrict the openings on the housing side of the industrial units to those required for health and safety reasons and prohibit the installation of external equipment (e.g. extractor fans).

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24. Specify and agree construction working hours - to be restricted to 8am - 6pm weekdays and 8am – 1pm Saturdays, no working on Sundays or bank holidays.
  25. Restrict timing of delivery vehicles servicing the industrial units.
  26. Mitigation measures recommended in Environmental Statement to limit dust generation during the construction phase.
  27. Submit and agree in writing a scheme of environmental management for the dwellings and industrial facility

#### Ecology Conditions

28. No development shall take place until a construction environment management plan has been submitted to and approved in writing by the Authority
29. 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.
30. 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.
31. Prior submission and agreement (with implementation) of any external lighting to be installed on site with the Authority.

#### Highway Conditions

32. Submit, agree and implement a travel plan for the whole scheme
33. 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.
34. 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.
35. 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

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drainage) have been submitted to and approved in writing

36. 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,
37. 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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
44. 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.
45. 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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46. 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.
  47. 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.
  48. 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.
  49. 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.
  50. 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
  51. 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

52. 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.
53. No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation
54. 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

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**to be made for analysis, publication and dissemination of results and archive deposition has been secured."**

**55. Highway Advisory Footnotes**

**56. DCC Advisory Footnotes**

**57. Environment Agency Footnotes/Advice**

**58. Erection of acoustic fence along boundary with garage.**

**88/16 ANNUAL REPORT ON PLANNING APPEALS 2015/16**

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

**89/16 HEAD OF LAW REPORT - PLANNING APPEALS**

**The motion to receive the report was moved, seconded, put to the vote and carried.**

The meeting ended at 1.00 pm

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**6. FULL APPLICATION - DEMOLITION OF EXISTING INDUSTRIAL UNITS AND CONSTRUCTION OF REPLACEMENT EMPLOYMENT FLOORSPACE, IMPROVEMENT TO EXISTING SITE ACCESS, PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS AT RIVERSIDE BUSINESS PARK, BUXTON RD, BAKEWELL (NP/DDD/0316/0280, P4822, 421111/369121/ 30/03/2015/ALN)**

**APPLICANT: RIVERSIDE BUSINESS PARK LIMITED**

**Site and Surroundings**

Riverside Business Park (RBP) lies on the north west side of Bakewell in the Wye valley approximately 0.8 km from the town centre. Land in ownership extends to 5ha north of the A6 Buxton Road and comprises a mixture of buildings used primarily for business (B1 use), general industrial (B2 use), and storage and distribution purposes (B8 use). Thornbridge Brewery and Pinelog Ltd also have a substantial presence on the Business Park.

There are some notable historic features on the site including a riverside mill, adjacent river bridge and facings to the mill leat, which are grade II listed. The site was originally developed as a mill complex by Sir Richard Arkwright and the original water management system, including the mill leat, is a Scheduled Ancient Monument. By virtue of the site's proximity to the River Wye and the water management systems, the site is located within the Environment Agency Flood Zone 3.

The application site edged red is located at the north western end of the business Park and is currently occupied by a business that manufactures timber chalet buildings (Pinelog Ltd). Within the application site there are buildings of various ages, styles and finishes but that relate to the later phases of 20<sup>th</sup> century development on the site. The application site is bounded by the River Wye and the A6 on its south western side and on the remaining sides, abuts existing industrial building on the business park.

Outside of the application site edged red, but adjacent to the site within the wider business park there are also some notable historic features including a riverside mill, adjacent river bridge and facings to the mill leat, which are grade II listed. The site was originally developed as a mill complex by Sir Richard Arkwright and the original water management system, including the mill leat, is a Scheduled Ancient Monument. By virtue of the site's proximity to the River Wye and the water management systems, the site is located within the Environment Agency Flood Zone 3.

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

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

## **Proposal**

The application seeks full planning permission for the demolition of 4313 sqm of existing industrial buildings and the construction of 3696 sqm of replacement employment floorspace. The proposed development would consist of 4 new build portal framed industrial units, with associated parking, loading and access areas. The buildings have been designed to replicate existing more modern industrial buildings at the northern end of the site.

A statement submitted with the application explains that the development would enable the provision of more suitable, functional and appropriate employment floorspace than is provided by the present buildings on the site which are no longer fit for purpose. The agent also states that *'the scheme has been designed expressly around the requirements of Pinelog and will provide operational space suitable to meet the ongoing needs of the Pinelog business.'* They also state that *'the buildings are designed to meet the potential needs of a broad range of businesses, given that the buildings are expected to have a 50+ years lifetime and floorspace needs to be flexible'*

The two smallest units (units 13 and 14 on the submitted plan) would measure 40m long by 12m wide and each would have a floor area of approx. 475 sqm. They would be arranged along the south western boundary of the site, with their ridges following the line of the River Wye. The plans show that each building could be divided into 4 separate units. Unit 15 would sit along the north western boundary of the site, backing onto an existing industrial building of the same size and design (known as Kingfisher building). It would measure 64m long by 18m wide with an overall floorspace of 1096 sqm and could be divided into 7 separate units. The largest building (unit 12) would measure 28m (at its longest point) by 31m wide and could be divided into 8 units. It would have an overall floorspace of 1626 sqm.

Each building would have a dual pitched roof clad in slate blue sheeting. The walls would be clad in grey coloured pre-coated sheeting. On the 'inward' facing elevations, there would be glazed and sheeted panels between gritstone faced piers. Solar pv panels are shown on the roofslopes that face into the site and rooflights are indicated on the outwards facing roofslopes.

During the course of the application the applicant has made it clear that the buildings would provide for use classes B1 (business), B2 (general industrial) and B8 (storage and distribution) and for no other employment generating use.

A total of 68 car parking spaces are proposed within the application site together with a further 10 HGV parking spaces.

The existing access arrangements i.e. via the stone bridge to the A6 and via Lumford and Holme Lane would be retained. The existing access road that runs along the south eastern and north eastern boundaries of the application site would be upgraded and re-surfaced and a new spur would be created off it to give access into the site for the new buildings.

The submitted plans showed the provision of three 'passing places' at intervals along the south side of the access road at Lumford, together with a pedestrian footpath located between the access track and the river.

The application is accompanied by a Design and Access Statement; Heritage Impact Assessment; Archaeological Assessment, Ecological Survey and Mitigation reports; Transport Statement; Flood Risk Assessment; Arboriculture Report; and Geotechnical Report



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**RECOMMENDATION:**

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

1. 3 year implementation time limit.
2. Adopt submitted and amended plans.
3. The buildings hereby approved shall be used solely for business uses, general industrial and storage and distribution uses as specified in B1, B2 and B8 of the schedule to the Town & Country Planning (Use Classes) Order 1987(as amended) or in any order revoking and re-enacting that order.
4. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the buildings hereby approved shall be carried out and no extensions, or ancillary buildings, shall be erected within the red-edged application site without the National Park Authority's prior written consent.
5. Within 6 months of a new road bridge to the A6 being constructed and first brought into use, a scheme for the removal of the passing places and the reinstatement of the land to its former condition shall be submitted to and agreed in writing by the National Park Authority. Thereafter the agreed scheme shall be completed within 12 months of the bridge being first brought into use.
6. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
7. Before any operations are commenced, excluding Condition No 5 above, the passing places on Holme Lane shall be constructed and the lane re-surfaced in accordance with the amended drawing and retained free from any impediment to their designated use throughout the life of the development.
8. Throughout the period of development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
9. No part of the development shall be occupied until the proposed access road works within the site have been carried out and constructed in accordance with application drawing number 2016-007/101 Rev D.
10. No unit shall be taken into use until space has been laid out within the site in accordance with application drawing number 2016-007/101 Rev D for 68 cars and 10 HGV's to be parked and for all vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

11. Prior to commencement of development, a scheme to raise and refurbish the riverside wall shall be submitted to and approved in writing by the National Park Planning Authority in consultation with the Environment Agency. The scheme to be submitted shall demonstrate the continuity of flood protection up to a 1 in 100 year plus climate change flood event plus 400mm freeboard allowance. The scheme to be submitted shall be based upon drawings showing upstream and downstream tie-in arrangements and an assessment of the structural integrity of the existing riverside wall and shall make recommendations for any remedial measures required to the riverside wall. The works shall be carried out in full compliance with the recommendations and details to be submitted and any phasing / timetable embodied within the scheme.
12. The finished floor levels of buildings shall be in accordance with the approved plan entitled 'Preliminary Finished Levels' (Drawing Number 2016-007/803 Revision A, dated 11 March 2016) unless otherwise agreed in writing by the National Park Planning Authority in consultation with the Environment Agency.
13. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the National Park Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.
14. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing in accordance with a brief for the works issued by this Authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority, this includes the programme of building recording. 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 part (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 part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

15. A detailed design and methods statement for the scheme and foundation design for use in areas of archaeological sensitivity, as determined by the programme of archaeological works, shall be submitted to and approved by the National Park Authority in writing prior to the commencement of the construction phase of the development. No development shall take place in areas of proven archaeological sensitivity other than in accordance with the details of the approved scheme.
16. No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the National Park Authority. This shall deal with the treatment of any environmentally sensitive areas, including the River Wye corridor, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:
  - The timing of the works
  - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
  - The ecological enhancements as mitigation for the loss of habitat resulting from the development
  - A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
  - Any necessary mitigation for protected species
  - Any necessary pollution protection methods
  - Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking. The works shall be carried out in accordance with the approved method statement.
17. If works take place bird breeding season (March to September inclusive), then suitable nesting features for Grey Wagtail shall be surveyed for active bird nests by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests shall be delayed until nesting activity has ceased.
18. No development shall take place until a scheme providing nesting opportunities for a range of bird species (including grey wagtail) on the application site has been submitted to and approved in writing by the National Park Authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved scheme
19. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust document Bats and Lighting in the UK.
20. Before works commence the small stand of cotoneaster shall be removed from the site in order to minimise the risk of spreading this plant through the course of the works.

21. **Appropriate ecological conditions with regards to bats – to be determined prior to the committee meeting.**
22. **Before commencing the development hereby approved a detailed scheme for landscaping (including tree and shrub planting seeding or turfing, earthmounding, walling, fencing or ground surfacing as necessary) shall be submitted to and approved in writing by the National Park Authority. The scheme shall include provision for the removal of the existing leylandii trees and replacement with native species. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following completion or occupation of the development. Any walling or surfacing shown on the approved plan shall be completed before the building is first occupied. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.**
23. **Recommendations and further investigations in Chapter 6 of the Phase 1 Geotechnical and Geo-environmental Site Investigation Report by Eastwood and Partners dates April 2015 as they apply to the application site shall be fully implemented.**

#### **Key Issues**

- Whether the proposals accord with the requirements of Core Strategy policy E1 and saved Local Plan policy LB7 with regard to the redevelopment of the site predominantly for industrial/business use.
- Whether the proposals are acceptable in planning terms with regard to flood risk issues; ecology; archaeology and heritage assets; highway issues; site contamination and impact on amenity of local residents.

#### **Relevant Planning History**

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

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

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

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

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

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

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

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

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

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

- a gym, a cash carry and Thornbridge Brewery, who also occupy the whole of the second new unit allowed by this permission.
- 2013 Planning permission granted for the installation of two bulk malt handling silos adjacent to the unit occupied by Thornbridge Brewery.
- 2014 Planning permission and Listed Building Consent granted for the erection of a closed circuit security camera mast/ camera installation to provide surveillance of vehicles entering and leaving the Business Park.
- December 2015 Planning permission refused for proposed demolition of former mill buildings, associated structures and other buildings and seeking full planning permission for hotel (C1) development incorporating ground floor floorspace with flexibility to be used for café (A3) and gym (D2), improvements to existing site access, parking, landscaping and other associated works. An appeal was lodged in April 2016 and a date for an informal hearing has been set for October 2016.
- December 2016 Planning permission refused for demolition of former mill buildings, associated structures and other buildings and outline planning permission for mixed use development comprising Class A1 foodstore and floorspace with flexibility to be used for Class A1 (non-food), Class A3, Class B1/B2/B8 and Class D2 uses, improvements to existing site access including connection to previously approved and implemented new bridged access from Buxton Road, parking, landscaping and other associated works

## **Consultations**

### **External Consultees**

County Council (Highway Authority) – no objections to the application subject to a number of recommended conditions in the interest of highway safety.

County Council (Strategic Planning) – the proposed development looks to be well conceived and would remove only those buildings which are in a poor or dilapidated state. Those buildings would be replaced by new modern employment floorspace of a similar of a similar scale and mass that would be much more attractive to prospective occupiers, although it is recognised that there would be net loss of around 617 sqm of floorspace. The main concerns are that the proposals provide no details of the range of ‘employment uses’ proposed. Any planning permission should, by way of condition, restrict use classes to B1, B2 and B8. Given the out of centre location any further A1, A3, A4 or A5 uses would be more likely to impact on the vitality and viability of Bakewell town centre. Also concerns about loss of existing floorspace. Subject to these points the development would be compatible with a number of key objectives in the Derbyshire Economic Strategy Statement.

County Council (Local Lead Flood Authority) – no objections subject to a condition requiring the submission, agreement and implementation of a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015).

District Council (Economic Development Manager) - A key consideration is the impact on the existing occupier of the units proposed for demolition, Pinelog, a significant employer within Bakewell. It is therefore important that the reduction in overall employment floorspace provision proposed and design of new units is capable of accommodating existing business operations. Any demolition and re-development will need to be planned and phased in liaison with existing

occupiers and a more comprehensive demolition strategy would help in this regard.

As indicated, the proposed development does not result in an increase in existing floorspace on the site. However, the application would be strengthened with the delivery of the new bridge and access off the A6 and District Council officers understand the proposed scheme would not preclude this from being delivered. The applicant must therefore be encouraged to bring forward this consented access as soon as is practicable within the overall re-development of the site and the potential for grant support be pursued as part of the funding mix.

District Council (Environmental Health Officer) – no objections

Environment Agency - no objections subject to conditions relating to the raising and refurbishment of the riverside wall and with regard to finished floor levels.

Severn Trent Water - no response to date.

Historic England – Any remains of the early water power features associated with Arkwright's Mill at Bakewell (mill pond and associated structures) would contribute directly to the significance of the scheduled monument. Their survival and significance therefore require appropriate evaluation. Such remains may have significance in their own right or contribute to the significance of the scheduled monument as setting (see GPA 3 Setting of Heritage Assets). The impacts of the development should (in line with NPPF paras 132 and 134) be weighed by your authority on balance of public interests giving great weight to the conservation of the scheduled monument (mindful also of your statutory duties under the 1990 Listed Buildings and Conservation Areas Act with special regard to the desirability of preserving the setting of the listed building). Through the reduction of impacts and the recording of such remains as may unavoidably be lost, impacts should be mitigated in a manner proportional to the assets' importance. It is possible that material of demonstrable equivalent importance to the scheduled monument (NPPF para 139) may survive and if this is the case they should be treated on parity with the scheduled monument itself.

The nineteenth and twentieth century industrial remains on site contribute positively to the significance of the scheduled monument and associated listed building in terms of the on-going (post-fire) industrial uses of the site. In line with NPPF paras 132 and 134 and 1990 Act your authority should give great weight (and have special regard) in respect of the scheduled monument and listed building in balancing harm against other public interests. Where your authority is minded to grant consent for demolitions such structures as are to be lost should be recorded in a manner proportionate to their significance in the setting context of the monument. In this respect the remains associated with the submarine battery works may be of particular interest.

Refer to the expert advice of your authority's Senior Conservation Archaeologist in respect of those matters. With regard to the external appearance of new structures refer to the advice of your Authority's Conservation Officers.

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

Town Council – The Town Council cannot recommend approval of the application at this time. No update has been seen from Historic England relating to Harm to Heritage Sites. There is significant objection from local residents with valid concerns, including a possible miscalculation of square metres involved in the application. The stated use range for the application is not shown (which may be a risk to the viability to the town centre). No new bridge forms part of this



application. The application is effectively phase 3 of the original application for the site which as a whole was not approved. There is an awaited appeal decision on phase 1 of the site (hotel) which, if approved, also has no new bridge as part of the application (taking this application as part of the wider context of the whole site). Relevant material planning considerations are felt to be: Failure to comply with adopted planning policies; The planning history of the site; Highway issues including traffic generation, vehicle access and road safety; Effect on listed buildings and Conservation Areas; Impact of archaeological sites.

### **Internal Consultees**

National Park Authority (Landscape Architect) – Overall this application should represent a visual landscape improvement as seen from the A6 and the adjacent woodland to the north as it removes dilapidated buildings. Visually although the leylandii do provide some screening they should be removed and replaced with deciduous trees/shrubs. I have specific concerns about the suggested landscaping including tree and shrub species, size of stock and if landscaping recommended is appropriate, however this can be dealt with by condition.

National Park Authority (Conservation Officer) - would not support the construction of passing places and a footpath as shown on submitted plans, because they would have a negative impact on the character of the Conservation Area and therefore harm its significance.

National Park Authority (Ecologist) - no objections subject to conditions with regard to the submission and agreement of a construction method statement; works to avoid impacts on and mitigation for Grey Wagtail; submission of external lighting scheme; bat mitigation and removal of invasive species.

National Park Authority (Archaeologist) - There is a level of uncertainty both in relation to the nature and significance of surviving archaeological remains and the impact so the proposed development upon them. The usual course of action to provide the information required would be to request an archaeological field evaluation takes place, in line with Para. 128 of NPPF. However, it is appreciated that the nature of the site as one currently in active use by a number of businesses and almost entirely covered by existing building and hard standing areas, to conduct a field evaluation whilst the site is in active use is not practical or possible.

However, the nature, extent, character and significance of surviving archaeological remains does need evaluating in order to fully understand archaeological significance and impact, to allow the preservation in situ of nationally important archaeological remains and to allow an appropriate archaeological mitigation strategy to be formulated for remains of lesser significance.

The statement of intent formulated by Archaeological Research Services received from Nathaniel Lichfield and Partners is welcomed. This establishes that enough flexibility exists in both the scheme itself and in the proposed timetabling, for the developer to work with the authority, and particularly the Senior Conservation Archaeologist, to achieve preservation in situ of remains where required by means of using appropriate foundation design, raising ground levels, reuse of existing concrete pads etc.

In relation to the programme of works proposed in the statement of intent, particularly point 2 of the proposed programme, advises that evaluation trenching is required across the site in areas where former water management and millpond features may survive, particularly in relation to the proposed Units 12 and 15, and not just in the area of the Nissan Huts as point 2 implies. As the programme of archaeological works needs to be carried out in accordance with a brief issued by this Authority and a Written Scheme of Investigation approved by this Authority details of trench locations can be formally agreed by this process to achieve the coverage required.

Subject to appropriate conditions to secure a programme of archaeological works (including the building recording required) and conservation in situ where required, the positive determination of the application is supported.

### **Representations**

Individual neighbour notifications of the Lumford residents have been undertaken and site notices have been erected.

15 letters of support have been received (including 6 from representatives of Thornbridge Brewery and 4 from other local businesses) on the following grounds:

- Riverside Business Park is the mainstay of the local economy, being home to 30 companies and providing employment for 230 people.
- Growth would benefit the local area in terms of employment and visitor numbers.
- Riverside is in serious need of refurbishment and regeneration.
- Scheme is sensitively designed and concerns of local residents have been taken into account.
- Overall industrial floorspace would be reduced.
- One of the limitations to further expansion and increased employment opportunities at Thornbridge Brewery is the availability of suitable buildings on site.
- The scheme will benefit existing businesses at the site by improving their standing in the community. It would reduce the possibility of businesses seeking to relocate elsewhere.
- If refused the scheme would hinder the potential growth of Thornbridge Brewery.
- There is a demand for the type of business space proposed.
- Businesses on the site are significant local employers in Bakewell and the wider National Park and need to be encouraged and retained.
- The current unsightly buildings prevent appreciation of the historic assets on the site.
- The development would provide improved parking facilities.

A letter of support has been received from 'Business Peak District' which represents business interests in the local area. The following points are raised:

- The proposals represent a rare and significant opportunity to secure substantial private investment in the local economy.
- The existing buildings on the site are not fit for purpose.
- The proposals are for new modern business facilities within the existing employment floorspace.
- The success of the application is key to the case for a 'Growth Deal' to deliver improvements to the bridge access.

14 individual letters of objection have been received, 13 of which were from residents of Lumford and Holme Lane. They raise the following issues:

- There is still no provision for a new road bridge – this has obvious benefits and should be constructed first and foremost before any further development.
- Pinelog is a valued local employer and their loss from the site would be concerning.
- The area in front of Lumford is popular as it is scenic and the home for wildlife – the paths and passing places would disturb their habitats and be harmful to the character of the Conservation Area and the setting of the listed packhorse bridge. The area also floods after heavy rainfall.
- Concerns about increased traffic along Lumford and Holme Lane – the access is narrow, congested, dangerous and poorly maintained. Traffic has already increased and set to increase more when Thornbridge Brewery expands.
- Increased danger to residents whose garden paths open directly onto the access road – the proposed path would be ineffective in dealing with this.
- Hours of operation is an issue – at present the road is quiet at evenings and weekends – this could change depending on the use of the new units.
- Concerns over increase in traffic over and above that generated by current proposals if the hotel appeal is allowed.
- No confidence that the proposed ‘improvements’ to the access road after years of a poorly managed road despite increases in traffic volumes.
- Residents have the right to the peaceful enjoyment and quality of life in their own homes.
- The 68 parking spaces in the application do not seem to include those in the communal parking area at the entrance to the site.
- Would the proposals compromise the delivery of the road bridge?

A letter of strong objection has also been submitted from the Lumford and Holme Lane Residents Association. The letter reiterates many of the points made in the individual letters of objection, but also makes the following points:

- The existing access arrangements are deficient – the access road at Lumford is narrow and does not meet highway regulation standards. No design speeds or speed control features are offered and the small access improvements offered would be drowned by the intensification of movements.
- The demolition figures offered in incorrect in that they don’t take account of ‘temporary’ buildings on the site, where consent has expired and which are therefore unauthorised.
- Holme Lane is adopted but does not meet acceptable standards because of potholes and damage to curbs and retaining walls caused by heavy vehicles. The Design and Access Statement does not mention on street parking on Holme Lane and does not mention Lumford at all.

- The TRICS data provided is selective, focusing on peak levels of traffic. Traffic generation from Pinelog is predictable and contained – staff arrive and leave ‘en masse’ with limited visits from public and occasional deliveries by lorry. The proposed units could be subdivided into as many as 16 units with their own staff, customers and deliveries.
- Employment levels and the types of occupying businesses for the proposed replacement buildings does not appear to be given – it is possible that future tenants may employ only a small number of people versus the 80 jobs created by Pinelog.

A letter of objection have been received from the Bakewell and District Civic Society on the following grounds:

- The absence of a new bridge of a standard capable of taking commercial traffic giving direct access to the site from the A6 remains an essential pre-requisite to the successful redevelopment of the site.
- The site should have a comprehensive redevelopment plan, not a piecemeal replacement of existing units.
- The proposed widening of the road past Lumford Cottages is of concern as it would take much of the attractive riverbank area. This area is proposed as Local Green Space in the proposed Neighbourhood Plan.

### **Relevant Policy Context**

#### **Development Plan**

##### **Core Strategy**

Policy GSP1 seeks to secure National Park purposes and GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park and, (in part D) specific opportunities should be taken to remove undesirable features or buildings. This is expanded in policy L1 which relates directly to enhancement of landscape character, L2 to sites of biodiversity and geodiversity importance and policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Policy GSP3 refers to development management principles. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.

Policy DS1 is the development strategy. Bakewell is a named settlement under this policy and as such ‘small scale’ business premises would be permitted in or on the edge of the settlement.

Core strategy policy E1 B states that proposals for appropriate improvements to make existing employment sites in Bakewell more attractive to businesses will be welcomed.

CC5 relates to flood risk and the presumption against development which increases flood risk, and policy T1 which aims to reduce the need to travel by unsustainable means.

### Saved Local Plan Policies

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

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

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.

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

Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy. LC24 requires that development on land believed to be contaminated will be permitted provided that an accredited risk assessment is agreed.

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

### Assessment

***Issue 1 - Whether the proposals accord with the requirements of Core Strategy policy E1 and saved Local Plan policy LB7 with regard to the redevelopment of the site predominantly for industrial/business use.***

#### Principle of Development

In terms of the Town and Country Planning (Development Management Procedure) Order 2010 the current proposals represent 'major development' as they would create over 1000 sqm of floorspace. In planning policy – both national and local – the term major development is also referenced. Specifically paragraph 116 of the NPPF and Core Strategy policy GSP1 seek to resist major development in National Parks in all but exceptional circumstances.

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

It is reasonable in the instance therefore, to assess whether or not the development is major by reference to its potential impacts on the National Park’s valued characteristics as protected by planning policies. In this case the site in question is located on an existing industrial park in Bakewell, and the principle of redeveloping the site for further industrial/business use is established in Saved Local Plan policy LB7. In addition a recent study ‘The Bakewell Employment Land and Retail Review 2016’, commissioned by the National Park Authority, concluded that *‘The Riverside Business Park is a key industrial estate where continued employment use should be supported’...‘There is a clear justification for retention of the site for continued employment use and the redevelopment of derelict buildings’.*

Another consideration is whether the proposals would compromise the delivery of the new road bridge to the A6, for which planning permission has been granted. During the course of the application, a further drawing has been submitted which demonstrates that the bridge and its associated engineering and grading works close the application site could still be constructed as approved if the current proposals were to go ahead.

Consequently in principle the proposals, which are to upgrade and replace the existing employment site for B1, B2 and B8 uses, without compromising the delivery of the new road bridge, meet with the overall intentions of LB7 and E1 and are in line with the recommendations of the Employment Land Review. As such the development cannot reasonably be considered to be major in terms of its likely impacts. That is not to say that its impacts could not still be significant within the context of the site itself and its immediate surroundings – only that the restrictions placed on major development by national and local policy are not considered to apply to the proposal.

Objectors have raised issue with the fact that the proposals do not amount to a ‘comprehensive redevelopment’ of the site as referred to in policy LB7 but rather amount to a more ‘piecemeal’ approach. Whilst this is acknowledged it should be recognised that LB7 is a ‘permissive’ policy in that it allows for the comprehensive redevelopment of the site but does not state that this must be a pre-requisite for any further development. Furthermore the proposals are in line with the overall intentions of LB7 by providing replacement B1 and B2 uses.

The decision on the application must therefore rest on the consideration of a range of site specific issues with regard to design and landscaping; impacts on archaeology and heritage assets; ecology; flood risk; site contamination; highway issues; and impact on the amenity of local residents.

***Issue 2: Whether the proposals are acceptable in planning terms with regard to design and landscaping; flood risk issues; archaeology and heritage assets; ecology; site contamination; highway issues and impact on amenity of local residents .***

#### Design and Landscaping

Core Strategy policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and building that are subject to the development proposals. Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy.

In this case the existing buildings on the site have been erected in an ad-hoc fashion over a number of years in a variety of designs and materials. Some of the buildings are visible from the A6 and at present, despite that fact that the blister hangars may have some historic significance (discussed later in the report), on the whole the buildings do not contribute positively to the character and appearance of the area.

The proposed buildings would be constructed to a standard design to match existing, adjacent buildings to the north. The fact that the buildings vary in size and would be arranged loosely around the proposed access roads and parking areas gives a fairly informal layout which is in keeping with the character of the site. The buildings appear to be fit for purpose and appear to be flexible and adaptable given that the purposes for which they are used may change over their lifetime. As a result, in the context of the site, the siting and design of the buildings is considered to be acceptable and in accordance with GSP3 and LC4.

There are a number of leylandii trees growing along the south western boundary of the site, close to the river bank and the submitted arboricultural report and landscape layout plan indicate that these would be retained. Whilst these trees do provide some screening of the site from the A6, they are not native species and the Authority's Landscape Architect considers that they should be removed and replaced with native trees in order to provide some enhancement to the site. It is considered that this, and a more appropriate choice of native plants for proposed planting areas on the remainder of the site, can be achieved by means of a condition that requires the submission and agreement of a landscaping scheme.

### Flood Risk

The site is located within the Environment Agency Flood Zone 3. Buildings used for offices, general industry and storage and distribution are classified as 'less vulnerable' and as a result the Exception Test does not need to be applied for any part of the proposed development.

In respect of the Sequential Test a material consideration is that the site is allocated through saved policy LB7 for comprehensive redevelopment and as such the submitted Flood Risk Assessment (FRA) states that in consultation with the Environment Agency, it is considered that the proposals do in effect satisfy the Sequential Test required in the NPPF.

The report recognises that the site is protected from flooding from the River Wye by existing defences along the river bank, comprising a substantial wall of masonry and concrete. The top of the wall typically varies from just below (less than 50mm) to 600mm above the predicted 1 in 100 year plus climate change river level. The report recommends that the flood defence wall should be raised and strengthened as necessary and the Environment Agency have recommended that details of this should be secured by condition.

In addition the FRA suggests general flood mitigation measures including levels across the site to be laid out to provide an opportunity for any localised ponding to collect away from buildings and for excess storm water to be routed without posing a risk of flooding to properties. Again the Environment Agency has recommended that this be secured by condition.

Subject to the attaching of appropriate Environment Agency conditions, it is concluded that the redevelopment would not lead to a net loss in floodplain storage, would not impede water flows, and would not increase flood risk elsewhere. As such, the development is compliant with the National Planning policy Framework and Core Strategy policies CC1 and CC5.

### Archaeology and Heritage Assets

The riverside mill, adjacent river bridge and facings to the mill leat are listed grade II and Arkwright's water management system is a Scheduled Monument. Whilst not within the

application site edged red, these assets are in close proximity. The eastern part of the application site, compromising the access and the proposed footpath and passing places, lies within the Bakewell Conservation Area.

Historic England and the Authority's Senior Archaeologist initially raised issue with the proposals because no assessment of how the proposals would affect the significance of designated and non-designated heritage assets was submitted with the application.

In response to these concerns, an Archaeological Heritage Impact Assessment had been submitted which concludes that there are no known below ground archaeological remains within the application site and furthermore that much of the application site area has previously been disturbed due to construction of the current buildings on site. The archaeological potential of the area was therefore assessed as being low.

An above ground Heritage Impact Assessment has also been submitted. This acknowledges that the site does play a role in the wider industrial setting of the RBP. Whilst the C20 sheds and structures within the application site are an appropriate element within an industrial setting they are not contemporaneous with the heritage assets and given their later construction, temporary nature and poor condition, are not considered to positively contribute to the setting or significance of the heritage assets. The HIA concludes that the scheme would deliver public benefit and will not result in a material impact on the significance of heritage assets.

Historic England have been re-consulted following receipt of this additional information and they advise that the impacts of the development should (in line with NPPF paras 132 and 134) be weighed by the Authority on balance of public interests giving great weight to the conservation of the scheduled monument and listed buildings. Through the reduction of impacts and the recording of such remains as may unavoidably be lost, impacts should be mitigated in a manner proportional to the assets' importance. It is possible that material of demonstrable equivalent importance to the scheduled monument (NPPF para 139) may survive and if this is the case they should be treated on parity with the scheduled monument itself. They state that the nineteenth and twentieth century industrial remains on site contribute positively to the significance of the scheduled monument and associated listed building in terms of the on-going (post-fire) industrial uses of the site. They advise that where the Authority is minded to grant consent for demolitions, such structures that are to be lost should be recorded in a manner proportionate to their significance in the setting context of the monument. In this respect the remains associated with the submarine battery works may be of particular interest. In respect of these matters they refer to the advice of the Authority's Senior Archaeologist.

The Authority's Senior Archaeologist has also responded with regard to the submitted Impact Assessments. With regard to the impact on the setting of the Scheduled Ancient Monument she states that both assessments have failed to recognise that despite retaining the industrial use for the site, the proposed development will result in a rearrangement of the industrial units and a loss of significance in relation to the loss of the piecemeal development of the site that reflects the industrial development of the site over time, and how the site has developed since the 18<sup>th</sup> century. Whilst the change to this setting will result in harm, the retention of the industrial character of the site reduces the level of this harm, and the level of harm does not reach the 'substantial harm' threshold as set out in NPPF Chapter 12. She recommends that should the proposal be considered acceptable in terms of planning balance, the provision of an appropriate level of building recording for the structures that contribute most to the setting of the SAM, particularly the Nissen Hut buildings associated with the development of the DP Battery Company, could help mitigate this impact. This could be achieved by use on an appropriate condition. Officers consider that there are public benefits associated with the scheme including the provision of more flexible, modern industrial units and improvements to the overall appearance of the site that outweigh and 'less than substantial harm' that has been identified.



With regard to the information provided on below ground archaeology the Authority's Senior Archaeologist has responded by stating that there is the potential for below ground archaeological remains of the early water management features associated with Lumford Mill to survive at the site and these features have the potential to be of national importance. The previous development of the site, depending on the nature and depth of any groundworks undertaken, could have damaged, truncated or destroyed these remains, but no information has been submitted that provides an understanding of these previous ground impacts, therefore an approach must be taken that recognises the potential for surviving remains.

Given the level of uncertainty both in relation to the nature and significance of surviving archaeological remains and the impact so the proposed development upon them, the Authority's Senior Archaeologist states that the usual course of action to provide the information required would be to request an archaeological field evaluation takes place, in line with Para. 128 of NPPF. The results of the field evaluation would provide the necessary information on the nature, extent, character and significance of surviving archaeological remains to allow the impact and level of harm of the proposed development upon them to be understood. However, it is appreciated that the nature of the site as one currently in active use by a number of businesses and almost entirely covered by existing building and hard standing areas, to conduct a field evaluation whilst the site is in active use is not practical or possible.

As a result the applicant has, at the request of the Senior Archaeologist, provided a 'Statement of Intent' which establishes that enough flexibility exists in both the scheme itself and in the proposed timetabling, for the developer to work with the Authority, and particular the Senior Conservation Archaeologist, to achieve preservation in situ of remains where required by means of using appropriate foundation design, raising ground levels, reuse of existing concrete pads etc.

The Senior Archaeologist has advised that evaluation trenching is required across the site in areas where former water management and millpond features may survive, particularly in relation to the proposed Units 12 and 15, and not just in the area of the Nissan Huts as the 'Statement of Intent' implies. As the programme of archaeological works needs to be carried out in accordance with a brief issued by the Authority and a Written Scheme of Investigation approved by the Authority details of trench locations can be formally agreed by this process to achieve the coverage required.

Therefore subject to conditions with regard to conditions to secure a programme of archaeological works (including the building recording required) and conservation in situ where required it is considered that the proposals would conserve the significance of heritage assets and their settings in accordance with Core Strategy policy L2 and Local Plan policies LC15 and LC16.

### Ecology

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

An Extended Phase 1 Habitat Survey was submitted with the application and a number of buildings within the site were assessed for their potential to support roosting bats. Of the 18 structures identified, 4 were identified as high potential, 3 as moderate, 5 as low and the remainder have no potential. The report recommends further survey at an appropriate time of year.

Three bat activity surveys have been carried out during the course of the application. Preliminary results are that no bats were recorded emerging from or entering the buildings surveyed during any of the surveys. A bat roost was identified in one of the building during surveys carried out in 2015 and although no further evidence was found in the 2016 surveys, gaps in the overhanging boarded eaves are still present and the building is still classed as having 'high potential'. The full survey results and proposed mitigation and enhancement measures are awaited and will be reported verbally, along with any proposed conditions at the committee meeting.

The phase 1 survey also assessed a hybrid willow tree on the site as having potential to support roosting bats. Further inspections have since confirmed that the tree has in fact negligible potential and therefore no further action is recommended in relation to bats and this tree.

Grey Wagtail, a red list species was recorded during the survey and site demolition and tree removal will lead to a loss of suitable nesting habitat. The report recommends that works take place outside of the breeding season (March to September inclusive) unless suitable features are surveyed before works are carried out. This can be required by condition.

It is considered, therefore, that subject to the Authority's ecologist raising no overriding ecological concerns with regards to bats before the committee meeting, that the biodiversity interests would be conserved in accordance with Core Strategy policy L2 and Local Plan policy LC17 subject to appropriate planning conditions.

#### Site Contamination

A land contamination investigation was carried out in 2011 to inform earlier proposals at Riverside Business Park. An update report has also been submitted with the current application which explains that although the phase 1 report was completed 5 years ago, the site has undergone little change since and therefore the information presented remains valid. The report concludes that there are no overriding concerns that the previous industrial uses on the site would preclude the proposed redevelopment of the site. Officers concur that the remediation of the site is likely to be possible and this has been reflected in consultation responses from the Environment Agency and the District Council Environmental Health Officer, who recommend approval. It is therefore considered that the proposals would meet the requirements of saved local plan policy LC24 in respect of pollution and remediation of contaminated sites subject to a condition that requires the recommendations of the original Phase 1 report be to be fully implemented.

#### Highway Issues

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

The Highway Authority also advise that whilst it is not envisaged that the proposals would increase the traffic associated with the site, passing places would alleviate vehicular conflicts on the narrow access track so they recommended that they are constructed as proposed.

The Traffic Impact Analysis contained within the Transport Statement is based upon the assumption that there would be a reduction in gross internal floorspace on this site from the 4313 sqm as existing to 3696 sqm as proposed and concludes that as a result the impact on the local highway network would not be material.

In these respects and with regard to the interpretation of LB7 (iii), which requires a new access bridge to building if development results in an increase in existing floorspace on the site, local objectors have questioned the accuracy of the 'demolition' figures. Particular reference is made to two sets of buildings on the application site which, in the view of objectors, should not be included in the 'existing floorspace' calculations.

The first is a 'timber store' building that sits close to the south west boundary of the site. This building was initially approved in 2000, as a 'replacement building' on a temporary basis and then further renewed under a temporary permission that expired in February 2011 (NP/DDD/1205/1207). Condition no. 1 of the approval required the building to be removed after the expiry date. The agent considers that the floorspace of this building should be included in the 'existing floorspace' calculations because, it is argued, there was a building on the site that pre-dated the 2000 permission. Whilst it is unclear what did pre-date the existing building, the building amounts to around 588sqm of floorspace. If that figure is removed from the 'existing floorspace' figure (i.e. 4313 sqm is reduced to 3725 sqm) there would still be, overall, a small decrease in floorspace (to 3696 sqm) as a result of the proposals.

The second range of buildings that are referred to are 3 permissions that were first approved in the 1950s and 60s for the 3 blister hangers, an ablution block and an office block. These permissions were renewed on a series of temporary consents for a period of over 50 years, with the latest consents for all 3 buildings expiring in March 2000. Again as conditions required the buildings to be removed upon expiry of the conditions, objectors consider that they should not be included in the 'existing floorspace'. Officers consider that there are several reasons why the buildings should be included in the calculations.

Firstly, it is likely that the blister hangers pre-dated the 1947 Town and Country Planning Act and therefore may have been lawful at the time of first permission in 1950. Secondly the buildings were all in place then the Local Plan (policy LB7) was adopted and thirdly the rolling temporary consents were granted because the materials of construction were of a temporary nature and in fact the buildings have stood the test of time fairly well. Despite the expiry of the temporary consents there is no desire from the Authority's point of view to enforce the removal of these buildings, which still serve a functional purpose, are still in active use and in the case of the blister hangers are recognised as having some historic significance.

Local residents have also raised the issue of the cumulative impact of the current proposals when taken with the hotel proposals which are currently at appeal. It should be noted that no consent currently exists for the hotel development. If permission is granted for the current proposals then the decision will be material consideration in the determination of the appeal for the hotel development and so the Inspector will take into account this proposal and its impacts on traffic generation together with those associated with the hotel, in deciding whether to allow or dismiss the appeal.

The Highway Authority is satisfied that the level of parking provision is in accordance with current guidance. The applicant has also submitted swept path drawings which illustrates how each HGV parking area can be accessed. Although access to one of the proposed HGV spaces is reliant on the HGV service location opposite to be vacant, the general layout and level of parking and manoeuvring space within the site is acceptable.

The submitted plans showed the construction of three passing places at interval along the access track at Lumford together with a pedestrian footpath located between the land and the river. Whilst there is some benefit in term of alleviating vehicle conflicts along the track, visibility along the track is, in fact relatively good and officers were concerned about the impact of three passing places on the character and appearance of the Conservation Area at this point.

The Authority's Conservation Officer has identified that one of the key characteristics of the Bakewell Conservation Area at its north-western edge is its natural, informal, green, rural character, with the grassy riverbank sloping from the lane down to the millstream making a significant contribution to the landscape. Because of the sloping nature of the land, engineering works would need to be carried to provide level areas, particularly in the central part of the lane where level changes are at their greatest. These works, together with extensive surfacing for passing places and path would erode the green character of the Conservation Area.

Following negotiations, amended plans have been received which show the footpath omitted and the passing places reduced from three to two, one at each end of the track. The geometry of the passing places has also been 'softened' and surfacing has been confirmed as being a 'grasscrete' or similar. As a result, the harm to the significance of the Conservation Area would be much reduced and on balance, is considered to be outweighed by the benefits of the scheme. This conclusion is reached in the light of comments from a number of objectors that the footpath would not be beneficial to them. A condition to require the submission of a scheme for the removal of the passing places should the new A6 access bridge be implemented and brought into use as this would ensure the adequate remediation of the area should the access arrangements change.

It is therefore concluded that the proposals accord with the requirements of Saved Local Plan policy LT18 with regard to the provision of safe access arrangements that would not damage the valued characteristics of the area.

#### Impact on Amenity

It is considered that the proposed buildings, being set well back into the site and some 130m away from the nearest residential property to the south on the A6, would not give rise to any significant overbearing, overshadowing or overlooking impacts on existing properties sufficient to warrant refusal on these particular residential amenity grounds.

It is acknowledged by all parties that the application site is presently served by two substandard accesses, where the main access is presently via Holme Lane and Lumford. Given that the Holme Lane and Lumford access also serves around 32 residential properties, the impact on the residential amenities of these properties is significant material consideration in the determination of this proposal. Moreover, the traffic impacts of the proposals are clearly the main concern expressed by the Lumford residents in their representations. These concerns are also reflected in the Town Council's representations.

Core Strategy policy GSP3 E states that all development must conform to a number of principles. Amongst these it states that particular attention will be paid to form and intensity of the proposed use or activity and its impact on the living conditions of communities. Local Plan policy LC4 (iv) reinforces this policy and states that particular attention will be paid to the amenity, privacy and security of the development and of nearby properties.

Furthermore, paragraph 17 of the Framework refers to Core land-use planning principles, amongst which is the need to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The site is currently accessed from the A6 via a narrow stone bridge unsuitable for HGVs, and from the residential road 'Holme Lane', which itself is frequently used for residential parking on its northern side, resulting in significant sections of the lane being of single vehicle width. This makes Holme Lane awkward for use by heavy goods vehicles serving the various businesses operating from the RBP.

The substandard nature of these existing access points, and the existing impacts upon the residential amenities of the Holme Lane and Lumford properties is reflected in policy Local Plan policy LB7, which states that if development results in an increase in existing floorspace on the RBP site, a new bridge is built across the River Wye, and the old bridge is closed to vehicles.

For these reasons, it is considered vital that any adverse impacts upon the residential amenities of the Holme Lane and Lumford residents, generated by the proposed hotel use and associated commercial uses, can be satisfactorily addressed.

The eastern end of Holme Lane serves 6 residential properties and a business premises. At the western end of Holme Lane, the access to the RBP reverts to a single-width tarmacked track, which passes immediately alongside the front gardens of a row of 26 terraced and semi-detached properties at Lumford, whose main vehicular access is also via Holme Lane. The majority of the Lumford properties are mainly single-aspect with their main gardens facing towards the river and the access track to the RBP.

The recent application for a hotel development at RBP was refused on the grounds that it would adversely affect the amenity of the occupants of Holme Lane and Lumford. This decision was taken because it was acknowledged that existing industrial traffic is mainly concentrated to periods of time first thing in the morning and early evening, with much reduced traffic at the weekends, particularly on a Sunday. In contrast a hotel would operate 24 hours a day, seven days a week and therefore the pattern and frequency of traffic usage would be materially different and would give rise to adverse impact through noise disturbance and impact on quiet enjoyment.

In contrast, the current proposals are to retain the same use as at present (B1, B2, B8) in a slightly reduced floorspace. It is acknowledged that if a different business were to occupy the proposed buildings than the existing 'Pinelog' tenant, then there may be some change in traffic patterns along the lane. However a key consideration is that the Authority has no control over the occupiers of the existing buildings and a new tenant, with any associated changes to vehicle movement could take occupancy of those buildings at any time. Whilst the substandard nature of the existing access is fully acknowledged, unlike the hotel proposals, it is not considered overall, within the scope of the proposed 'business uses' that the nature and degree of traffic movements along the lane would be likely intensify or change to such an extent that there would be a material change to the current impacts on residential amenity.

The amended plans show that the access track would be resurfaced and the proposed passing places (as amended) would also provide some improvements to traffic movements, which would provide some benefit of local residents.

In conclusion, on balance it is considered that the proposals meet with the requirements of the NPPF and policies GSP3 and LC4 with regard to impacts on residential amenity.

#### Other Matters

It is understood that an important consideration for a current application by RBP for grant funding for the new A6 road bridge is that the site has implementable planning permissions in place. As a result, if planning permission were granted for the current proposals it may unlock benefits in the form of grant funding to aid in bringing the bridge forward. This is stated for information only as the current proposals are considered to be acceptable in their own right.

### **Conclusion**

In conclusion the current proposals are compliant with the overarching aims of Saved Local Plan policy LB7 which seeks to secure the comprehensive redevelopment of the Riverside Business Park. Whilst this is a 'stand-alone' application for replacement employment space, approval would not compromise either the delivery of the A6 road bridge or the wider development of the rest of the site. The proposals would provide modern, flexible employment buildings that are fit for purpose and which would enhance the character of the site and the wider area.

Even taking into account the 'temporary timber store' the proposals would not lead to an increase in floorspace on the application site and so the requirement for a new road bridge under policy LB7 is not triggered. The Highway Authority are satisfied that there are no grounds for a highway safety objection and whilst the substandard nature of the existing access and the concerns of local residents are acknowledged, it is not considered that the nature and degree of traffic movements along the access lane would be likely intensify or change to such an extent that there would be a material change to the current impacts on residential amenity.

Material considerations with regard to design and landscaping; archaeology and heritage assets; ecology; flood defence and site contamination can be satisfactorily addressed by means of appropriate conditions.

The proposals therefore accord with the NPPF and all relevant Development Plan policies.

### **Conditions**

In the light of concerns raised by local residents with the regard for potential or noise and disturbance in particular through vehicles movements along Holme Lane and Lumford, consideration has been given with regard to the appropriateness of a condition limiting the operating hours within the proposed buildings. In these respects it is notable that none of the other business premises at RBP have permissions which limit their operating hours and neither have the existing buildings that are occupied by Pinelog. Given that this is the largest industrial/business park in the National Park it is considered that it would be unreasonable to impose more restrictive operating conditions than are currently present, especially given that it has been established that the impact on the amenity of local residents is not likely to be materially different than at present.

It is considered necessary and reasonable to append a condition limiting use of the buildings to B1 (business), B2 (general industrial) and B8 (storage and distribution) only, given the requirements of LB7. It is accepted that a B8 use throughout the site may not be appropriate as storage uses may not provide the same level of employment opportunities as other business/industrial uses. However the agent has pointed out that there is often a requirement for a certain level of storage within any business use and that the applicant does not want the current occupier of the site (Pinelog) to find themselves more restricted in terms of the use of the new buildings than they are at present. The buildings are not considered to be large enough or designed in such a way that encourage a use purely for storage purposes and as such it is considered that a condition that allows for all three 'B' uses is acceptable in order to allow for flexibility within the overall business use.

Certain extensions and alterations to offices and industrial buildings can be made as 'permitted development' under the General Permitted Development Order. Given the potential for increased floorspace to have repercussions for residential amenity it is considered that exceptional circumstances exist that would justify the removal of permitted development rights in this case.

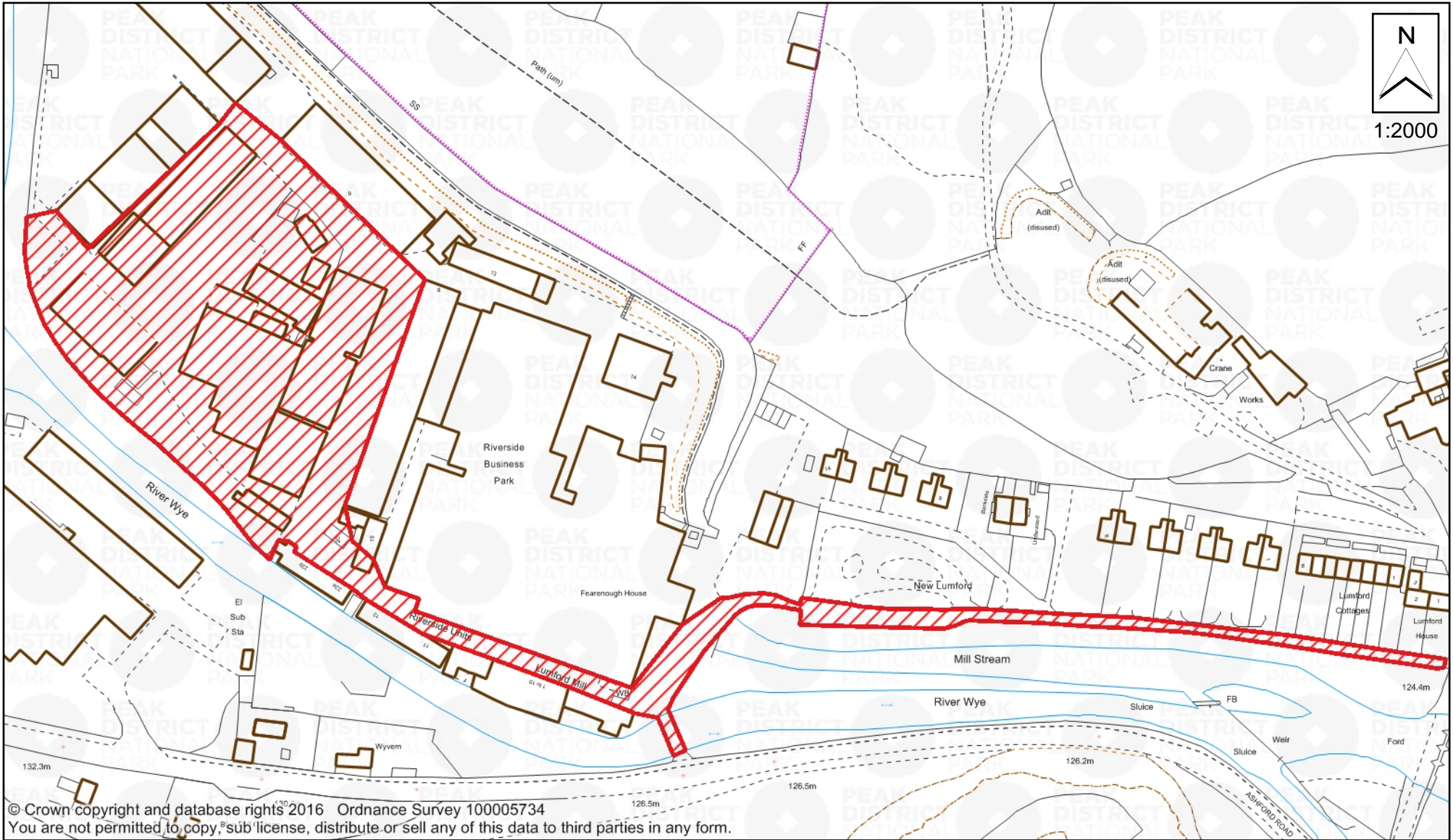
Finally conditions with regard to flood risk, ecology, site contamination, archaeology and landscaping are considered to be necessary and reasonable for the reasons described above.

List of Background Papers (not previously published)

Nil

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Committee Date:	15/07/2016	<b>Title:</b>	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	6	Riverside Business Park Buxton Road Bakewell	
Application No:	NP/DDD/0316/0280		
Grid Reference:	421111, 369121		

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**7. FULL APPLICATION – CHANGE OF USE TO FIELD NO.S 8485 AND 8877 TO A SEASONAL OVERFLOW CAMPING FIELD AT KNOTLOW FARM, FLAGG, (NP/DDD/0216/0085, P7457, 04/07/2016/ALN)**

**APPLICANT: MRS M HOLLINRAKE**

**Background**

This application for the change of use of an agricultural field to a seasonal overflow camping field was originally considered at the meeting of the Authority's Planning Committee in April 2016. Notwithstanding an officer recommendation of refusal, the decision was deferred pending appraisal of the availability of alternative areas of land in the applicant's control where an overflow site might be more appropriately sited. Members also requested further details of when the site would be used and precise details of numbers if the site proposed in the original submission was going to be pursued along with the financial details of the farming and camp site operations to better understand the need for the site. Members had concerns regarding the use of the upper part of the field as it was exposed and visible from the surrounding area and the lower part of the field was liable to flooding. The original committee report is included as an Appendix to this report for information and the reasons for the recommendation of refusal in the original report were as follows:

- **The use of the application site for camping would, both individually and when taken cumulatively with the existing camping and caravanning use on the farmstead, be harmful to the established landscape character of the area and would prejudice the quiet enjoyment of the National Park contrary to Core Strategy policies GSP1, GSP2, GSP3, L1, RT1 and RT3.**

Subsequently officers have re-visited the site to investigate whether a suitable alternative area of land can be identified that has less significant landscape impact. In addition, the agent has provided additional information with regard to the business operations and employment, site operations and management and landscaping. An amended plan has been received which shows the more elevated area to the north west of the field omitted and fenced off from the remaining application site and the area to the south west of the access track, which is in Flood zone 3, also excluded and fenced off.

**Discussion**

**Alternative Sites**

Knotlow farm is located within a shallow dry limestone valley and, being located in the 'valley bottom' the application site, other than the elevated piece of land at the northern end of the site, is largely flat and this, together with the proximity to the access track makes it a suitable site for camping, from a practical and commercial point of view. Other agricultural land in the applicant's ownership that does not already have approval for a camping use is either on the more steeply sloping valley sides or, beyond that, is more elevated and remote from the farmstead and therefore open to view from surrounding vantage points. In particular fields that lie to the south west of the existing overflow camping field are equally as prominent in views from the Limestone Way as the current application site. In conclusion, the applicant does not wish to consider an alternative site and officers do not consider that there is a piece of land where the landscape impact would be less severe.

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### Site usage

Members requested that details of when the site would be used and precise numbers of tents. No figures have been provided with regards to the use of the proposed site or specifically when it would be used. The submitted statement explains that the number of guests who stay at the site is weather dependant and fluctuates considerably year on year - the overflow field is intended to accommodate guests who want to come to the farm during busier times. The applicant is happy to accept a condition that limits use to between Easter and the end of October but would not want a restriction with regard to 'weekday' usage (as was applied to the other 'overflow' field approved in 2014). The statement also explains that the application site would, in addition to Duke of Edinburgh groups, also be used by 'family and friends' groups, walking groups and special needs groups (who often prefer privacy depending on the needs of their guests).

### Financial details of the farming and camp site operations

Members requested financial details of the farming and camp site operations to better understand the need for the site. No financial information has been submitted with regard to the farming or the camping business. However a more general statement has been submitted which explains that until 2005 Knotlow Farm operated as dairy enterprise, at which time the applicants sold the herd and dairy equipment and sought diversification opportunities. From 2006, a previously small scale camping enterprise expanded to generate income to replace the dairy enterprise income. Farming is now on a smaller scale with around 40 pedigree dorper ewes plus lambs and 50 head of Aberdeen angus cattle. The applicant is seeking to expand both the beef herd and the sheep flock by breeding their own replacement females. It is stated that the farm partnership is reliant on the income sources from the camping and caravanning uses, bed and breakfast at the farmhouse, rental income from the yurts as well as the farm business income to sustain the family members employed in the business and the overhead costs at the farm.

### Extent of Application Site

A revised plan has been submitted since the original committee meeting which shows the more elevated area to the north west of the field omitted and fenced off from the remaining application site and the area to the south west of the access track, which is in Flood zone 3, also excluded and fenced off.

### Conclusions

Officers are satisfied that there is not a more appropriate site on the holding for the proposed use and as such a decision is required as to whether the currently proposed site, as amended would both individually and when taken cumulatively with the existing camping and caravanning use on the farmstead, be harmful to the established landscape character of the area and would prejudice the quiet enjoyment of the National Park contrary to Core Strategy policies GSP1, GSP2, GSP3, L1, RT1 and RT3.

The omission of the more elevated area from the scheme is welcomed insofar as the wider landscape impact of the proposed use of the site will be mitigated as a result of the changes to the site area. However it remains that tents placed on the rest of the application site would be clearly and prominently visible from the Limestone Way, which runs through the site and the cumulative impact of a camping use over the fields approved in 2014 and the current site means that effectively a 0.6km stretch of the Limestone Way would be affected with views of tents and activities immediately adjacent to the footpath.

Whilst it is clear that the income from the additional camping use would benefit the farming enterprise, no specific financial evidence has been submitted to suggest, for example, that this additional income is required over and above the income from the existing camping and caravanning and bed and breakfast uses, in order to secure the long term viability of the agricultural business. In this respect, officers do not consider that it can be demonstrated that the benefits of granting planning permission for the overflow site offset or outweigh the harmful impacts of the extended site. Therefore, officers recommend that the application be refused for the following reasons:

- **The use of the application site for camping would, both individually and when taken cumulatively with the existing camping and caravanning use on the farmstead, be harmful to the established landscape character of the area and would prejudice the quiet enjoyment of the National Park contrary to Core Strategy policies GSP1, GSP2, GSP3, L1, RT1 and RT3.**

However, without prejudice to this officer recommendation, should members wish to approve the application then officers would recommend the following suggested conditions:

1. Development not to be carried out otherwise than in accordance with amended plans.
2. Excluded areas on approved plans to be fenced off with post and rail fencing within 1 month of date of decision.
3. The camping site hereby permitted shall be ancillary to the agricultural use of Knotlow Farm and the agricultural unit and the camping site shall be maintained as a single planning unit throughout the lifetime of the development hereby permitted.
4. No single tent shall be retained on site for a consecutive period exceeding 28 days in any one calendar year.
5. No tent shall be occupied as a permanent residence.
6. No tents shall be allowed on the application site between 31st October in any one year and the Thursday before Good Friday or 31st March whichever comes first in the following year.
7. The use for camping hereby permitted shall be limited to weekends and Bank holidays only between the Thursday before Good Friday or 31st March (whichever comes sooner) and the 31st October in any one year.
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no development required by the conditions of a site licence for the time being in force under the 1960 Act shall be carried out or erected on the site without the National Park Authority's prior written consent.
9. Landscaping shown on approved plan to be implemented within the next planting seasons following the date of the decision.
10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2014/Ambiental

Technical Solutions and the following mitigation measures detailed within the FRA:

- All tents to be located within Flood Zone 1 and outside of the area identified as being at high risk from surface water flooding.
- Identification and provision of safe routes into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the National Park Authority.

## **APPENDIX 1: ORIGINAL OFFICER REPORT**

### **FULL APPLICATION – CHANGE OF USE TO FIELD NO.S 8485 AND 8877 TO A SEASONAL OVERFLOW CAMPING FIELD AT KNOTLOW FARM, FLAGG, (NP/DDD/0216/0085, P7457, 02/02/2015 /ALN)**

#### **APPLICANT: MRS M HOLLINRAKE**

#### **Site and Surroundings**

Knotlow Farm is situated in open countryside approximately 750m to the south east of Flagg village. The property comprises a farmhouse, converted barns and a range of modern portal framed sheds. The applicant operates a beef cattle enterprise from the holding which extends to some 46 hectares. There is also a camping and caravanning site at Knotlow Farm, which is located primarily within a field parcel broadly to the north of the existing group of buildings. There is also an 'overspill' field used for tents to the south of the existing buildings.

The application site edged red comprises two field parcels abutting either side of the access track which leads southwards from the junction of two unclassified roads known as Mycock Lane and Moor Lane, towards the farmstead. These fields are to the immediate north west of the northern boundary of the main camping and caravanning area to the north of the existing building. A public right of way (the Limestone Way) runs along the south western boundary of the application site and part of the application site falls within the Environment Agency's Flood Risk zone 3, which are those areas most at risk of flooding (i.e. 1 in a 100 or greater chance of flooding each year).

The north eastern boundary of the application site also abuts the Peak District Dales Special Area of Conservation (SAC) which is a European designated site. The site is also notified at a national level as Upper Lathkill Site of Special Scientific Interest (SSSI) and is designated for its high geological interest and the fact that it supports a wide range of wildlife habitats, particularly woodland, scrub and grassland.

#### **Proposal**

This application seeks planning permission for the change of use of the agricultural land within the application site to a seasonal camp site. The application is retrospective insofar as it is suggested in the submitted application that this site has already been used for camping. However, the details of the maximum number of tents that would be accommodated on the site or how long this field has been in use for camping are not stated in the submitted application.

A supporting statement submitted with the application states that the business is 'struggling to operate within the constraints of the main camping area which is divided across two fields' and indicates that the application site would be used mainly by Duke of Edinburgh (D of E) groups who need to be physically separated from the general public during their stay. The supporting statement also suggests that the site would be used mainly at weekends and bank holidays.

#### **RECOMMENDATION:**

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

- 1. The use of the application site for camping would, both individually and when taken cumulatively with the existing camping and caravanning use on the farmstead, be harmful to the established landscape character of the area and would prejudice the quiet enjoyment of the National Park contrary to Core Strategy policies GSP1, GSP2, GSP3, L1, RT1 and RT3.**

### **Key Issues**

- The impact of the proposed use on the established landscape character of the area.
- Whether the benefits of the scheme outweigh any landscape harm identified.
- Flood risk issues.
- Impact on Residential Amenity.

### **History**

Jan 2004 - Conversion of farm building into 2 affordable dwellings granted

June 2007 – Permission granted for change of use of existing building to riding school, construction of outdoor ménage and wildlife pond.

November 2013 – Pre-application advice given by officers with regard to various developments at Knotlow Farm. Advised that an application for use of current application site for camping would be unlikely to be supported by officers due to landscape impact.

Jan 2014 - Retrospective consent granted for the permanent change of use of an agricultural building to a use comprising a riding arena with ancillary agricultural use.

June 2014 – Retrospective consent granted for a camping enterprise (NP/DDD/0214/0213) This permission included provision of a campsite including 4 yurts in a field to the north of the access track, adjacent to the equestrian ménage; six timber ‘camping pods’ positioned on a hard surfaced area on the northern side of the modern agricultural buildings; a further area for camping in a field to the south of the farm group and the change of use of the western section of an agricultural building on the northern edge of the building group to a facilities block including showers, pot wash facilities, family room, boiler room and service room and storage and site management area. A condition on this permission removed permitted development rights for camping on the remaining land in ownership under the ‘28 day’ rule.

March 2015 - Retrospective consent granted for the erection of a detached building within the yard area to the south of house and barn conversions. (NP/DDD/0115/0047). The building is used as an office in association with the camping business.

January 2016 – section 73 application granted to vary conditions on planning decision notice NP/DDD/0214/0213 in order to allow for the siting of six touring caravans ranged along the southern boundary of the field to the north of the access track.

### **Consultations**

Highway Authority – No objections

District Council – No response to date

Environment Agency – Despite part of field being within flood Zone 3 – no objections subject to



conditions requiring mitigation in the submitted Flood Risk Assessment to be carried out, specifically to restrict camping to areas of within flood zone 1 only. i.e. no camping to the south of Mycock Lane and to identify and provide safe routes into and out of the site to a safe haven. Any physical barrier erected adjacent to Mycock Lane, to deter people from camping in the areas identified as being at risk from surface water flooding, shall be constructed such that floodwater and waterborne debris can freely pass through the structure at existing ground level.

Flagg Parish Council – No objections

Monyash Parish Council – No objections

National Park Authority (Ecology) - Providing the proposed development is carried out in strict accordance with the details of the application, as submitted, it is not anticipated that there will be any adverse effect on the features for which the sites have been notified. A condition should be included to reflect this.

National Park Authority (Rights of Way) - The applicant has already noted the presence of a popular route (the Limestone Way) across one of the proposed fields the line of this path must not be obstructed at any time. Suggests that to avoid any potential for campers erecting tents on this route that some form of demarcation is considered - simple fencing of the route would prevent any future accidental trespass by seasonal campers.

Natural England – no objections with regard to impact on Peak District Dales SAC as there would be no likely significant effects on the conservation features of the site. With regard to the SSSI, subject to development being carried out in strict accordance with the details of the application, as submitted, proposals will not damage or destroy the interest features for which the site has been notified. No comment with regard to landscape impact. Refer to standing advice with regard to protected species. 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.

### **Representations**

5 letters have been received in support of the proposals, 2 of which are from users groups, 2 from local business and one from a local resident. In summary, the authors of these letters support the proposals on the following grounds:

- Grounds and amenities at the site are perfect for young people and Duke of Edinburgh students.
- No problems have been caused in the village – no rowdy, noisy or anti-social behaviour experienced.
- Visitors to the Peak District need to be readily accommodated.
- The business compliments other businesses in the area e.g. local pubs and brings trade to the area.
- The camp site is well kept and well managed.
- The business needs to expand as it is always busy.

- The proposed site allows a level of independence for users but near enough to call for staff assistance.

1 letter of objection has been received from a local resident on the following grounds, which in summary, raises the following issues:

- The site has a history of non-compliance with planning. The site has operated since 2003 but retrospective consent was only granted in 2014.
- Impact of noise and disturbance often late at night. Site is in a narrow valley and so noise and smoke carries along it for long distances.
- Site is clearly visible from several points in area.
- Elevated areas used by large groups as they are away from families and quieter groups. D of E would be better located near main farm buildings where they can be better monitored and managed.
- Letters of support are commercial endorsements.
- Site has not been in agricultural use for a long time. Often this area is used when other parts of the site are empty.
- Parties and events take place in indoor arena building until late at night.
- Not clear definition of the terms 'overflow' and 'seasonal'.

### **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, L2, L3, RT1, RT3, CC5, E2

Relevant Local Plan policies: LC4, LC17, LT18.

It is considered that Core Strategy policy RT3 provides a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because RT3 states that small camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions. This policy is compliant with national planning policies in the National Planning Policy Framework ('the Framework'), which states that policies should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Taking into account the application proposes facilities for D of E groups; RT1 is relevant because it deals with proposals for recreation, environmental education and interpretation. Core Strategy policy RT1 states that these types of developments must not on their own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.

The approach taken by RT1 and RT3 is also consistent with policy in the emerging Development Plan Document and Saved Local Plan policy LR3, which say the development of a new touring camping or touring caravan site, or small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.

Therefore, the main planning considerations that are key issues in the determination of the current application include landscape impact considerations as well as flood risk issues. In these respects, Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1, GSP2, GSP3 and L1 of the Core Strategy. GPS1 also makes it clear that where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation of the National Park will be given priority.

The Framework also states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This is consistent with Core Strategy policy CC5 which discourages development that would increase flood risk.

**Issue 1: The impact of the proposed use on the established landscape character of the area.**

Core Strategy policy RT3 states that small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions. The supporting text to the policy explains that appropriate size will vary from site to site but for guidance, sites up to 30 pitches are more likely to be acceptable, although this may be too large in many circumstances.

In addition Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics. In this case permission has already been granted for a significant level of camping and caravanning use at Knotlow Farm. This currently amounts to :

- camping use permitted on a 4,400 sqm (0.44h) field to the north west of the ménage building (the permission also includes permission for 6 touring caravans and 4 yurts on this field parcel)
- 6 camping pods in a former silage clamp to the north of the main portal framed farm buildings.
- Camping use permitted on a 10,200 sqm (1.0h) field parcel to the south of the building group.

Neither the current nor previous applications at the site provide details of overall camping pitch numbers (probably because these can vary depending on the nature of the users and the size of their tents). Nevertheless clearly the current application which covers a further 17,000 sqm (1.7h) land would allow for a significantly greater number of tents to be placed at Knotlow Farm in total than the 30 pitches suggested in the supporting text to the Core Strategy.

As a result the proposals, when taken cumulatively with the other camping and caravanning areas already permitted does not amount to a 'small' site as envisaged in policy RT3 and indeed would constitute a large and significant tourist facility in open countryside. In the light of this conflict in principle with RT3 it is necessary to consider landscape impact in order to assess whether the other elements of RT3 and indeed policy L1 are complied with and whether this would allow a positive recommendation to be made.

The application site falls within the limestone plateau pasture landscape character type within the Authority's Adopted Landscape Strategy which is a rolling upland plateau of pastoral farmland enclosed by limestone walls with a regular pattern of small to medium sized rectangular fields.

Priorities identified in the plan are to protect strongly nucleated settlement pattern of village and farms and to protect historic field patterns and drystone walls. No landscape and visual impact assessment has been submitted with the application although a brief written summary of the perceived impact has been submitted along with a photograph of views towards the site from Moor Lane.

The site itself is located within a shallow limestone valley and as such the natural topography means that views from the south and east are not possible. However the northernmost third of the area to the north of the access track is significantly elevated in relation to the rest of the application site. As a result tents on this area would be clearly visible from both Moor Lane to the north west and from Mycock Lane to the north. It is considered that the visual impact of tents in this area would be harmful to the pastoral farmland landscape of the area. The presence of tents would spread the visual impact of the development at Knotlow Farm contrary to one of the priorities in the Landscape Strategy which seeks to protect the nucleated settlement pattern of villages and farms.

There is an area of steeply sloping land within the application site that has been fenced off and this area could be planted to provide some screening. However this would take time to establish to a point that where it would adequately mitigate for the harm identified.

A 250m stretch of the Limestone Way runs directly through the application site. The Limestone Way is a popular long-distance public right of way running through the White Peak from Castleton to Rocester in Staffordshire. The tents and cars that would be sited on the application site and the general activity associated with a camping use would be clearly and directly visible at close quarters from the footpath. Given the recreational purpose of the National Park in policy GSP1 (to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks for the public) the importance of the impact on walkers is significant and it is considered that a camping use of the field would cause harm to views from this stretch of the path contrary to RT3 and L1. Whilst the application refers to the site as an 'overflow' area, if permission were granted the level and frequency of use during the main season would be difficult to control by condition as such a condition would not be enforceable.

When consent was granted for the use of the field directly to the south of the main group buildings for camping in 2014 it was noted in the officer's delegated report that the limestone way ran diagonally directly through the field in question and as a result there would be harm to the pastoral character of the land. However subject to conditions requiring seasonal use only and the submission and agreement of a landscaping scheme it was considered that the harm was adequately mitigated. Whilst the supporting statement for the current application makes it clear that that particular field is now in use for camping a landscaping scheme has not been submitted and agreed, in breach of the condition. As a result the harm is not currently being adequately mitigated.

Core Strategy policy RT1 states that recreational development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park. The cumulative impact of a camping use over the fields approved in 2014 and the current site means that effectively a 0.6km stretch of the Limestone Way would be affected with views of tents and activities immediately adjacent to the footpath. It is considered that the impact on quiet users of the Limestone Way would be significantly more substantial when taken cumulatively and as a result the proposals are not compliant with RT1 or policies L1 and RT3. By virtue of the detrimental impact of the proposals on their landscape setting, the proposals are also contrary to policies GSP1, GSP2 and GSP3 of the Core Strategy.

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## **Issue 2: Whether the benefits of the scheme outweigh any landscape harm identified**

Core Strategy policy E2 does seek to support small scale business development in the countryside provided that it supports an existing agricultural or other primary business responsible for estate or land management. Saved Local Plan policy LC14 states that development for the purposes of farm diversification will not be permitted unless there is sufficient certainty of long-term benefits to the farm business as an agricultural operation.

The supporting statement submitted with the application does not mention any benefits to the existing beef cattle enterprise although clearly an additional revenue stream could help to support the farm business. The statement focuses on the fact that the tourist business is struggling to operate under the constraints of the existing permitted areas, however no evidence has been submitted that demonstrates that financially the business cannot operate successfully without approval of the current proposals. As there are two physically separate camping areas already approved, officers are not convinced that D of E users could not be accommodated suitably within either of those two areas.

The statement emphasises that during the closed season the site has and would be brought back into agricultural use and that the peace and tranquillity experienced in this location is already compromised by the farm drive and existing camping areas. Whilst it is acknowledged that the proposed use would be seasonal and that this could be controlled by condition, officers do not concur that the enjoyment of the users of the public right of way is currently compromised by the presence of the surfaced driveway and it is considered that the proposed camping use would have a more significant impact.

Whilst the proposals would provide some economic benefit to the applicant and would contribute to the Authority's second purpose to provide for and to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks, this would conflict with the first purpose to conserve and enhance natural beauty, wildlife and cultural heritage. GPS1 makes it clear that where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation of the National Park will be given priority.

## **Issue 3: Flood Risk Issues**

Core Strategy policy CC5 states that development proposals that would unacceptably increase flood risk will not normally be permitted. In this case the land on the south western boundary of the application site (i.e. land on the south west side of the access track) falls within the Environment Agency's Flood Risk Zone 3, which is land assessed, as having a 1% or greater annual probability of fluvial flooding. The proposed use is identified as a 'more vulnerable' use in the technical guidance attached to the Framework. There are no rivers within the vicinity of the application site so it appears that the area is designated as flood zone three because of the potential for surface water flooding. A flood risk assessment which was carried out in association with the proposals in 2014 has been re-submitted during the course of the application.

The Environment Agency has raised no objections to the proposals but recommends a condition to prevent camping on land to the south of the access road i.e. within flood zone 3. Given that the area affected does not comprise a significant proportion of the overall application site, this condition is considered to be necessary and reasonable along with a condition requiring the identification and provision of safe routes into and out of the site to a safe haven. It is considered that an open post and rail fence would be required to prevent campers from pitching in the affected area and this could be required by condition. Subject to these conditions the proposals would not unacceptably increase flood risk and would therefore be compliant with CC5.

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#### **Issue 4: Impact on Residential Amenity**

Core Strategy policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and building that are subject to the development proposals including impact on living conditions of communities. Saved Local Plan Policy LC4 expects a high standard of design with particular attention being paid to, amongst other things, amenity and privacy.

The application site is some 330m away from the nearest other residential property, Chestnut House to the north. The owner of this property has objected to the proposals for a number of reasons including impact on residential amenity due to noise and disturbance.

Whilst the objector has cited various incidences of noise and disturbance, especially at night, officers consider that due to the intervening distances the proposals should not, if operated under the provisions of an appropriate site licence, cause harm to amenity to such an extent that this should be a reason for refusal of the current proposals. This conclusion is also reached in the light of the fact that neither Monyash nor Flagg Parish Councils have raised objections which indicates that noise and disturbance is not seen to be a wider issue in the broader community.

A condition to limit use of the site to between Easter and the end of October in any calendar year would serve to mitigate any harm.

#### **Other Material Considerations**

##### Ecology

Core Strategy Policy L2 states the development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where is likely to have an adverse impact on any site, features or species of biodiversity importance or their setting.

The Upper Lathkill SSSI and the Peak District Dales Special Area of Conservation (SAC) abut the application site. However Natural England and the Authority's ecologist have confirmed that provided the development is carried out in strict accordance with the submitted details, the special interests of these sites would not be harmed. As such it is considered that the proposals comply with the requirements of L2 in these respects.

##### Parking and Access

The application form does not provide any details of the number of existing and proposed parking spaces.

Nonetheless there is a large farmyard at the centre of the application site where officers consider that there is sufficient space to park cars in association with the level of use proposed (most campers tend to park their vehicles on the camping fields adjacent to their tents). Whilst there would be some intensification of use of the access as a result of the proposals, visibility at the end of the access track onto the public highway is good and the proposals are not therefore likely to result in a danger or inconvenience to highway users in accordance with Local Plan policy LT18.

#### **Conclusion**

In conclusion the proposed use of the application site for seasonal camping would, both individually and cumulatively when taken with the existing camping and caravanning use at the site, cause harm to the valued landscape character of the area as identified in the adopted

Landscape Strategy. It is not considered that the benefits of the scheme would outweigh the landscape harm identified and whilst flood risk issues can be addressed through conditions and impact on residential amenity would not on balance be so significant as to warrant refusal on those grounds, the proposals are nonetheless contrary to adopted development plan policies GSP1, GSP2, GSP3, L1, RT1 and RT3 and the application is therefore recommended for refusal.

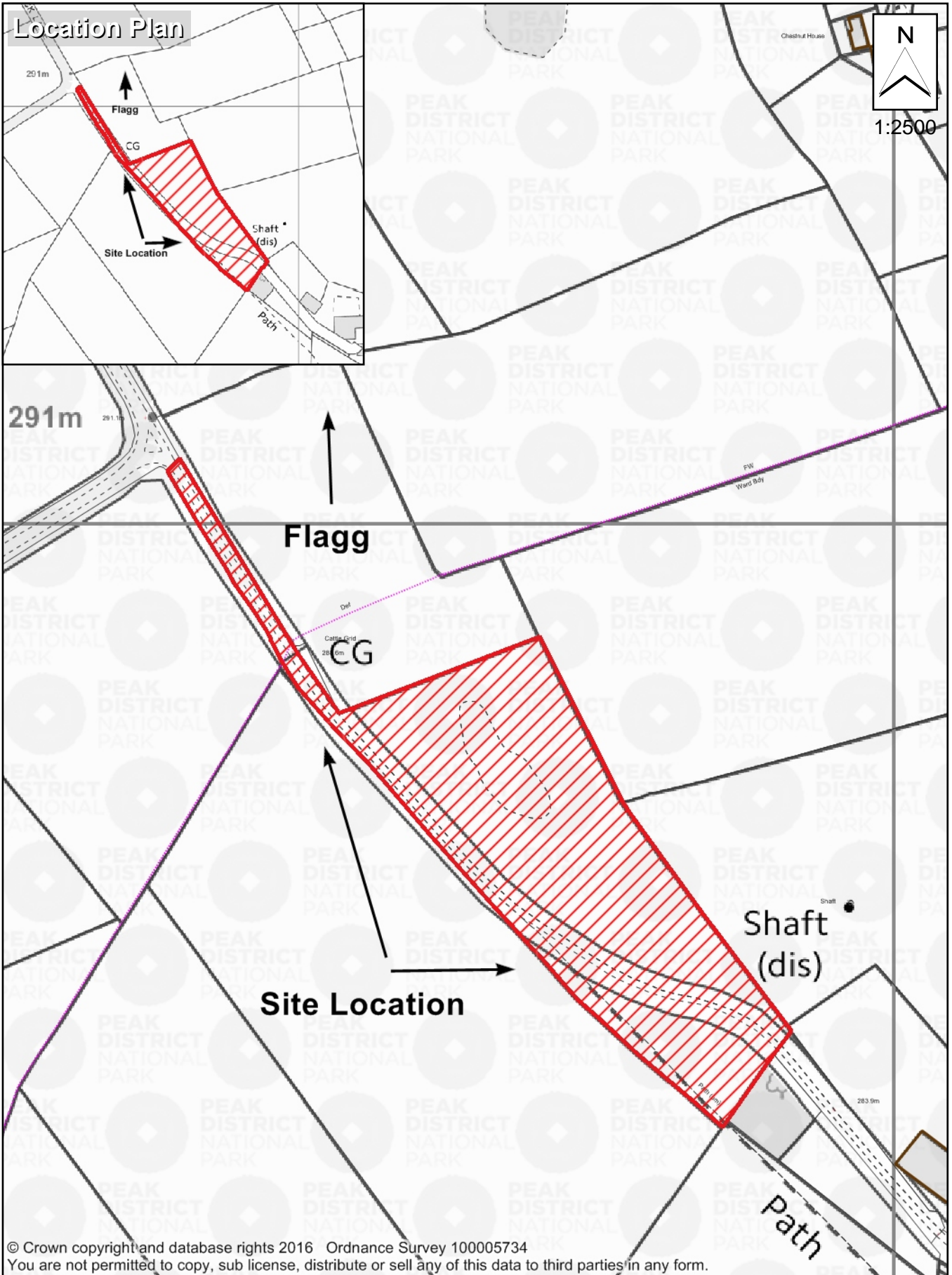
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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Committee Date: 15/07/2016  
 Item Number: 7  
 Application No: NP/DDD/0216/0085  
 Grid Reference: 413830, 367856

**Title:** Knotlow Farm  
 Flagg



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## **8. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 2016 (A.1533/AJC)**

### **Introduction**

This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (1 April 2016 – 30 June 2016). The majority of breaches of planning control are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Director of Planning and Head of Law have joint delegated powers to authorise such action whereas delegated authority not to take formal action is held by the Director of Planning, Monitoring & Enforcement Manager and Area Planning Managers.

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

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

### **RECOMMENDATION:**

**That the report be noted.**

#### Summary of Activity

##### (a) Formal notices issued (1 April – 30 June) :

13/0051 Land at Holly House Farm Flagg Buxton	Residential caravan and associated platform, shed, greenhouse etc	Enforcement Notice issued 22 June 2016
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##### (b) Breaches Resolved (1 April – 30 June)

15/0107 Markovitz Ltd Commerical Road Tideswell	Installation of two roof-mounted extractor units	Retrospective planning permission granted
15/0126 Robin Hood Inn Church Lane Rainow Macclesfield	Construction of decking	Retrospective planning permission granted

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15/0055 Leam Farm Leam Grindleford Hope Valley	Siting of a residential caravan	Caravan removed
16/0009 Land adjacent to Thorneycroft, Summer Cross, Tideswell	Dwelling erected not in accordance with planning permission (NP/DDD/0714/0754)	Application for amended scheme approved
14/0313 The Old Bake House / West Bank Cottage 1 Town End Longnor	Listed Building: erection of satellite dish	Satellite dish is on adjacent building so no breach
15/0094 New Barn Farm Aldwark Matlock	Siting of a residential caravan	Temporary planning permission granted
12/0070 The Peacock Inn Bridge Street Bakewell	Advertisement sign and erection of canopy	Advertisement and canopy removed
14/0018 Castle Inn Castle Street Bakewell	Listed Building: advertisement signs and minor alterations	Advertisement consent and listed building consent granted
15/0007 Bridge House Farm Ladmanlow Buxton	Erection of extension to dwelling	Planning permission granted
16/0052 Onecote Old Hall Onecote Road Onecote Leek	Listed Building: Erection of conservatory not in accordance with approved scheme	Not expedient to pursue enforcement action
16/0027 Derbyshire Pennine Club The Nook Stoney Middleton	Erection of fire escape	Planning permission granted
15/0136 Brookside House Brookside Bradwell	Breach of conditions on permission for parking area and access	Conditions complied with

16/0005 Old Hall Hotel Market Place Hope	Listed Building: internal and external alterations	Further breaches so case merged with 16/0054
15/0091 Sheffield Pet Crematorium Hollow Meadows Sheffield	Change of use from pet crematorium to the burning of foetal remains	No material change of use so no breach
14/0575 The Gables Eaton Hill Baslow	Erection of building (steel container) on agricultural land	Building removed
12/0147 Goosehill Barn Goosehill Hall Castleton	Listed Building: installation of rooflights	Rooflights removed
15/0101 Bent End Farm Heaton Rushton Spencer Macclesfield	Horse menage, two lean-to extensions and use of agricultural land as horse exercise track	Planning permission granted
16/0038 Junction of B6054 and A621 Owler Bar Sheffield	Advertisement sign	Sign removed
15/0106 The Valve Tower Langsett Stocksbridge Sheffield	Erection of satellite dish	Satellite dish removed
11/0041 Layby on A628 Near Flouch Hazlehead Sheffield	Siting of caravan	Caravan removed
16/0021 Haresfield House Keeling Lane Birchover	Use of Ancillary Dependent Relative Accommodation as Holiday Let	Planning permission granted
16/0016 Mouldridge Grange Farm Pikehall Matlock	Siting of caravan	Caravan removed

16/0001 Mouldridge Grange Farm Pikehall Matlock	Use of property for business purposes	Business ceased
16/0060 Turnpike House Macclesfield Road Kettleshulme	Erection of fence	Fence removed
15/0116 Northfield Cottage Quarnford	Extension to dwelling not in accordance with approved scheme	Application for amended scheme approved
15/0080 Flaxdale House Middleton-by-Youlgrave Bakewell	Change of use to cafe	Planning permission granted
16/0015 Lilac Cottage Parwich Ashbourne	Extension to dwelling not in accordance with approved scheme – rooflights added	Permitted development so no breach
15/0065 South Lodge, Thornbridge Hall, Ashford in the Water	Extension to dwelling not in accordance with approved scheme	Application for amended scheme approved
16/0030 Dains Mill Roach Road Upper Hulme	Construction of track	Remediation works carried out
15/0015 Bank Top Farm Dig Lane Hartington	Erection of two agricultural buildings	Planning permission granted
11/0192 Pitchings Farm Waterfall Waterhouses	Use of agricultural land and buildings for steel fabrication business and erection of extension to existing building	Lawful use certificate granted for part of site and planning permission granted for remainder
07/0065 4 Anson Row East Bank Winster	Listed Building: Internal alterations	Listed building consent granted
16/0011 Danebridge Fisheries Wincle	Use of holiday let as permanent dwelling	Immune from enforcement action

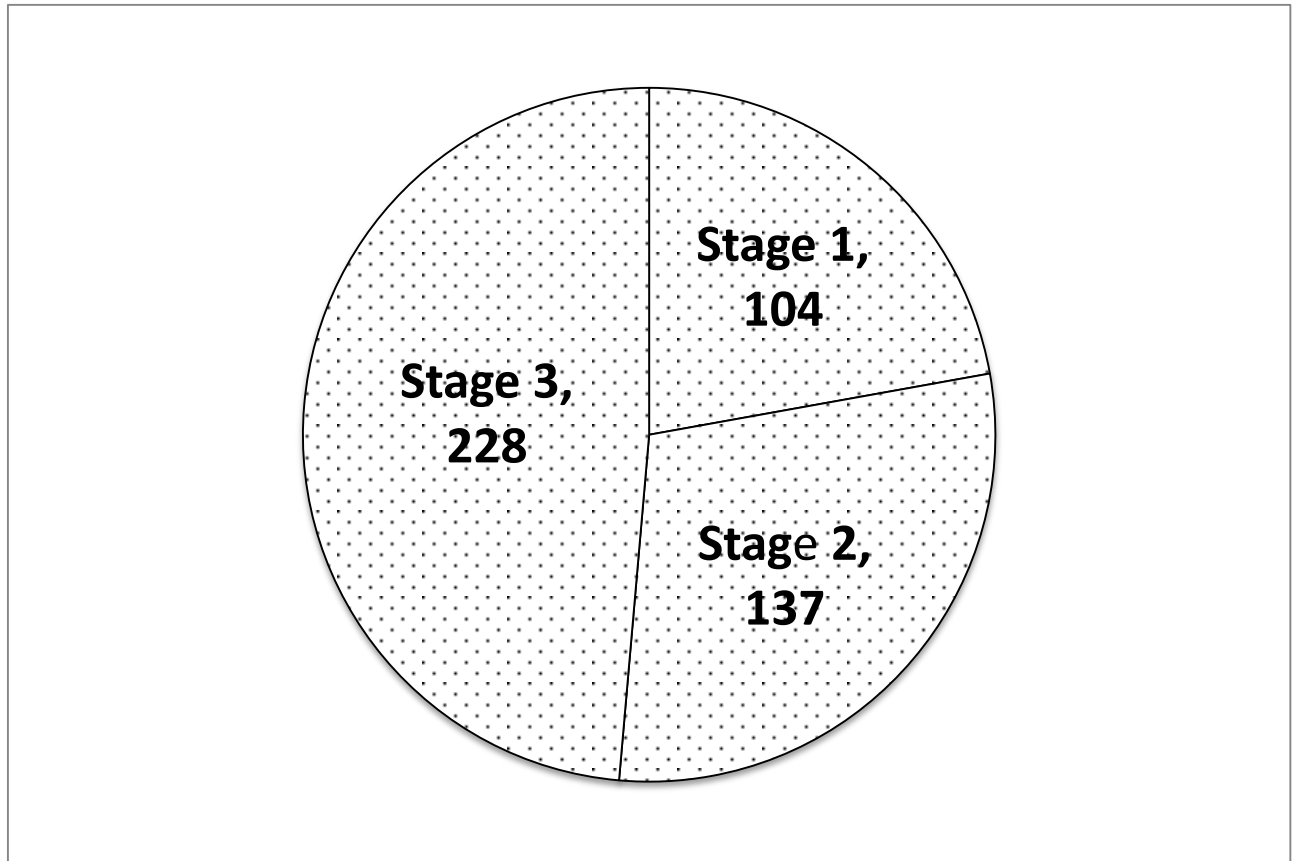
16/0032 1 Mawstone View Coldwell End Youlgrave	Erection of extension to dwelling	Planning permission granted
15/0130 2 Manor Court Barons Keep Manor Court Over Haddon	Listed Building: Installation of metal cage for storage of gas tanks	Cage, gas tanks and fixings removed
15/0102 Former Goldcrest Site, Main Road, Stanton in the Peak	Erection of gateposts	Planning permission granted
14/0603 Rosedene Woodhouse Lane Winster	Erection of summerhouse in curtilage of listed building	Planning permission granted

(c) Overview of caseload (1 April – 30 June)

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

	<b>Received</b>	<b>Investigated/Resolved</b>	<b>Outstanding</b>
Enquiries	152 (105)	138 (96)	117 (103)
Breaches	53 (39)	37 (32)	469 (453)

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



**High Profile Cases**

<b>Case Reference</b>	<b>Breach</b>	<b>Current Position</b>
14/0539 Leanlow Farm Hartington	Non-compliance with conditions and untidy land	A site meeting was held on 11 May 2016 and various improvement works were agreed to be carried out by 30 June 2016. A further site inspection is due to be carried out to check on compliance and a verbal update will be given at the Planning Committee meeting



9. **DESIGNATION OF CHINLEY , BUXWORTH AND BROWNSIDE PARISH AS NEIGHBOURHOOD PLAN AREAS (IF)**

**Purpose of the report**

1. To designate Chinley, Buxworth and Brownside neighbourhood area under the *Localism Act 2011 Schedule 9*.

**Key issue**

2. Under Schedule 9, section 61G of the Localism Act 2011, the power to designate an area as a neighbourhood area is exercisable by the Authority when a relevant body has applied. Chinley, Buxworth and Brownside Parish Council is a relevant body and has applied to the High Peak Borough Council, and to the National Park Authority (through notification of intent from High Peak Borough Council)

3. **Recommendation**

**Members designate the combined area of Chinley Buxworth and Brownside Parish as a neighbourhood area (the area shown on the map in Appendix 1), under the *Localism Act 2011 Schedule 9, section 61G*.**

**How does this contribute to our policies and legal obligations?**

4. Under the Town and Country Planning Act 1990 (as amended), the National Park Authority has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans. Applications for designation of a neighbourhood area are made under Neighbourhood Planning (General) Regulations 2012 {as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015}. Neighbourhood areas are defined under the Town and Country Planning Act 1990 61G.
5. This proposal contributes to Corporate Objective 5: “work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.” A measure of success under this objective is working with communities/ parishes/ villages to support or develop their plans, including neighbourhood plans. If adopted, a neighbourhood plan or neighbourhood development order would form part of the Local Development Plan for the National Park.

**Background**

6. The Authority Meeting on 5<sup>th</sup> October 2012 approved procedures for processing notifications received from communities under the Localism Act 2011. For notifications to designate neighbourhood areas it was resolved that these be determined by Planning Committee (Minute 72/12).
6. On 21<sup>st</sup> March 2016 Chinley Buxworth and Brownside Parish Council notified High Peak Borough Council of their intent to designate the whole of Chinley, Buxworth and Brownside Parish as a neighbourhood area. (See Appendix 2). Designation of a neighbourhood area is necessary for parish councils wishing to undertake

neighbourhood development plans or orders. In this case the impetus for area designation is community desire to build a new community centre under a Community Right to Build Order. Under the Town and Country Planning Act 1990, the Council has a statutory duty to assist communities in the preparation of community right to build orders which are a particular type of neighbourhood development order and to take orders through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3, Schedule 11) sets out the LPA responsibilities as:

- Designating the neighbourhood area
- Advising or assisting communities in the preparation of a community right to build order
- Checking a submitted order meets the legal requirements
- Arranging for the independent examination of the order
- Determining whether the community right to build order meets the basic conditions and other legal requirements
- Subject to the results of the referendum bringing the order into force

7. High Peak Borough Council suggested a joint designation of the area because a significant part of the parish area lies within the National Park. In accordance with the Neighbourhood Planning Regulations, a consultation on the proposed designation of Chinley Buxworth and Brownside as a neighbourhood area began on 02 June 2016 and ended on the 30<sup>th</sup> June 2016. The application was advertised on the National Park Authority's website from the 3<sup>rd</sup> June 2016, and made available to view at the National Park Authority office at Aldern House from the same date. It was also advertised on the High Peak Borough Council website from 1<sup>st</sup> June and made available to view at High Peak Borough Council offices from that date.

8. Other publicity was undertaken as outlined below:

- Copies of the application and map were available to view during normal office hours at the Parish Room, Lower Lane, Chinley; Borough Council Offices in Buxton and Glossop and the offices of the Peak District National Park Authority, Bakewell.
- An email (or letter where no email address was available) was sent to land owners, individuals and organisations from the parish where details are held on the Council's Local Plan database.
- An e-mail (or letter where no email address was available) was sent to neighbouring parishes and authorities and other organisations with an interest.
- Posters were made available to place on parish notice boards.
- A news release was issued.

There were 14 responses to the consultation. All were supportive of the proposal or offered comments reminding the community of legal requirements to have regard to various matters such as highways issues, heritage assets, sports facilities.

### **Proposal**

9. In determining the application, the Authority must have regard to the following issues:

#### **(1) The desirability of designating the whole of the area of a parish council.**

In the letter of application, and through the accompanying map the Parish Council has

made clear that the area proposed for designation as a neighbourhood area is the whole area for which the Council is responsible. Their case is that the community centre proposed to be built under the community right to build order (and the main reason for designating the neighbourhood plan area) serves the whole of the parish council area and that no other designated neighbourhood area would be considered appropriate. The right to build order enables the community to bring forward development proposals which, providing they meet minimum criteria and can demonstrate local support through a referendum, can go ahead without requiring a separate planning application.

There are no reasons why the whole of the parish should not be designated. There is unlikely to be much officer input to the process since the proposed community right to build order relates to a site outside of the National Park.

**(2) The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.**

The Chapel en le Frith neighbourhood area covers the whole of the Chapel en le Frith Parish, and the Chapel neighbourhood plan area borders but does not cover any of the area proposed to be designated by Chinley Buxworth and Brownside Parish Council. The maintaining of existing Parish boundaries as neighbourhood area boundaries means there is no potential conflict between the two Parishes as both become neighbourhood areas.

**(3) Consideration of whether the area should be designated as a business area.**

Designation of a business area would only apply if the area is wholly or predominantly business in nature. This is not the case in this instance so no business area designation is proposed

**Are there any corporate implications members should be concerned about?**

**Financial**

10. There are no costs incurred by the Authority in advertising the statutory consultation to designate a neighbourhood planning area since the populated part of the Parish lies predominantly outside the National Park and apart from the web based notice of consultation, the advertising has been undertaken by High Peak Borough Council. By agreement with High Peak Borough Council the Authority will claim £1000 of the £5000 available to HPBC for designation of a neighbourhood planning area. The full £20,000 grant for running the referendum and adopting the plan will go to High peak Borough Council because they will organise the examination and the referendum.

**Risk Management:**

11. The steps that the Authority is taking, as described, to respond to the Localism Act, means that the risk around failing to meet government standards or legal obligations is low.

**Sustainability:**

12.
  - Environmental Management – there is no impact at this stage. These matters will be considered as part of the Authority’s assessment of the plan itself.

- Equalities – all work on community planning takes into account equalities issues.

**Background papers** (not previously published)

13. None.

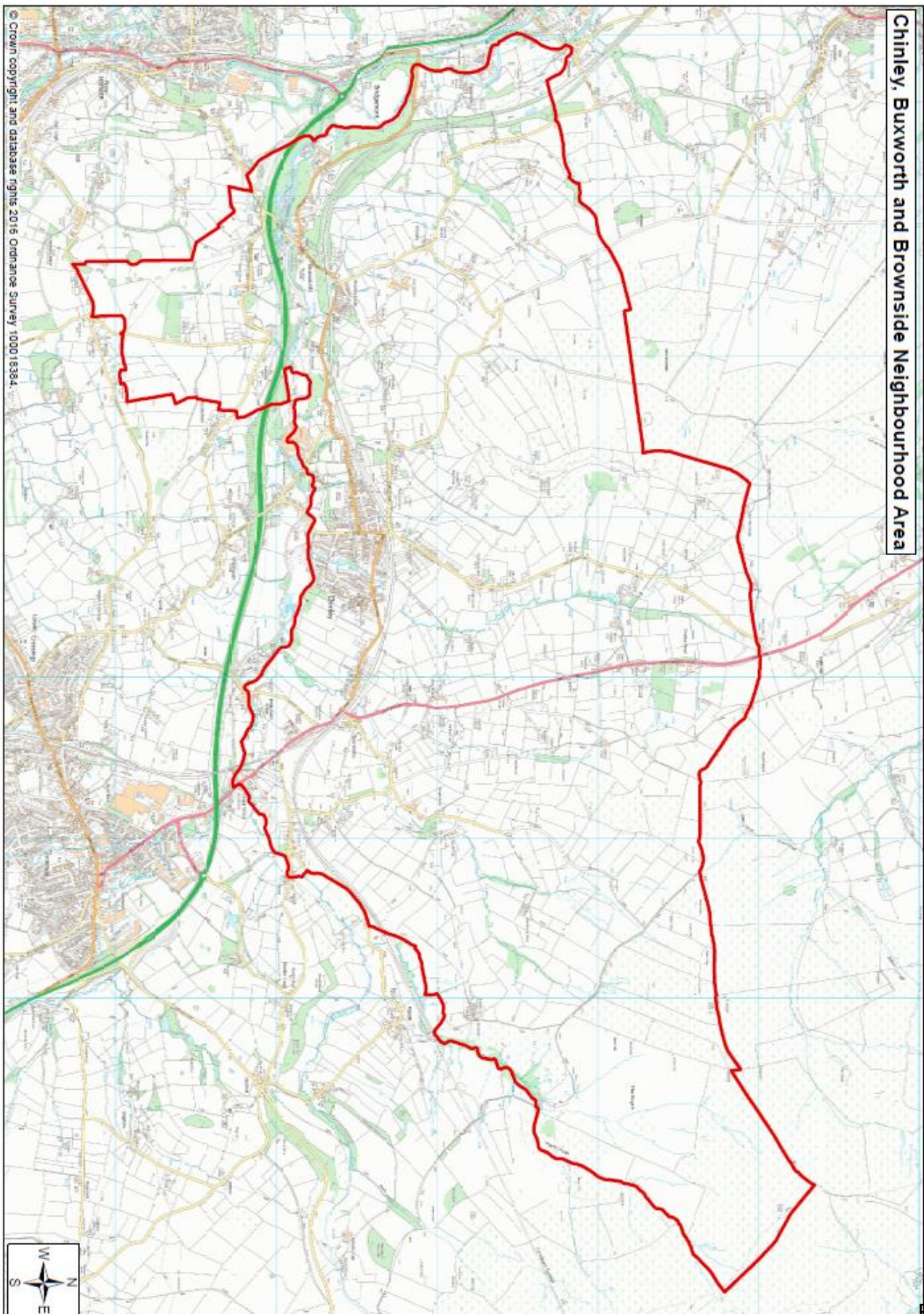
**Appendices**

Appendix 1: Map of proposed Chinley Buxworth and Brownside Neighbourhood Area  
Appendix 2: Letter of application

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

Ian Fullilove, Policy Planner, 7 July 2016

**Appendix 1: Map of proposed Chinley, Buxworth, and Brownside Neighbourhood Area**



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## **Appendix 2: Letter of application**

### **CHINLEY BUXWORTH & BROWNSIDE PARISH COUNCIL – APPLICATION FOR NEIGHBOURHOOD AREA DESIGNATION**

#### **Background**

Chinley, Buxworth & Brownside Parish Council, working jointly with Chinley, Buxworth & Brownside Community Association, are seeking to build a new community centre to replace the existing, outdated, wooden building at Lower Lane, Chinley and to improve the adjoining public recreation, children's play and car parking areas.

This project has been developed following the extensive 'Community Vision' consultation in 2014/2015 relating to community and leisure activity in the parish, likely future demands and the quality of existing community buildings and spaces. Significant feedback was received on both the state and importance of the current community centre, as well as the whole of the Lower Lane site where it is situated. The project is in its early stages. We are on the point of appointing an architectural practice to prepare a masterplan for the Lower Lane site and outline plans for a new community centre. This will be followed by a major community consultation in the summer before detailed plans and costings are drawn up later in the year. We propose then to apply for a Community Right to Build Order for the site which, if approved, will mean that planning permission is granted.

#### **Why a Community Right to Build Order?**

Under the Localism Act 2011 local communities are able to undertake small-scale, site-specific community-led developments, such as community centres, under the Community Right to Build. Indeed, the Government encourages this route. In order to develop our proposals we are dependent on revenue grant funding. Specifically we are now applying for Community Buildings Pre-Feasibility Grant and later in the year we intend to apply for Community Buildings Project Support Grant. These grants are administered by Locality on behalf of the Government. It is a requirement of the Project Support Grant that community groups have designated a 'neighbourhood area' (or have plans in place to do so) as a first step towards submitting a Community Right to Build Order.

#### **Proposed Neighbourhood Area**

The proposed neighbourhood area is the whole of Chinley, Buxworth & Brownside Parish as shown on the attached plan. The community centre serves the whole of the parish council area and so no other designated neighbourhood area would be considered appropriate.

#### **Qualifying Body**

This application is being made by Chinley, Buxworth & Brownside Parish Council. By definition the Parish Council is a qualifying body and so is able to apply for the 'neighbourhood area' designation and Community Right to Build Order.

March 2016

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**10. CONFIRMATION OF TREE PRESERVATION ORDERS WHERE OBJECTIONS AND REPRESENTATIONS ARE RECEIVED (GM)**

**Purpose of the report**

1. To propose a procedure to be followed when a Tree Preservation Order has been made, (using powers delegated to officers) and objection(s) and or representations have been received.

2. **Recommendation**

**To approve the procedure as set out in Appendix 1**

**How does this contribute to our policies and legal obligations?**

3. Town and Country Planning Act 1990

Under the Town and Country Planning Act, a National Park Authority may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198(1)). There are therefore two criteria: interests of amenity and expediency.

Having made a TPO, a Planning Authority must publish and serve copies on owners and occupiers of land affected by it. There is a 28 day period from the date it is made in which to object. If no objections are made, the Planning Authority may confirm the Order itself and if the Planning Authority remains satisfied that making the TPO is expedient in the interests of amenity, they should confirm it. Where objections or representations have been made, then the Planning Authority must take them into consideration before deciding whether to confirm the Order.

4. The Planning Practice Guidance issued in 6 March 2014 provides the following: Paragraphs (034-040).

“Confirming Tree Preservation Orders

How do local planning authorities confirm Tree Preservation Orders? (para 037)

Authorities can confirm Orders either without modification or with modification, to provide long-term protection. They may also decide not to confirm the Order, which will stop its effect. Authorities cannot confirm an Order unless they have first considered any duly made objections or other representations.

Authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge. They should therefore consider how best to demonstrate that they have made their decision at this stage in an even-handed and open manner.

5. Is there a time limit for confirming Orders? (para 038)

Authorities can only confirm an Order within a six month period beginning with the date on which the Order was made. If this deadline is missed and an authority still considers protection necessary it will have to make a new Order.

6. Can the authority confirm a modified Order? (para 039)

The authority can decide to confirm an Order in relation to some, but not all, of the trees originally specified in the Order it made.

7. What changes to an Order should not be confirmed by the authority? (para 040)

The authority should not confirm an Order it has modified by adding references to trees, groups of trees or woodlands in the Schedule to the Order or the map to which the Order did not previously apply. Nor should the authority confirm an Order if it has made substantial changes to it, for example by changing an area classification to a woodland classification. To protect additional trees or make other significant changes the authority should consider either varying the Order after it has been confirmed or making a further Order.

8. Can people object to, or comment on, a Tree Preservation Order? (para 034)

People must be given the opportunity to object to, or comment on, a new Tree Preservation Order. Before deciding whether to confirm an Order, the local authority must take into account all duly made objections and representations that have not been withdrawn.

9. Objections and representations are duly made if:

- They are made in writing and:

delivered to, or could reasonably expect to be delivered to, the authority not later than the date specified in the regulation 5 notice.

specify the particular trees, groups of trees or woodlands in question.

in the case of an objection, state the reasons for the objection.

- In a particular case, the authority is satisfied that compliance with the above requirements could not reasonably have been expected.

10. How long should the local authority allow for people to make representations? (para 035)

The authority should ensure that all notified parties are given at least 28 days from the date of the notice to submit their representations.

11. Are the reasons for objecting restricted?(para 036)

Objections to a new Tree Preservation Order can be made on any grounds.”

12. **Government Policy Advice**

In March 2000, the Office of the Deputy Prime Minister issued "Tree Preservation Orders: a Guide to the Law and Good Practice". This is not a definitive statement of the law. It is Government policy advice on the system. This has been superseded by the Planning Practice Guidance quoted above, but the principles set out are sound. With regard to the procedure for considering objections or representations the Guide states:

### **"Considering Objections and Representations**

3.36 *If objections or representations are duly made, the LPA cannot confirm the TPO unless they have first considered them. To consider objections and representations properly it may be necessary for the LPA to carry out a further site visit, which would in any case be appropriate if the LPA had not yet assessed fully the amenity value of the trees or woodlands concerned. Any objection or representation made on technical grounds (for example, that a tree is diseased or dangerous) should be considered by an arboriculturist, preferably with experience of the TPO system.*

3.37 *Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO. Alternatively, discussions can lead to the withdrawal of objections.*

3.38 *Since LPAs are responsible for making and confirming TPOs, they should consider establishing non-statutory procedures to demonstrate that their decisions at the confirmation stage are taken in an even-handed and open manner. For example, the LPA officer could prepare a report for the committee or sub-committee that will decide whether to confirm the TPO. The report could include details of all objections or representations and the LPA officer's observations on these in the light of any site visit or discussions with people affected by the TPO. A copy of the report could be sent to those people who have made objections and representations, with an invitation to submit any further views before the committee meet to make their decision. The LPA could arrange for members of the committee to visit the site of the trees before making their decision. The visit could be followed by a hearing or inquiry back at the Council offices, where people affected by the TPO and the LPA officer are given a final opportunity to state their case."*

*A Planning Authority may decide, in the light of any site visit or objections or representations received that a TPO should be confirmed in respect of some of the specified trees and woodlands, but that other trees or woodlands should be excluded from the confirmed Order."*

### **"Rules" for Considering Objections**

The Secretary of State has expressed the view that in confirming TPOs, the Local Planning Authority will be acting in a quasi-judicial capacity. In considering objections to a TPO, the Planning Authority should follow the rules of natural justice.

There are two basic rules of natural justice. The first rule requires the maker of a decision to give prior notice to persons affected by it and for those persons to be able to put their case. The second rule prevents a person from acting if he has an interest or might otherwise be, or give the appearance of being, biased.

In addition, those who take quasi-judicial decisions must take into account the right considerations and not take into account considerations which are irrelevant.

## **13. The Authority's Scheme of Delegated Powers**

The Authority at its meeting on 1 July 2016 delegated its functions in respect of trees to the Planning Committee. In turn, the Planning Committee has delegated to officers the power to make and serve TPOs. However, consideration of objections and in cases where objections are made, the power to confirm, is retained by the Planning

Committee.

**Are there any corporate implications members should be concerned about?**

14. It is essential that members are satisfied that a fair process has been used in deciding whether a Tree Preservation Order to which Objections or Representations have been received should be confirmed or not.
15. **Financial:** No financial implications are envisaged.
16. **Risk Management:** No significant risks are envisaged in confirming the TPO.  
**Legal:** Generally if works are carried out to trees protected by a Tree Preservation Order, either before or after confirmation, an offence is committed. The offence is one which can be tried before the Magistrates Court or referred to the Crown Court for trial by a jury. A term of Imprisonment and or a fine can be imposed, and a tree replacement Order can be made. If a TPO is not confirmed within 6 months of its being made, it ceases to have effect, and the trees are no longer protected by it.
17. **Sustainability:** The confirmation of a TPO would encourage sustainable woodland management.
18. **Human Rights:** The Human Rights Act 1998 sets out the rights and freedoms of individuals, which includes a right to peaceful enjoyment of their property. The making of a Tree Preservation Order does not in itself remove this right but it does place a restriction on it by requiring consultation with and approval by the Authority before carrying out certain operations (works). In doing so the Authority must balance the interests of the property owner and the wider public interest.
19. **Consultees:** The Authority's Natural Environment Team Manager, Monitoring & Enforcement Manager, Landscape Architect, Conservation Officer and Head of Law have been consulted and support the proposal.

**Appendices**

Appendix 1 – Proposed Procedure

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

Gyl Murphy, Senior Legal Officer (Enforcement), 7 July 2016.

**Proposed Procedure in Relation to Objections Received Against the Confirmation of a TPO**

Having regard to the above, it is proposed that the following procedure for considering objections to Tree Preservation Orders be adopted:

- (1) The objector will be given the opportunity to comment on the officer report in writing and his comments will be included with the officer report.
- (2) The Committee will conduct a site visit if they consider it necessary to view the Tree Preservation Order site. The site visit is to be a fact finding exercise, to view the site of the Order. At the site visit, the objectors, officers and other interested parties may, at the Chairman's invitation, inform the Committee of any relevant points of fact and clarify any points arising from written representations. No decision is to be taken on site.
- (3) At a subsequent meeting of the Committee, the written submissions will be considered. The Committee may also consider representations from third parties. Having considered all representations, the Committee will decide whether to confirm the Order. Objectors and third parties will be able to attend the Committee meeting and speak in accordance with the Authority's Public Participation at Meetings Scheme.

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

### 1. **APPEALS LODGED**

The following appeals have been lodged during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
NP/DDD/0715/0658 3150216	Proposed agricultural unit at Town End Farm, Main Street, Chelmorton	Written Representations	Committee
NP/DDD/0915/0913 3151518	Proposed conversion of former house to form accessible holiday let accommodation at Smelters Cottage, Hathersage	Written Representations	Committee

### 2. **APPEALS WITHDRAWN**

The following appeal was withdrawn

- 3012587 Hurst Nook Croft, Derbyshire Level, Glossop, SK13 7PR - due to agreement to vary the enforcement notice to extend the period for compliance to allow the implementation of the recently approved scheme.

### 3. **APPEALS DECIDED**

The following appeal has been decided during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Decision</u></b>	<b><u>Committee/ Delegated</u></b>
MIN 2382 73265	Prohibition Order – Deep Rake, Hassop (Longstone Edge East)	Public Inquiry	Order Confirmed	Committee

The Secretary of State was satisfied that the tests required for the making of a Prohibition Order under Schedule 3 of the Act had been met. Schedule 3 states that when making a prohibition order, a minerals planning authority may impose requirements such as site restoration conditions. The Secretary of State noted that there was no dispute between the parties as to the requirement for Backdale Quarry and the land at Wagers Flat to be restored - the Inquiry focussed on how the restoration should take place. The Secretary of State shared the Inspector's view that, on balance, the NPA's scheme of site restoration was the more appropriate for the site (as compared to the site owner's scheme), having regard to visual and landscape impact. He agreed with the Inspector that safety considerations made the scheme proposed by the NPA the more appropriate restoration scheme for the site, while remaining both reasonable and practicable, therefore the Order was confirmed.

### 4. **RECOMMENDATION:**

**That the report be received.**

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