

Public Document Pack

Peak District National Park Authority

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



Our Ref: A.1142/1448

Date: 4 August 2016



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 12 August 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 15 July 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 - Extension to existing hides' building and proposed adjoining new building to encompass processing of animal by-products to extract oil for on-site electricity generation, The Knackers Yard, Main Road, Flagg (NP/DDD/0216/0084 P.111135 413189/368981 25/7/2016/CF)** (*Pages 11 - 26*)
Site Plan
7. **Full Application - Change of use of former portal framed building to a building used for community events, weddings and other celebrations and events (Use class D2 assembly and leisure) (retrospective), external alterations and extension to existing**

building to form amenities block and associated car parking provision at Lower Damgate Farm, Ilam Moor Lane, Ilam (NP/SM/0915/0895 412682/353335 27/7/2016/CF)
(Pages 27 - 42)
Site Plan

8. **Change of use of former wood yard to storage and transhipment of blockstone at Former Wood Yard, Park Lane, Rowsley (NP/DDD/0416/0363, 424894 366060 NJR)**
(Pages 43 - 54)
Site Plan
9. **Full Application - External Alterations and internal re-configuration of existing visitor centre for retail area, tourist and information services, museum, café, classroom and interpretation space at Castleton Visitor Centre, Buxton Road, Castleton (NP/HPK/0616/0529, 414905/382963, 28/7/2016/AM) (Pages 55 - 62)**
Site Plan
10. **ITEM WITHDRAWN FROM AGENDA: Full Application - Erection of agricultural Building - Shuttle House, Calver (NP/DDD/0416/0300, P.4038, 07/04/16, 424411/375289, MN) (Pages 63 - 74)**
Site Plan
11. **Householder Application - Alterations, extensions and new earth sheltered garage - Warren Lodge, Bar Road, Curbar (NP/DDD/0616/0569, P.9881, 20/06/2016, 425667 / 374903, MN) (Pages 75 - 84)**
Site Plan
12. **Advertisement Consent Application - Replacement signage to public house at the Bridge Inn, Calver (NP/DDD/0516/0444, P.6290, 27/06/2016, 424707 / 374417, MN) (Pages 85 - 90)**
Site Plan
13. **Full Application - New signage and replacement windows, Bakewell Tourist Information Centre, Old Market Hall, Bridge Street, Bakewell (NP/DDD/0516/0410 P.6021 421862/368571 31/7/2016/CF) (Pages 91 - 96)**
Site Plan
14. **Advertisement Consent Application - New signage, Bakewell Tourist Information Centre, Old Market Hall, Bridge Street, Bakewell (NP/DDD/0516/0407 P.6021 421862/368571 31/7/2016/CF) (Pages 97 - 102)**
Site Plan
15. **Listed Building Application - New signage and replacement windows, Bakewell Tourist Information Centre, Old Market Hall, Bridge Street, Bakewell (NP/DDD/0516/0411 P.6021 421862/368571 31/7/2016/CF) (Pages 103 - 108)**
Site Plan
16. **Confirmation of Tree Preservation Order, Froggatt (TPO 89/2016 /DF) (Pages 109 - 120)**
Appendix 1

Appendix 1 Site Plan

Appendix 2
17. **Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 121 - 122)**

Duration of Meeting

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

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

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

Agendas and reports

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

Background Papers

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

Public Participation and Other Representations from third parties

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate 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 or on request from Democratic Services 01629 816362, email address: democraticservices@peakdistrict.gov.uk, fax number: 01629 816310.

Written Representations

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

Recording of Meetings

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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
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Constituent Authorities
Secretary of State for the Environment
Natural England

Peak District National Park Authority

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



MINUTES

Meeting: **Planning Committee**

Date: Friday 15 July 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, Mr R Helliwell, Cllr Mrs C Howe, Cllr H Laws, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg and Cllr D Williams

Apologies for absence: Cllr D Chapman, Cllr A Hart, Ms S McGuire, Cllr J Macrae and Cllr A McCloy.

90/16 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee on Friday 17 June were approved as a correct record.

91/16 MEMBERS DECLARATIONS OF INTEREST

Item 6

Mr P Ancell, Cllr Mrs L Roberts, Cllr Mrs K Potter, Cllr H Laws, Cllr P Brady, Cllr Mrs J Twigg, Cllr Mrs C Howe, Cllr D Williams, Cllr C Carr, Mr R Helliwell and Cllr D Birkinshaw asked that it be recorded that they had received correspondence from the applicant and an objector on this matter.

Item 7

Mr R Helliwell declared a personal interest as he had received a telephone call from the Applicant Mrs M Hollinrake.

Item 8

Cllr Mrs K Potter, Cllr Mrs J Twigg, Cllr H Laws, Cllr P Brady, Mr R Helliwell and Mr P Ancell asked that it be recorded that they had received an email from Mr R Mason in connection with one of the cases in the report.

Cllr Mrs K Potter declared a personal interest as she had received a letter from the Chair of Curbar Parish Council.

Item 9

Cllr Mrs C Howe declared a personal interest as the High Peak Borough Councillor for the ward within which Chinley, Buxworth and Brownside is situated.

92/16 PUBLIC PARTICIPATION

Five members of the public were present to make representations to the Committee under the Authority's Public Participation Scheme.

93/16 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

Members had visited the site on the previous day.

It was noted that the proposed three passing places along the south side of the access road had been reduced to two, one at each end. Three trees would be removed and new trees planted.

It was also noted that the current proposals would not result in an increase of floor space and that there would be no material change to the current situation.

The officer confirmed that the proposals are not considered to be major development with regard to paragraph 116 of The National Planning Policy Framework because the proposals would replace existing buildings with modern industrial units on a site designated for employment uses.

Two further letters of support had been received. The D2N2 Local Enterprise Partnership had also confirmed support for the proposed development. The deadline for a bid for funding for the new bridge from D2N2 was the end of July 2016.

The following made representations to the committee under the Authority's Public Participation Scheme:

- Mr P Stubbs, resident and Objector
- Mr C Bateman, Chair of Lumford and Holme Lane Residents' Association, Objector
- Cllr C Furness, Supporter
- Mr S Morgan-Hyland, Agent

Members expressed concern over the potential impact on residents caused by the movement of demolition and building machinery and vehicles via the current access. The officer stated that Government advice is to avoid pre-conditions unless there are "exceptional circumstances". The Director of Conservation and Planning explained the legal and funding implications of imposing a pre-condition regarding the new bridge.

Members were minded to impose a pre-condition because of what they considered to be the "exceptional circumstances" pertaining to this application. A motion to approve the application subject to a pre-condition re the new access bridge and including the officers' recommended conditions was moved and seconded. It was noted that such pre-condition would remove the need for conditions 5 and 7 in respect of the passing places on the lane.

The basis for concluding that permission would otherwise be refused without a pre-condition that the new access bridge be built included:

- The strain on current access routes that would be caused by heavy construction traffic
- The need to protect the safety and amenity of residents
- The piecemeal development of the site would not be consistent with Local Plan policy LB7
- The impact of the proposed passing places on the character of the area

These factors also supported a conclusion that the provision of the new bridge before development was commenced was fundamental to the acceptability of the development proposals.

The motion to approve the proposals due to “exceptional circumstances”, subject to a pre-condition requiring the new bridge to be built prior to the commencement of works and with conditions as stated in the report but deleting conditions 5 and 7, was voted upon and carried.

RESOLVED:

That the application be APPROVED subject to a pre-condition that the new bridge be in place before the development commences and 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. **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.**

6. 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.
7. No part of the development shall be occupied until the approved access road works within the site have been carried out and constructed in accordance with application drawing number 2016-007/101 Rev D.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.

15. If works take place during 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.
16. 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
17. 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.
18. 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.
19. Appropriate ecological conditions with regards to bats – to be determined prior to the committee meeting.
20. 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.
21. 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.

A break was taken between 11.28 and 11.37am.

94/16 FULL APPLICATION - CHANGE OF USE TO FIELD NOS 8485 AND 8877 TO A SEASONAL OVERFLOW CAMPING FIELD AT KNOTLOW FARM, FLAGG

Members had visited the site on the previous day.

The original application had been deferred by the Planning Committee in April 2016.

Amended plans had been received, removing the proposal to put tents on the higher level of the field. Officers had revisited the site and noted that there were no less damaging locations than the one proposed. The Applicant had not provided detail of the number of pitches.

Having considered the amended proposals, officers maintained their recommendation to refuse the application. However, officers had suggested 10 conditions in the report in case Members were minded to approve it.

The following made a representation to the committee under the Authority's Public Participation Scheme:

- Mrs M Hollinrake, Applicant

Cllr P Brady declared a personal interest as he was acquainted with the Applicant's son, Mr C Hollinrake.

A motion to approve the application subject to the officers' suggested conditions with the addition of a condition to protect the landscape and the removal and replacement of condition 7, was moved and seconded. The replacement condition 7 would specify that the site was to be used for tents only and not for camper vans or caravans. The Director added that the fencing in condition 2 could be amended to post and wire rather than post and rail, in order to minimise landscape impact.

RESOLVED:

That the application be APPROVED subject to the following 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 site shall only be used for the pitching of tents.**
- 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.

95/16 MONITORING AND ENFORCEMENT QUARTERLY REVIEW - JULY 2016

Cllr Mrs K Potter declared a personal interest as she had received a letter from the Chair of Curbar Parish Council.

The Monitoring and Enforcement Team Manager reported that the Monitoring and Enforcement Team was on target to meet the annual figure of 120 cases closed. It was noted that considerable effort and resources were needed to achieve this.

With regard to listed building breaches, which are classed as criminal offences, it was noted that these breaches often occur through ignorance. In response to Members' questions the officer confirmed that there was no immunity period for listed building breaches. Members asked officers to check on how often owners of listed buildings are reminded of their responsibilities and it was suggested that more frequent reminders could reduce the number of listed building breaches occurring.

Members asked that information about the resolution of long standing cases also be included in the quarterly report.

The officer gave an update on Leanlow Farm, Hartington. He referred to photographs which showed that significant progress had been made in clearing up the site and informed Members that officers were actively considering enforcement action in relation to three steel containers which remained on site in breach of a condition.

The Monitoring & Enforcement Manager also showed some 'before and after' photographs of resolved cases and presented some feedback on two parish council training seminars that had been held on 25 May and 15 June.

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

RESOLVED:

That the report is noted.

96/16 DESIGNATION OF CHINLEY, BUXWORTH AND BROWNSIDE PARISH AS NEIGHBOURHOOD PLAN AREAS

The recommendation was moved, seconded, put to the vote and carried.

RESOLVED:

That the combined area of Chinley, Buxworth and Brownside Parish be designated as a neighbourhood area (as shown on the map in Appendix 1 of the report), under the Localism Act 2011 Schedule 9, Section 61G.

97/16 CONFIRMATION OF TREE PRESERVATION ORDER WHERE OBJECTIONS AND REPRESENTATIONS ARE RECEIVED

The Head of Law introduced the report which proposed a procedure for dealing with objections to Tree Preservation Orders (TPOs).

During debate, several points were noted:

- Planning permission overrides a TPO
- The Authority's tree officers do charge for their time
- The procedure for visiting a site differs from the current procedure for planning application site visits.

Members suggested amendments to the wording of the proposed procedure to ensure consistency of procedure as follows:

Paragraph (1) delete the words 'included with the officer report' and replace with 'reported to committee'.

This amendment was suggested so that the procedure reflected what happened in relation to late representation in planning applications.

Paragraph (2) Delete all sentences after the first sentence and replace with:

'Site visits are:

- fact finding exercises
- to enable officers to point out relevant features
- to enable Members' questions of fact to be asked on site for clarification:
- not part of the formal consideration of the matter and therefore public rights of attendance do not apply

Discussion on the matter will only take place at the subsequent committee meeting as all relevant parties may not be in attendance on site.

This amendment was so that the site visit process followed that set out in the approved Protocol on Planning Development & Planning Policy.

Paragraph (3) – no changes.

RESOLVED:

That the procedure as set out in Appendix 1 of the report be APPROVED, subject to the following amendments:

Paragraph (1) delete the words 'included with the officer report' and replace with 'reported to committee'.

Paragraph (2) Delete all sentences after the first sentence and replace with:

'Site visits are:

- fact finding exercises**
- to enable officers to point out relevant features**
- to enable Members' questions of fact to be asked on site for clarification:**
- not part of the formal consideration of the matter and therefore public rights of attendance do not apply**

Discussion on the matter will only take place at the subsequent committee meeting as all relevant parties may not be in attendance on site.

Paragraph (3) – no changes.

98/16 HEAD OF LAW REPORT - PLANNING APPEALS

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

RESOLVED:

That the report be received.

The meeting ended at 1.00 pm

6. FULL APPLICATION - EXTENSION TO EXISTING HIDES' BUILDING AND PROPOSED ADJOINING NEW BUILDING TO ENCOMPASS PROCESSING OF ANIMAL BY-PRODUCTS TO EXTRACT OIL FOR ON-SITE ELECTRICITY GENERATION, THE KNACKERS YARD, MAIN ROAD, FLAGG (NP/DDD/0216/0084 P.11135 413189/368981 25/7/2016/CF)

APPLICANT: F REDFERN & SONS LTD

Site and Surroundings

The Knackers Yard at Flagg is situated at the northern end of the village on the main road between Edge Close Farm and New Close Farm. The site has been in operation for around 40 years but has expanded incrementally following a series of planning consents since the early 1990's. Amongst other things, planning permission has been granted for an incineration plant, stone-built office and reception building and several modern portal frame buildings including a hides and storage building.

The office building, incineration plant and modern portal framed buildings are set back from the main road and a belt of mature trees at the front of the site largely screens views of the site from the highway. A second swathe of trees along the south eastern boundary screens the site from the village and another group along the northern boundary screens much of the site from Flagg Lane. There are a number of smaller tree groupings within the site plus several mature ash trees are dotted along the western boundary.

However, the site is bounded by open fields at the rear leading up towards Taddington Moor to the north and the site is visible in the wider landscape from higher vantage points broadly to the north of the Knackers Yard. The landscape surrounding the site is characterised as an upland pastoral landscape with a regular pattern of straight roads and small / medium sized rectangular fields bounded by limestone walls, which is a character type described as 'Limestone Plateau Pastures' in the Authority's Landscape Strategy and Action Plan.

A public footpath runs along the opposite side of the highway approximately 130 metres from the entrance to the site. The nearest neighbouring properties to the site are New Buildings Farm, 130 metres to the west and Edge Close Farm, 130 metres to the east.

Proposal

The current application originally proposed the erection of an additional modern portal framed building on the site of the Knackers Yard that would encroach into an adjacent field to the immediate west of the existing group of buildings. However, the original submission has been revised and the amended plans show that the new building would be sited at the rear of the existing modern buildings and would be partly dug into a field parcel immediately adjacent to the northern boundary of the existing yard areas.

The proposed building would measure 30m x 20m with an eaves height of 6m and ridge height of 8.1m above the adjacent ground level. The height of the new building would be the same as the existing adjacent building and the new building would be clad with profiled sheets above block work to match the character and appearance of the group of existing modern portal framed buildings on site. The building would also be provided with a metal flue that would extend a further 3m above the ridge (i.e. 11.1m above the adjacent ground level) and would have four full length roller shutter doors to provide access onto the extended yard to the east of the new building and to the north of the existing group of buildings.

In addition to the new building, two cylindrical 60 ton metal storage tanks for recycled water, one cylindrical 60 ton metal storage tank for waste water, and one cylindrical 40 ton metal storage tank for oil would be sited between the western gable of the existing hides building and an

existing bund that runs along the western boundary of the application site. These storage tanks (four in total) are required in connection with the operational processes that would take place within the new building and would comprise the processing of animal by-products to extract oil for on-site electricity generation.

In summary, the new building is required to accommodate a process that involves feeding macerated animal by-products through a centrifuge where the material is lightly heated and separated into waste water, meat and bone meal (MBM), and oil. The waste water would be stored, recycled and then sent to an off-site water treatment plant. The MBM would be dried on site within the new building then sent off-site for use as a bio-mass fuel. The oil would be retained to be used to fuel the oil-burning electricity generators on site. Amongst other things, this process would remove the requirement for animal by-products to be transported to an off-site rendering plant and by producing oil; the processing plant that would be accommodated in the new building would reduce operational costs and dependency on non-renewable fuels at the Knackers Yard.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The Authority would not be able to guarantee that granting planning permission for the current application would not lead to an intensification of the existing use of the site or whether the business would seek to meet demand from a larger than local area. Furthermore permission would be granted in circumstances whereby it has not been established that the business operating from the Knackers Yard is sited in an appropriate location not least because the concerns of the local community with regard to the existing impacts associated with the business and potential adverse impacts of allowing the business at the Knackers Yard to expand on the edge of Flagg have not been fully addressed. Therefore, any approval for the current application would conflict with saved Local Plan policy LE4(a)(i) and (ii).**
- 2. The potential adverse cumulative impacts of the existing and proposed developments at the Knackers Yard on the amenities of the local area through odour nuisance associated with the use of site and the potential to generate movements of large vehicles moving at speed through the village would detract from the living conditions of the local community and concerns about the existing and proposed uses carried out at the Knackers Yard are having a material and detrimental impact on the wellbeing of local residents. Therefore, the current application also fails to accord with policy GSP3 of the Core Strategy, saved Local Plan policy LC4 and core planning principles in the National Planning Policy Framework.**
- 3. In this case, the positive aspects of the development proposals are not considered to demonstrably or significantly offset or outweigh the identified harm to policies and the harm to the amenities of the local area. Therefore, the development proposals do not accord with the social and environmental principles of sustainable development set out in policy GSP1 of the Core Strategy and national planning policies in the Framework.**

Key Issues

- Whether the Knackers Yard is an appropriate location for expansion of the existing uses of the site;

- Whether the expanded site and the associated uses would remain of a scale and type intended to meet local needs; and
- Whether the proposed development can be accommodated on the edge of Flagg without harm to the amenity and valued characteristics of the area or to traffic safety and circulation.

History

The Knackery site has been in operation for around 40 years but has expanded incrementally following a series of planning consents since the early 1990's, which includes the following consents:

DDD/1200/549: Knackers building, approved subject to conditions.

NP/DDD/0607/0493: Livestock reception, approved subject to conditions.

NP/DDD/1010/1030: Hides and storage building, approved subject to conditions.

NP/DDD/0612/0566: Office and reception building, approved subject to conditions.

NP/DDD/0414/0420: Larger intermediate plant room building, approved subject to conditions.

NP/DDD/0914/0956: Removal of condition 5 from app code no. NP/DDD/0414/0420.

NP/DIS/0914/0955: Discharge of conditions 4 (odour) & 6 (noise) from app code no:

NP/DDD/0315/0151: Installation of ground mounted solar array, approved subject to conditions.

Consultations

County Council (Highway Authority) – No objections

District Council (Environmental Health) – No objections to the revised application subject to the recommendations of the noise report submitted by the applicant being implemented, and subject to the flue for the building being a minimum chimney height of 3m above the ridge for the purpose of discharging emissions.

Parish Council – Object to the revised application saying that their concerns are that the extension and secondary usage would increase the quantity of vehicles travelling through the village both to deliver and collect from the site. There are also concerns as to noise and odour levels and despite discussion and various explanations of the processes involved, there is still a very real concern that present odour and noise levels are unacceptable, and that the new process cannot be 'odour neutral' as stated in the documentation. There is also a concern that the business plot size is increasing out of proportion with the overall size of the village.

Representations

There have been five letters of objection received by the Authority to date from local residents. In summary, these letters set out concerns about existing odour and traffic movements; concerns about the impacts of expanding the site; and concerns that the processing plant will lead to a significant intensification of the use of the site with associated adverse impacts on the villages. These letters are available to read in full on the Authority's web page for this application.

Main Policies

Relevant Core Strategy policies include: DS1, E1, GSP1, GSP2, GSP3, L1, T1 and T4

Relevant Local Plan policies include: LC4, LE4, LT2, LT9 and LT18

Assessment

Background

In the first instance, although it would be possible for officers to determine (refuse) this application under delegated authority, it is considered that a determination on this application should be made by the Authority's Planning Committee in the interests of fairness and in the interests of transparency and accountability in terms of the Authority's decision making.

On one hand, officers have supported the principle of the development proposed in this application and the applicant has spent a considerable amount of time and money seeking to address the concerns of the local community through the submission of additional information and amended plans requested by officers. The revised scheme proposed by the applicant would also incur much more capital outlay compared to the original proposals.

On the other hand, as this application has progressed, it has become clearer that the applicant's baseline assessment of the acceptability of the impacts of the Knackers Yard on the amenities of the local area is strongly disputed by local residents. The current application has also given rise to strong objections to the development proposals on the grounds that it would make already unacceptable impacts arising from current operations worse, and the Parish Council cannot support the expansion of the Knackers Yard.

The issues raised by this application are finely balanced because the development proposals would normally be deemed to be acceptable in principle and do not give rise to any overriding planning objections when taken in isolation. Moreover, a number of issues raised in representations on this application should normally be expected to be addressed by the environmental permitting regime. However, for the reasons set out in the report, the application is recommended for refusal.

Key Issues

In terms of the Schedule attached to the Town and Country Planning (Use Classes) Order 1987, as amended, the Knackers Yard is considered to be in a B2 Use Class. This means that the site has a lawful use for general industry and it is considered that the processing plant proposed in this application would fall within the same Use Class and be ancillary to the existing lawful use of the site. Therefore, the current application does not propose a change of use of the land and buildings at the Knackers Yard from their existing use but the proposals would constitute an expansion of the existing business not least through the addition of the new building proposed in this application.

As noted above, the application site lies on the edge of Flagg, which is a settlement named in policy DS1 of the Core Strategy. Consequently, as the proposals constitute the expansion of an existing business on the edge of a named settlement, policy E1(A) of the Core Strategy and saved Local Plan policy LE4(A) are especially relevant to the determination of the application.

Policy E1(A) says new sites and buildings for business development will be permitted within or on the edge of the named settlements in policy DS1. E1(A) goes on to say proposals must be of a scale that is consistent with the needs of the local population. Wherever possible, proposals must re-use existing traditional buildings of historic or vernacular merit or previously developed

sites, and take up opportunities for enhancement. Where this is not possible, new buildings may be permitted. These policy provisions are consistent with the National Planning Policy Framework ('the Framework') taking into account policy E1(A) supports the growth of the rural economy but also seeks to direct most employment uses to existing settlements in the interests of safeguarding the landscape character of the National Park.

In this case, it is clear that a purpose-built new building, as shown on the amended plans, would be required to accommodate the proposed processing plant and it is clear the processing plant itself would be closely related to the existing operations and operational requirements of the business operating from the Knackers Yard. There are also no objections to the design of the building, which has been revised to match the existing buildings on site and to be the minimum possible size to accommodate the processing plant it would accommodate. As such, it is considered that there are no overriding objections to the principle of erecting an additional building on the Knackers Yard site for the processing plant. Consequently, the acceptability of the current application relies much more on an assessment of the planning considerations summarised in policy LE4(A)(i)-(iii).

Policy LE4(A) says the expansion of an existing industry or business in or on the edge of a Local Plan Settlement will be permitted provided that:

- (i) it is operating in an appropriate location;
- (ii) the use remains of a scale and type intended to meet local needs;
- (iii) development can be accommodated without harm to the amenity and valued characteristics of the area or to traffic safety and circulation;

The provisions of policy LE4(A) are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core strategy and saved Local Plan policy LC4, which are concerned with promoting sustainable development that accords with the National Park's statutory purposes, high standards of design, and safeguarding the living conditions of local communities, amongst other things. These objectives accord with the specific provisions of paragraph 115 of the Framework in relation to development in a National Park and core planning principles set out in paragraph 17 of the Framework.

The criteria set out in policy LE4(A) also cover the main issues raised in several representations on this application and the concerns raised by the Parish Council and therefore underpin the three key issues in the determination of this application namely:

- whether the Knackers Yard is an appropriate location for expansion of the existing uses of the site;
- whether the expanded site and the associated uses would remain of a scale and type intended to meet local needs; and
- whether the proposed development can be accommodated on the edge of Flagg without harm to the amenity and valued characteristics of the area or to traffic safety and circulation.

Location

The amended plans show that the new building would be sited to the rear of the existing buildings. The revised position for the building would reduce the visible impact of the proposed development and prevent the building encroaching into an adjacent field to the east that may

contain some archaeological interest. In general terms, moving the building to the rear of the site takes the processing plant further away from the neighbouring residential properties and would therefore further reduce any potential issues arising from noise and odour associated with the plant. In these respects, the new building would be sited in a logical location and the least damaging practicable location on land within the applicant's control.

However, if approved, the new building would be taken into a B2 use for general industry and it is not normally appropriate to consent development for general industrial uses in a built-up residential area because these types of developments tend to be 'bad neighbours'. In this case, the application site is on the very edge of the village and outside of the main built-up part of the named settlement but there are nearby neighbouring residential properties that are already appear to be impacted by the existing uses taking place on the Knackers Yard. The application site is also less than 1km from the main part of the village. Nonetheless, additional buildings for B2 uses have already been consented at the Knackers Yard and at the time these consents were granted; it was not considered that these buildings would exacerbate any pre-existing problems or that the expanded business would be a bad neighbour.

However, in representations, it is made clear by the occupants of the nearest neighbouring properties that they do consider they are adversely affected by the current business operated from the site including odour from the Knackers Yard albeit the Environmental Health Officer has not reported that any complaints have been received recently by the District Council. This scenario is problematic because one of the key arguments made in support of the acceptability of the current application is that the existing uses are not unneighbourly and the new building would not have any additional impacts on the local area in terms of noise, odour or vehicle movements.

In this case, officers consider the processing plant would not have any additional impacts over and above the existing use of the site in terms of noise and odour nuisance, partly because the evidence submitted with the application demonstrates there would be no additional noise disturbance and partly because the animal by-products would be fed into a closed system within an enclosed building. The system is designed in such a way that the only outlets for odour emissions would be when animal by-products are brought on to the site and fed into the system and when meat and bone meal (MBM) are collected at the end of the process.

Aside from meat and bone meal, the waste water would be fed directly into a storage tank before either being recycled to be heated by a boiler to lightly heat product in the centrifuge or being transported off site to a water treatment plant. The chimney over the building would only release emissions from the boiler and the generator used to power the process rather than fugitive emissions from the processing of animal by-products. The MBM would be collected whilst the doors of the building would be shut but this product would not be especially malodorous in any event because it would be dried rather than cooked. Therefore, the processing plant would be 'odour neutral' and odour emissions would be controlled by the environmental permitting regime.

However, these considerations do not necessarily address local concerns that existing odour nuisance adversely affects the living conditions of local residents. Similarly, the evidence supplied by the applicant appears to have failed to address local concerns around vehicle movements, which give rise to two key issues amongst the local community. There are some concerns that vehicles bringing in animals to the Knackers Yard give rise to odour nuisance through the village and there are concerns about the numbers of large vehicles moving through the village with some reference to the weight restrictions placed on the local road network. The roads through the village are also subject to a 40mph speed limit, and the impact of a number of relatively large vehicles travelling through the village at speed has a negative impact on perceptions of public safety.

In respect of these concerns, it should be noted that not every odour or vehicle movement experienced in the village can be attributed to the Knackers Yard and there is little in the way of 'hard' evidence to support the concerns raised in representations. Nonetheless, there is a limited amount of information in the current application that robustly demonstrates there are no issues with odour associated with the existing use of the site. There is also no information that would allow officers to confirm the maximum numbers of vehicle movements that might be associated with the expanded business if permission were to be granted for the current application. However, there are also practical operational reasons why it would be inappropriate to limit vehicle numbers, times of operation and amount of imported material brought on the site although it would be difficult to enforce these types of conditions in any event.

Consequently, the main issue for the local community appears to be that granting permission for the current application could mean any existing problems in the village arising from the existing uses of the Knackers Yard would get worse through a further intensification of the use of the site. However, it would not be possible to place an upper limit on the capacity of the processing plant or vehicular movements to and from the site or deal with any pre-existing problems associated with the site by granting permission for the current application, which might allow the Authority to more readily address the concerns of the local community.

Therefore, whilst there are no overriding 'in principle' objections to the current proposals for a new building at the Knackers Yard because of its location on the edge of a named settlement, local concerns about the impacts associated with the existing uses of the site and how the expanded site might exacerbate these impacts give rise to concerns as to whether the village remains the right location for the business, and moreover whether this is the right location for further expansion of the existing uses of the site.

Consequently, any approval for the current application could conflict with the provisions of saved Local Plan policy LE4(a)(i) but whether this conflict is sufficient to warrant refusal of the current application would depend primarily on whether the expanded site would remain of a scale and type intended to meet local needs and/or whether the development can be accommodated without harm to the amenity and valued characteristics of the area or to traffic safety and circulation.

Scale

Some of the concerns that underpin local objections to the proposals relate to the relatively rapid expansion of the existing business and the capacity of the expanded business to operate at a much more intensive level compared to the current situation. The point is made in representations that there are only a small number of rendering plants in the country and the processing plant at Flagg could provide a service to a larger than local area. It is also suggested in representations that the generation of oil through increased throughput of animal by-products for sale off-site might in itself become a commercial objective that would intensify the use of the site.

However, the information supplied with the application does not give any reason to consider that the applicant is seriously intending to create a 'regional centre' for the disposal of dead animals or that the oil produced on site would be used for any other purpose than fuelling the generator on site. The applicant states that the oil produced by the processing plant would help to reduce operational costs along with reducing the cost of transporting animal by-products to an off-site rendering plant. In these terms, the applicant considers the proposed development would allow the business to offer local farmers a more competitive price, which has some relevance but can only be afforded limited weight not least because the cost of the service cannot be determined by planning controls. Nonetheless, the existing regulatory regime means that for the foreseeable future farmers will continue to need services like those offered by the Knackers Yard in Flagg to be able to properly dispose of fallen stock, for example. Therefore, it is reasonable to say that the

Knackers Yard provides a service to meet local need and the current proposals would enable the business to continue to meet those needs in the future, which is a relevant consideration that weighs in favour of the current application.

The Knackers Yard also takes on business from other local government and government bodies where the licensed disposal of animals is required but the level of this type of business is difficult to predict and it is equally difficult to predict when animals may need to be collected. There are also a number of practical reasons and on-site operational reasons why it would be necessary to collect animals at short notice and deal with animals on site as they arrive. For example, a fallen animal may be causing a hazard to public health and safety and it is clear that animals need to be processed on site promptly to avoid odour nuisance, amongst other things.

Therefore, as noted above, it would be difficult to impose conditions on any permission for the current application seeking to restrict hours of operations and vehicle movements or place limitations on the amount of imported material without the risk of unreasonably compromising pre-existing operations taking place on site or prejudicing the ability of the business to carry out its normal activities. In these respects, it is reasonable to suggest that if the business continued to operate at its existing levels the processing plant would reduce vehicular movements and remove some potential sources of odour nuisance for the following reasons.

In summary, it is logical to conclude that if the processing plant reduces the volume of material that would need to be transported off site then vehicular movements would also be reduced. In this case, material would only be taken to off-site rendering plants if the processing plant was not operational and by removing the requirement to transport material to rendering plants when taken into use, the on-site processing plant would consistently reduce vehicular movements to and from the site that occur throughout the week. It is a matter of fact that the MBM produced by the plant would have less volume than the carcasses and other material that is currently sent to an off-site rendering plant, which would suggest that less large vehicles would be required to transport MBM to its onward destination.

However, the reduction in vehicular movements arising from the difference in volume between MBM and animal carcasses would be partially offset by the requirement to transport waste water to an appropriate water treatment site, but at the existing levels of use it is reasonable to conclude that the new building and the installation of the proposed processing plant would lead to a reduction in vehicular movements. The processing plant would also reduce odour nuisance arising from materials on site awaiting transportation to off-site rendering plants. Any odour nuisance arising from vehicles transporting this type of material through the village would also be reduced noting that it is also reasonable to conclude MBM would be far less odorous than animal by-products currently transported from the site and waste water would be transported in a sealed tanker similar to a milk tanker. Therefore, the operation of the plant could help to reduce vehicle movements through the village, and reduce odour nuisance arising from transportation of animal by-products off site.

Nonetheless, it remains true to say that the Authority would not be able to use planning controls to prevent any further intensification of the site if permission was granted for the current application. Therefore, it cannot be said with any certainty that the expanded site and the associated uses would remain of a scale and type intended to meet local needs in accordance with the requirements of saved Local Plan policy LE4(a)(ii). Whilst the following sections of this report add more detail to why it is considered that noise and odour from the new building would not make the situation in the village worse or adversely impact on the living conditions of nearby neighbouring residential properties when taken in isolation (also noting the environmental permitting regime would adequately deal with the operation of the processing plant); the cumulative impacts of the expansion of a site that is already considered to be a 'bad neighbour' are a serious concern.

This problem is at the heart of whether the proposed development can be accommodated on the edge of a village without harm to the amenity and valued characteristics of the area or to traffic safety and circulation.

Landscape and Visual Impact

The landscape setting of the village is a valued characteristic of the local area and the revised proposals help to reduce the visual impact of the proposed development on its landscape setting. The new building would be seen within the context of the existing buildings and views into the site from a number of public vantage points are foiled by existing planting on and around the boundaries of the site. However, some additional planting would be required along the western boundary taking into account the erection of the proposed storage tanks might require existing plants to be removed and additional planting to be carried out to restore the existing level of screening. The existing buildings and the new building would also be seen quite clearly from vantage points broadly to the north west, north and north east of the site and the existing chimney for the incinerator building can be picked out from a number of distant vantage points.

Although the size and scale of the existing group of buildings is not readily appreciated from the main road through Flagg, or from the village itself, the addition of the new building will have some impact on the wider landscape and whilst the new building would look much like a modern farm building; the existing chimney already gives the site an industrial character and the flue proposed on the new building would serve to exacerbate this effect. Therefore, the proposals would result in some change to the character of the surrounding landscape and these changes could only be partly mitigated by planting because the site is visible from higher land and the new building would increase the visual bulk of the existing buildings and exacerbate the industrial character of the site to a certain extent.

However, the building would be partly dug in to the rising land at the rear of the site reducing its visual presence, the building would be a logical extension to the existing group of buildings, and despite the chimney and flue, the extended group of buildings at the Knackers Yard would not look completely out of place in a farmed landscape characterised by groups of large modern farm buildings attached to the farmsteads that are commonly seen within this landscape setting. Therefore, it is not considered that granting planning permission for the new building would result in an unacceptable harmful impact on the scenic beauty of the surrounding landscape. Nonetheless, a more robust landscaping scheme compared to that shown on the amended plans would help to reduce the impact of the new building and allow the current application to comply more readily with the provisions of paragraph 115 of the Framework and the Authority's landscape conservation policies including GSP1, GSP2, GSP3 and L1 of the Core Strategy and saved Local Plan policy LC4.

Neighbourliness

In itself, the new building would not be unneighbourly. By virtue of its siting to the rear of the existing buildings and the intervening distances between the new building and the nearest neighbouring properties it would not harm the outlook from any other residential property and would not impact on the privacy or quiet enjoyment of any other residential property. The noise and odours associated with the processing plant within the building are unlikely to give rise to an adverse impact on the amenity of any other nearby neighbouring residential property given the supporting evidence submitted with the current application, the nature of the processing plant itself and the controls placed on the process through the environmental permitting regime.

Supporting information submitted with the current application addresses any concerns about how waste water would be dealt with and the use of the yard area to the rear of the building by vehicles would not create any additional noise and disturbance compared to the existing use of the site that would adversely impact any nearby residential property. Therefore, the provision of

the new building and the installation of the processing plant would not in itself have an adverse impact on the environmental quality of the local area or be unneighbourly. In these respects, the current application complies with core planning principles in the Framework and the Authority's policies that seek to safeguard amenities and the living conditions of local communities including policy GSP3 of the Core Strategy and saved Local Plan policy LC4.

Traffic

Core Strategy policies T1 and T4 and saved Local Plan policies LT2 and LT9 are relevant to the issues raised by this application because these policies presume against developments that would result in traffic generation particularly where it would result in the more intensive use of minor roads by heavy goods vehicles and large vehicles transporting goods. Local concerns have been raised that indicate that existing vehicular movements to and from the Knackers Yard already generate an unacceptable level of use of minor roads in and around the local area and through the village itself by large vehicles.

However, the Highway Authority has no objections to the current application and confirm that the site has a safe and suitable access and that there would be adequate on-site parking provision and sufficient space to safely manoeuvre vehicles within the site. In terms of the current proposals, the Highway Authority does not see that the proposed development would generate such a significant amount of additional vehicle movements that the safety of local road network would be compromised if the new building were to go ahead. As noted above, if the existing use of the site were to be maintained the current proposals should actually reduce vehicle movements to and from the site but officers agree with the Highway Authority that the site itself has a safe and suitable access and there would be no particular concerns about the circulation of vehicles within the site or the amount of off-road parking provision on the site.

In these respects, the application complies with the provisions of national planning policies in the Framework and saved Local Plan policy LT18, which requires the provision of a safe and suitable access and adequate parking provision as a pre-requisite of all new development in the National Park. If the Knackers Yard were to continue to operate at its current level then it is unlikely that the provision of the new building would give rise to harmful impact on the local road network that would warrant refusal of planning permission for the current application.

Conclusions

It is therefore concluded that the proposed building would normally be deemed to be acceptable in principle and there would be no overriding objections to the building or the processing plant in terms of the impact of the development proposals on the character, appearance or amenities of the local area or in terms of the impacts of the proposed development on the local road network. However, these conclusions would be reached by assessing the proposed development in isolation and on the presumption that the existing uses of the site do not adversely impact the amenities of the local area. In these terms, the proposed development could be accommodated within the local area providing the use of the site would remain of a scale and type intended to meet local needs, providing there would be no further intensification of the use of the Knackers Yard, and providing the existing use of the site was not already adversely affecting the living conditions of the local community.

As discussed in the above, any permission granted for the current application would need to be an 'open-ended' consent insofar as it would be unreasonable to impose conditions that would limit the capacity of the processing plant or restrict vehicle numbers or hours of operation. Therefore, the Authority would not be able to guarantee that granting planning permission for the current application would not lead to an intensification of the existing use of the site or whether the business would seek to meet demand from a larger than local area. Therefore, any approval for the current application would not fully meet the requirements of saved Local Plan policy

LE4(a)(i) and(ii) and permission would be granted in circumstances whereby the concerns of the local community with regard to the potential adverse impacts of allowing the business at the Knackers Yard to expand on the edge of Flagg have not been fully addressed.

The issues raised in representations are generally supported by assertions based on local knowledge and the experience of living in the village rather than a particularly robust evidence base. Equally, the applicant has not been able to robustly demonstrate that the issues raised locally about current operations are not correct and the submitted application also tends to rely on assertion when making an evaluation of the impacts of the current operations taking place on site. Nonetheless, the Parish Council states very clearly that it is considered that the size and scale of the Knackery Yard is now increasing out of proportion with the overall size of the village and that not only is there still a very real concern that present odour and noise levels are unacceptable; the extension and secondary usage of the site for processing animal by-products would increase the quantity of vehicles travelling through the village.

In these respects, it is acknowledged that the perceptions of a local community about the impacts of an existing use or the impacts of proposed development might not normally be considered to carry substantial weight in the determination of a planning application if these perceptions are not supported by evidence. However, the facts that the concerns raised in representations on this application are offered with such conviction and are fully supported by the Parish Council means that, even if the objections to the current application have been based on perceptions, the concerns about the existing use of the site and fears amongst the local community about the impacts of the proposed development are having a material impact on the amenity of the local area and the living conditions of the local community. In summary, the concerns about current operations and the impacts of any expansion of the Knackers Yard are detracting from local residents' quiet enjoyment of their own properties and their enjoyment of village life in a relatively small settlement in the countryside. Therefore, the concerns of the local community are relevant and should be afforded weight in the determination of this application.

The views of the local community support the conclusion that the location of the Knackers Yard on the edge of the village is no longer an appropriate location to expand the existing business. There are already concerns that the business has outgrown the capacity of the village to accommodate the Knackers Yard without an adverse impact on the living conditions of the local community. When taking into account the potential adverse cumulative impacts of the existing and proposed developments at the Knackers Yard on the amenities of the local area through odour nuisance associated with the use of site and the potential to generate movements of large vehicles moving through the village, the application also fails to fully accord with policy GSP3 of the Core Strategy, saved Local Plan policy LC4 and core planning principles in the Framework.

Consequently, there is a clear justification to refuse permission for the current application on these grounds and on the basis of conflict with LE4 also taking into account conditions cannot be used to prevent an intensification of the use of the site and when taking into account planning conditions cannot be used to address pre-existing problems. Consequently, planning permission should be refused for the current application unless other material planning considerations indicate otherwise.

Other Relevant Considerations

The processing plant that would be accommodated in the proposed building is innovative and cannot be compared to traditional rendering techniques. The processing plant would also produce oil that would reduce the operational costs associated with running the Knackers Yard and the business would have a much reduced dependency on non-renewable energy if the plant were to be installed. These are relevant considerations that would normally weigh in favour of the current application and help explain why officers have sought to work positively with the applicant to reach a positive outcome on this application.

Notwithstanding these points, representations have been made to the Authority that the existing permission for a ground mounted solar array would meet some, if not all of the applicant's requirements to reduce energy costs and dependency on non-renewable energy. In other words, some of the benefits arising from granting planning permission for the current application could be met by a less damaging practicable option. However, the ground mounted solar array would not address the issue of the costs arising from transporting animal by-products to an off-site rendering plant and Planning Practice Guidance says local planning authorities should not scrutinise the relative efficacy of renewable energy development.

Therefore, it would not be appropriate for the Authority to carry out a comparative exercise between the benefits of implementing the existing permission compared to the benefits arising from the installation of the processing plant proposed in this application. Moreover, if the development proposed in this application were deemed to be acceptable, there would be no overriding objections on planning grounds to both the new building and the ground mounted solar array going ahead. There are no concerns that the ground mounted solar array would give rise to unacceptable impacts on the amenities of the local area or exacerbate any of the adverse impacts associated with the current use of the site or the proposed expansion of the Knackers Yard.

The Knackers Yard provides local employment opportunities and there are currently more than 25 people employed by the business, many of them from the local area. The current proposals might not necessarily be required to prevent any job losses at the present time but the longer term benefits of producing oil to reduce operational costs and the savings made by not sending animal by-products to an off-site rendering plant would help to maintain and promote the future viability of the business. The ground mounted solar array would also help to achieve these objectives but the array is not as closely related to the operational needs of the business and the service it provides. As noted previously, the business also provides a service that meets the needs of the local farming community and others within the local area and providing this service at a competitive rate would also offer some benefits to the wider rural economy.

The service provided by the Knackers Yard to the local community and its role as a local employer are highly relevant considerations that would also normally weigh heavily in favour of the current application and, again, help to explain why officers have sought to work positively with the applicant to reach a positive outcome on this application. However, whilst the applicant and officers have worked collaboratively to try and reach a positive outcome, and whilst the applicant has expended a significant amount of time and money trying to address the concerns of the local community, it has become increasingly clear as this application has progressed that there is a disconnect between the planning merits of the development proposals taken in isolation, the appropriateness of the location for the new building, and the ability of the local area to accommodate the expansion of the business operations at the Knackers Yard.

Conclusion

It is therefore concluded that any consent for the current application would support the uptake of an innovative technology that would promote a more sustainable approach to dealing with animal by-products. In addition, any consent would help to support the rural economy and maintain the viability of a business that is an important local employer and a business that meets local needs and offers a service that is required in the local area. However, these positive aspects of the development proposals do not demonstrably outweigh or offset the identified conflict with saved Local Plan policy LE4 or the adverse impacts on the amenities of the local area and the identified adverse impacts on the general social wellbeing of the local community identified in this report. Therefore, the development proposals do not accord with the social and environmental principles of sustainable development and the current application conflicts with core planning principles in the Framework as well as policies in the Authority's Development Plan.

Accordingly the current application is recommended for refusal.

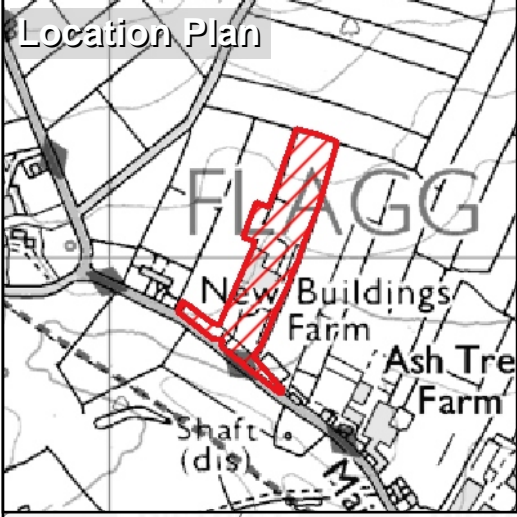
Human Rights

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

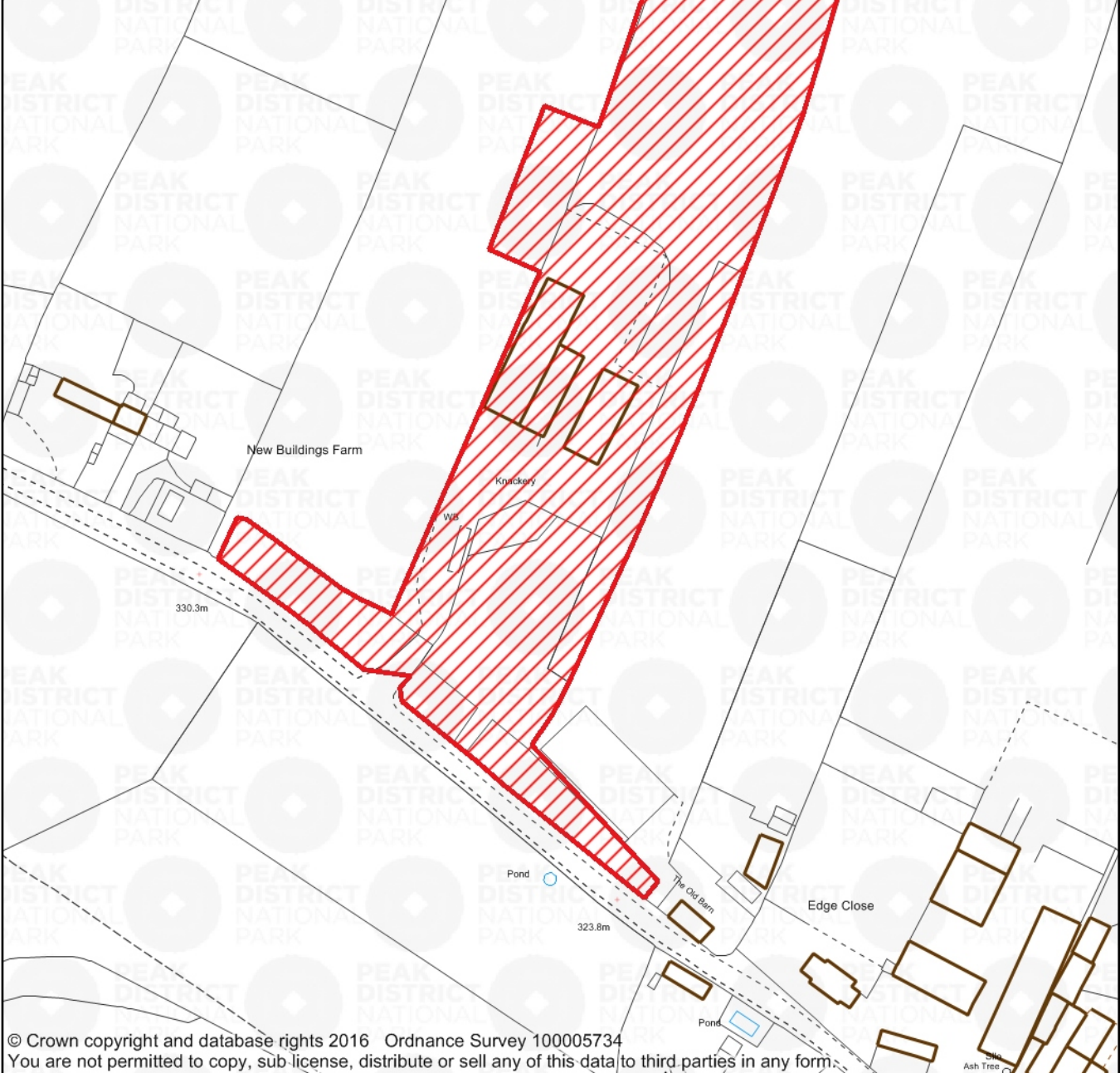
List of Background Papers (not previously published)

Nil

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Item Number:	6
Application No:	NP/DDD/0216/0084
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Title: The Knackers Yard
 Main Road
 Flagg



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7. FULL APPLICATION - CHANGE OF USE OF FORMER PORTAL FRAMED BUILDING TO A BUILDING USED FOR COMMUNITY EVENTS, WEDDINGS AND OTHER CELEBRATIONS AND EVENTS (USE CLASS D2 ASSEMBLY AND LEISURE) (RETROSPECTIVE), EXTERNAL ALTERATIONS AND EXTENSION TO EXISTING BUILDING TO FORM AMENITIES BLOCK AND ASSOCIATED CAR PARKING PROVISION AT LOWER DAMGATE FARM, ILAM MOOR LANE, ILAM (NP/SM/0915/0895 412682/353335 27/7/2016/CF)

APPLICANT: CAROLYN WILDERSPIN

Site and Surroundings

Lower Damgate lies in open countryside off Ilam Moor Lane mid-way between the two nearest named settlements Ilam, which lies around 2.5km to the south of the site, and Alstonefield, which is just over 2km to the north. The property comprises a grade II listed dwelling house, associated barns that have been converted to holiday accommodation, and a large modern blockwork building that has been sub-divided into two parts. The larger part of the blockwork building (c.280m²) has been taken into use to host events. The submitted plans show the remainder of this building has been used for storage purposes and as a workshop.

The landscape surrounding Lower Damgate is characterised as Limestone Plateau Pastures in the Authority's Landscape Strategy and Action Plan. The valued characteristics of this landscape setting include its scenic beauty and its tranquillity. The landscape setting of Lower Damgate is also sparsely populated but there is a residential property in separate ownership immediately opposite Lower Damgate on the opposite side of Ilam Moor Lane.

Proposal

The current application seeks retrospective planning permission for the use of the blockwork for events, which have been taking place without the benefit of planning permission. Information submitted with the application states that planning permission is being sought to hold 15 weddings, 6 charity events, 6 community events, 6 residential workshops per year, with two short events being held on a weekly basis throughout the year.

These proposals are in excess of the number of events that have been held at Lower Damgate in previous years and information submitted to the Authority suggests this is because the business is steadily growing. For example, the applicant says that Lower Damgate hosted 5 weddings, 4 charity events and one school play in 2010 compared to 14 weddings, 2 charity events and one community event in 2015. However, the applicant has expressed a willingness to reduce the number of events at Lower Damgate if the current proposals were not found to be acceptable

The application also seeks planning permission for a relatively modest extension to the existing blockwork building that will extend off the planes of an existing off shot to create an amenity block providing toilets, storage space and smoking shelter. The extension would provide just over an additional 90m² of floor area and the revised plans show that the extended building would be clad with vertical timber boarding to improve its appearance. In addition, planning permission is sought for permission for the use of land for overspill car parking on an existing yard area.

RECOMMENDATION:

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

1. **Lower Damgate cannot be deemed to be an appropriate location for the scale of the development proposed in this application and the scale of the use of the building proposed in this application would harm the character and amenities of the local area contrary to saved Local Plan policies LE4(b)(i) and LE4(b)(ii). The use of the building at the scale proposed would be also be unneighbourly contrary to saved Local Plan policy LC4, policy GSP3 of the Core Strategy and core planning principles in the Framework.**
2. **As tranquillity is intrinsically linked to the special qualities and appreciation of the character of the surrounding landscape, the use of the building at Lower Damgate at the scale proposed would detract from the tranquillity of its landscape setting. The application therefore conflicts with the landscape conservation objectives of policies GSP1, GSP2 and L1 of the Core Strategy and paragraph 115 of the Framework.**
3. **For the above reasons, the development proposals do not accord with the social and environmental principles of sustainable development and the harm arising from the grant of planning permission would not be demonstrably or significantly offset or outweigh by any economic benefits to the rural economy that might arise from the events being held at Lower Damgate. The application therefore conflicts with core planning principles in the Framework and with policy GSP1 of the Core Strategy.**

Key Issues

- Whether the proposals at Lower Damgate are of a modest scale that would be appropriate in this location in open countryside; and
- Whether the proposed use of the building at Lower Damgate would harm the amenity and valued characteristics of the area.

History

The site is currently under investigation by the Authority's for several alleged breaches of planning controls including the change of use of the blockwork building, which is the subject of the current application. Information supplied by the applicant sets out the previous use of the blockwork building as follows:

2010: 5 weddings, 4 charity events and one school play.

2011: 6 weddings, 3 charity events and one community event.

2012: 8 weddings and 4 charity events.

2013: 6 weddings and 4 charity events.

2014: 10 weddings, 2 charity events and 2 local events

2015: 14 weddings, 2 charity events and one community event

The following applications relate to the property but none are directly relevant to the planning merits of the current application.

NP/SM/0105/00019 Variation of planning condition 4 to delete ancillary and single planning unit restriction. Granted conditionally.

SM0603056 Conversion of store to office. Refused.

SM0603057 Listed building consent for conversion of store to office. Refused.

SM0400036 Conversion of barn to additional living accommodation. Granted conditionally.

SM040037: Listed building consent for conversion of barn to additional living accommodation. Granted conditionally.

SM0998113: Listed building consent for conversion of outbuilding to 3 holiday units. Granted conditionally.

SM0998114: Conversion of outbuilding to 3 holiday units. Granted conditionally

SM1297116 Alterations to listed building conversion of barn to dwelling. Withdrawn.

SM1297117 Conversion of barn to dwelling withdrawn.

SM0697053 Alterations to listed building installation of rooflights. Granted conditionally.

Consultations

County Council (Highway Authority) – No objections to the revised proposals subject to conditions.

District Council (Environmental Health Officer) - No overriding objections to the revised proposals subject to conditions.

Parish Council – No objections to the revised proposals subject to a range of conditions.

Representations

At the time of writing, 36 letters of support for the current application had been received by the Authority. Of these letters, 23 were received from individuals who do not live within the National Park and 13 were received from individuals who live within the National Park. A further two letters were received from contractors specifying works they had carried out at Lower Damgate.

In summary, these letters often focus on the applicant's character and set out in some detail how the applicant is keen to make the events work in a way that is sensitive to the local area, and that the events at Lower Damgate are run with a strong emphasis on preventing the events being unneighbourly. Many letters mention the applicant's charity work and community events and many mention the importance of the events at Lower Damgate with regard to generating additional income for the rural economy including letters from people who work for the applicant or have a business connection with the applicant.

There have also been seven letters of objection received by the Authority at the time of writing: three from visitors to the National Park, one from a guest of the nearest neighbouring property, stating that the events at Lower Damgate essentially spoil an otherwise beautiful location. Two

of these letters of objection have been received from a nearby property and one from the nearest neighbouring property although it should be noted that this letter is supported by three other letters from the same address, and professional representations made on behalf of the owners of these premises made in respect of the original application.

The letters from the nearby premises have a slightly different emphasis: one concluded by saying that a better balance ought to be found between the operation of a successful business and its impacts on the local area. The other sets out very clearly how the financial information submitted by the applicant seeking to demonstrate how the events at Lower Damgate benefits the rural economy is inaccurate and goes on to say that the business operated at these premises has a very different business model to Lower Damgate and does not rely on Lower Damgate to supplement its income. The letter from the nearest neighbouring property makes a similar point but also says that the events at Lower Damgate are much more likely to have an adverse impact on the holiday let business operated from these premises.

The letter received from the owners of the nearest neighbouring property in respect of the revised application goes into a significant amount of detail about the adverse impacts of the events held at Lower Damgate, sets out in precise detail where it is considered there are flaws in the various submissions by the applicant, and the letter sets out specific areas where the findings and efficacy of the mitigation measures set out in the noise report and transport plan submitted by the applicant are disputed. In sum, this letter sets out in substantial detail the authors' concerns about the developments proposals, how previous events have affected the living conditions of the authors of this letter, and sets out substantial objections to the proposals on a range of valid planning grounds.

In this respect, officers consider that more weight should be attached to representations made by those most directly affected by development proposals compared to the volume of letters of support made on valid planning grounds but made by individuals who do not live within 'sight or sound' of Lower Damgate. Furthermore, one of the letters received from the owners of the nearest neighbouring property state very clearly that the amendments made to the application do not address their concerns.

It should also be noted that the Friends of the Peak District (FPD) have also made strong objections to this application and particular concerns for this remote and tranquil part of the White Peak. In summary, although FPD understand that there are some socio-economic benefits accruing from the business, these do not outweigh the likely disbenefits. Consequently, FPD are objecting to the current proposals on the grounds that the number of events proposed are excessive; could impact significantly on local amenity; and that measures to mitigate impact are either insufficient or unlikely to be enforced satisfactorily. The FPD also note that in similar circumstances, a wedding event venue in an equally sensitive location of the National Park was limited to a maximum of eight events per year subject to a range of conditions.

The full details of all representations can be viewed on the Authority's webpage for this application.

Main Policies

Relevant Core Strategy policies include: DS1, E2, GSP1, GSP2, GSP3, HC4, L1, L3, RT1, T1 and T4

Relevant saved Local Plan policies include: LC4, LC6, LE4, LT2, LT9 and LT18

Assessment

Background

The proposals involve the change of use of an existing modern blockwork building to allow events such as wedding functions and community events to be held at Lower Damgate. This type of use would normally be considered to be a D2 use for assembly and leisure. However, the application is partly retrospective because the building has already been taken into use and this is partly why the proposed change of use is not permitted development because it was not last in use for farming on the relevant date in the regulations. In any event, the size of the building means that planning permission would have been needed for the change of use of the barn to a D2 use but the regulations would have allowed the Authority to consider (i) transport and highways impacts of the development; and (ii) noise impacts of the development if the proposals were permitted development subject to prior approval before granting consent for the change of use.

Notably, the issues of noise and disturbance from events at the premises and the impacts of vehicular movements to and from the premises are at the heart of complaints about previous events held at Lower Damgate and similar issues are raised in objections to the application. As set out in the following sections of the report, the applicant has gone to significant lengths to address these concerns and gone to considerable expense to provide additional information requested by officers on the basis that dealing with these issues would result in an officer recommendation of approval. In this respect, it is reasonable to say that the scale of the development now proposed by the applicant was not fully appreciated by officers from the outset of discussions but the following sections of this report explain why officers consider that concerns about the acceptability of the current proposals have not been fully addressed and why officers are unable to support the application now that a fuller assessment can be made of the planning merits of the development proposals.

Key Issues

The Authority has previously determined several similar applications seeking planning permission to use land and buildings within the National Park as a venue for events such as wedding functions. In the most recent cases, the proposals have been considered to be a more commercial form of economic development compared to other types of recreational proposals that are more closely related to the quiet enjoyment of the National Park's special qualities. This means that applications like the current application have been determined with reference to policy E2 of the Core Strategy and saved Local Plan policy LE4.

In this case, there is some land attached to Lower Damgate (c.20 acres) and some animals kept at the premises but there is no evidence to suggest that the applicant is running a farming business that would generate a reasonable income or any evidence to suggest these proposals would meaningfully diversify an existing farm business. The applicant's agent refers to single farm payments and mentions that money from the holiday cottages helps to pay for maintenance of walls, a woodland and the upkeep of the listed buildings. However, a land management agreement does not in itself mean that a farm business is being operated from a particular premises and maintenance works carried out for the upkeep of land or buildings does not in itself constitute agricultural operations.

Therefore, the proposals cannot be considered to be a form of farm diversification albeit it is recognised that the income from these proposals do support the applicant's interest in maintaining the land in ownership in good condition and keeping a small number of animals on the land that generate some income. Nonetheless, the amended planning statement does acknowledge that the primary business carried out by the applicant is related to providing self-catering accommodation and the current proposals would support this business. The amended

planning statement states that wedding functions, for example, are only allowed on the basis that the accommodation on-site would also be fully booked and paid for on the night of the event by parties attending the same event. The amended planning statement also acknowledges that policy E2 of the Core Strategy is an appropriate starting point in terms of assessing the planning merits of this application.

Policy E2 would be more supportive of business uses in locations like Lower Damgate in the countryside outside of a settlement if they were more clearly related to the diversification of an existing farming business or where the business would make use of a traditional building. However, E2 is also permissive of the re-use of modern buildings where there is some enhancement to the character and appearance of the site and its setting. This policy approach is consistent with the National Planning Policy Framework which supports the growth of the rural economy and re-use of buildings in the countryside for business and leisure uses.

In this case, the amended plans show that the modern portal framed building used to host the wedding events and other activities taking place at Lower Damgate would be reclad with timber boarding, which would improve the existing character and appearance of the building. The plans also show a relatively modest extension to this building that would be used to accommodate a utility block. There are no overriding objections to the extension in terms of its design. Therefore, the proposed use of this building for a range of events could be considered to be acceptable 'in principle' with reference to E2 and national planning policies in the Framework. However, the existing use of this building for various activities, including wedding events, has already given rise to complaints and there are a number of objections to the current application.

The nature of the objections to this application relate closely to the two reasons that the Authority would have required prior approval of these proposals if they were permitted development: namely noise and transport issues. In preparing this application and during the determination period the applicant has sought to address these concerns through commissioning noise reports and transport management plans, amongst other things. However, concerns remain that these proposals do not comply with saved Local Plan policy LE4(b) which deals with business in open countryside and the wider range of supporting design and conservation policies.

LE4(b) says outside Local Plan Settlements, expansion of existing industrial and business development (other than that linked to homeworking, farm diversification, forestry, mineral working and appropriate recreational activity) will not be permitted unless:

- i. it is of a modest scale in relation to the existing activity and/or buildings, and does not extend the physical limits of the established use;
- ii. it does not harm and wherever possible secures an enhancement to the amenity and valued characteristics of the area and the appearance of the site.

Similarly, policies HC4 and RT1 of the Core Strategy also suggest that uses that would provide community facilities or service, or proposals for recreational uses could be encouraged in locations outside of recognised settlements. These policies are relevant insofar as the application indicates some community events will be held at Lower Damgate including some use of the building at the premises for recreational purposes. Nonetheless, these policies are supportive of these types of use outside of a named settlement providing that the proposed use of the land would not be unneighbourly or harm the character and amenities of the surrounding countryside

The provisions of policy LE4(b) and policies HC4 and RT1 are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core strategy and saved Local Plan policy LC4, which are concerned with promoting sustainable development that accords with the National Park's statutory purposes, high standards of design, and safeguarding the living conditions of local communities, amongst other things. The objectives of these policies accord with the specific provisions of paragraph 115 of the Framework in relation to development in a National Park and core planning principles set out in paragraph 17 of the Framework. Policy L3 of the Core Strategy and saved Local Plan policy LC6 are also relevant insofar as the proposals would have an impact on the setting of the listed buildings at Lower Damgate. L3 and LC6 are consistent with national planning policies because they aim to preserve and enhance the significance of the National Park's cultural heritage including designated and non-designated heritage assets.

It is also relevant that Lower Damgate lies in a relatively isolated location in open countryside within a landscape setting identified as Limestone Plateau Pastures in the Authority's Landscape Strategy and Action Plan. The landscape surrounding Lower Damgate is characterised by the rolling upland limestone plateau, pastoral farmland enclosed by limestone walls, isolated stone farmsteads and field barns, and open views to surrounding higher ground. The valued characteristics of this landscape include its scenic beauty and its tranquillity. Therefore, this is a landscape setting that is sensitive to change and the impact of development could be keenly felt if it was to disrupt the peaceful, settled nature of the local area.

It is therefore considered that any adverse impacts associated with the proposals need to be rigorously examined and found to be acceptable, or to be capable of mitigation, before permission could be granted. In this case, it is also considered the criteria in LE4(b)(i) and (ii) form the basis of the analysis because they underpin the key issues in this case which are:

- whether the proposals at Lower Damgate are of a modest scale that would be appropriate in this location in open countryside; and
- whether the proposed use of the building at Lower Damgate would harm the amenity and valued characteristics of the area.

Scale

The significance of the scale of the proposed use of the site and the appropriateness of the location for events are issues that have crystallised over a period of time rather than matters the applicant has been asked to consider from the very outset of discussions with the Authority. The discussions between the applicant and Authority about the current proposals commenced in the context of an unauthorised use of the site and the applicant's clear desire to regularise the situation and to address concerns raised by officers about noise and disturbance in particular.

The events that have been held at Lower Damgate have had an adverse impact on the character and amenities of the local area and this has been through increased traffic movements to and from the premises, and noise and disturbance generated by the events and by visitors to the events. These types of impacts underpin the complaints received by the Authority about the use of Lower Damgate and objections to this application seeking to regularise the use.

Therefore, there are good reasons to consider that Lower Damgate is not an appropriate location to host the type of events that have been held at the premises and the types of events proposed in this application noting the applicant has 13 wedding events planned for this year, would like to increase the number of events to 15 weddings, 6 charity events and 6 community

events throughout the year. Moreover, the building can hold over 100 guests. The application is also suggesting that the premises could be used to host other community-based events and other activities. In these respects, the proposals exceed the amount of events that the Authority has allowed at other premises when considering similar applications and where the Authority has granted planning permission for events venues this has normally been subject to a temporary consent for two years in the first instance.

A two year temporary consent would normally be granted to allow for a trial run to allow the applicant concerned some opportunity to demonstrate a development can go ahead without any adverse impacts on the amenities of the local area before a permanent consent is issued. In this case, the unauthorised use of the premises means that Lower Damgate has already had an unauthorised trial run but this has not successfully demonstrated that the events can be run from the existing building on the premises without adversely impact on the amenities of the local area. This is why the applicant has had to expend time and money on noise assessments and transport management plans, amongst other things, because this information is necessary to demonstrate that events can be held at Lower Damgate without harming the amenities of the local area taking into account the applicant does not wish to cease the use of the premises.

However, it is clear from the information that the applicant has submitted that further costs will be incurred fitting noise attenuation measures to the building to limit noise breakout along with a range of other mitigation measures including:

- covering the roof with 100mm of Kingspan noise insulation and steel sheeting on top of the existing sheeting across the whole roof including rooflights;
- installing 120mm Kingspan in the gable ends of the barn;
- moving the stage and the speakers so that they face east and direct the noise eastwards away from the nearest receptor;
- installing an in-house speaker system with full control of the noise emitted through the speakers;
- installing an environmentally certified Noise Limiter (Electronic Orange);
- creation of a new entrance to the barn on the eastern side of the building and the doors on the south side to remain closed during events;
- replacing the temporary toilets located in the yard on the south side of the building and provide new permanent toilets on the eastern side of the building, which would be accessed directly from inside the building; and
- provision of a sheltered smoking area on the eastern side of the building whereas at present the smokers use the outside area south of the barn using the doors on the south of the barn.

The amended plans also show the creation of an amenity block, which would house the new toilets, and vertical timber cladding for the building, which would add further cost to implementing any permission granted for this application. In terms of the capital outlay that would be required, and considering the previous problems associated with the use of the site, it would not be appropriate to consider granting a temporary consent to test whether the measures proposed by the applicant would reduce the impacts of events to an acceptable level. This should only be considered if there is a reasonable likelihood that a permanent permission could be granted at the end of a trial period.

However, granting planning permission on a permanent basis for the current application could be held to conflict with LE4(b)i and with LE4(b)ii unless the scale of the proposed development were to be reduced, or, unless it can be shown that the mitigation measures proposed by the applicant would mean that granting planning permission for this application would not result in harm to the amenity or any other valued characteristic of the local area. A planning judgement on the merits of this application relies on an appreciation and understanding of the impacts of the proposals on the tranquillity of the local area as much as it is important to consider the technical evidence submitted by the applicant and the physical impacts of the proposed development on its landscape setting.

Landscape and Visual Impact

The existing building is a large modern portal framed building that has formerly been used for agricultural purposes. There is some land attached to Lower Damgate (c.20 acres) and some animals kept at the premises but there is no evidence to suggest that the applicant is running a farm or any evidence to suggest these proposals would meaningfully diversify an existing farm business. This means that the retention of the building is not reasonably necessary for the purposes of farming by the applicant and the proposed use of the building provides further evidence this is the case. However, by virtue of the size and scale, and the form and massing of the building, and the materials used in its construction; the existing building does not contribute positively to its landscape setting or the setting of the nearby listed buildings. Therefore, a very meaningful enhancement to the character and appearance of the local area could be achieved by demolishing this building and putting forward a more appropriate replacement rather than re-using it for uses other than for farming.

The Authority's policies and policies in the Framework do not rule out the re-use of this building and permitted development rights in the GPDO indicates that the Government is open to the re-use of redundant farm buildings for a range of uses. Equally, the applicant has responded to concerns about the re-use of this building by submitting amended plans showing the building would be clad with vertical timber boarding that would cover the existing blockwork walls and as noted above, would improve the character and appearance of this building. This approach would help to soften the visual impact of the existing building and the cladding would also help the building to look more like a typical modern farm building that are seen throughout the local area.

However, whilst there are no overriding objections to the relatively minor extension to this building to create an amenity block, the building does have a particularly wide span and off shot, which results in the building having a bulky form and massing that would be slightly increased if the extension shown on the amended plans is approved. This means the building would still dominate its immediate setting and still have a significant visual presence within its landscape setting even if it were to be clad with vertical boarding.

Therefore, the enhancements offered by the applicant to improve the appearance of the existing building should carry some weight but in their own right would not justify an approval of this application. This is because the building would still not contribute positively to its landscape setting and it would still have a negative impact on the setting of the nearby listed buildings. However, the building does sit within a farmed landscape and its appearance would be improved by the cladding. Therefore, allowing the retention of the building subject to the proposed changes to its external appearance would preserve the setting of the listed building and conserve the character of the surrounding landscape because of the proposed improvements.

In these respects, the proposals would broadly accord with national planning policies and the objectives of landscape and conservation policies in the Development Plan including policies GSP1, L1 and L3 of the Core Strategy and saved Local Plan policies LC4 and LC6 paying full

regard to the significance of the nearby listed buildings. The amended plans also include a landscaping scheme and securing this additional planting would further soften the visual impact of the building, which would also help mitigate the impact of the retention of this building and the addition of the extension shown on the amended plans.

Neighbourliness

In this case, extending the existing building and then cladding the building with vertical timber cladding would not be unneighbourly. By virtue of the intervening distances between the new building and the nearest neighbouring properties; the building, as proposed on the amended plans, would not harm the outlook from any other residential property and it would not impact on the privacy or quiet enjoyment of any other residential property other than by way of the activities taking place in the building. Therefore, it is the proposed use of the building that gives rise to neighbourliness issues but part of the problem in this case is that the noise and disturbance that has been associated with previous events has not been confined to what takes place in the building itself. There have been issues raised about vehicular movements giving rise to noise and disturbance and noise and disturbance outside the building associated with visitors to events at the premises and activities taking place in and around the building on land at Lower Damgate.

To address these concerns, the applicant has commissioned a second Noise Break-Out Assessment Report ('the noise report') to support this application and intends to implement the recommendations made in this report. The effectiveness of the mitigation measures that the applicant intends to implement has been challenged in representations on this application but further noise survey work completed for the applicant suggests that noise breakout from the building can be brought down to acceptable levels. However, it should be noted that this assessment relies on the use of a sound limiter that would cut out amplified music if 88dB(B) is reached. This report also contains some very specific guidance. For example, the report says that live bands should not use drum kits. The report also includes more general advice about managing visitors to prevent noise and disturbance outside the building.

The District Council's Environmental Health Officer (EHO) broadly accepts the findings in the applicant's noise report but remains concerned that a pre-commencement test ought to be carried out to assess whether the proposed mitigation would be effective and that the noise from any additional equipment in the building such as air conditioning units should be carefully controlled. The EHO recommends a number of conditions but also raises concerns about the number of events and goes on to say the noise from traffic management/car parking and customer noise outside the venue is more subjective and difficult to predict precise impacts. Furthermore, the EHO comments that the location of Lower Damgate is a unique rural location with low levels of noise normally existing in the area especially at night and the noise from traffic and outside noise specifically at night could be more difficult to control than any noise arising from the building itself.

In many respects, the EHO's comments illustrate why a temporary consent for this application may have provided a reasonable compromise because a trial run could have helped identify whether noise and disturbance both inside and outside of the building could be adequately controlled. Notably, the applicant has submitted a further noise report that demonstrates that events held at lower Damgate would not cause a 'statutory nuisance' through noise impacts but this does not demonstrate that the events would not impact on perceptions of tranquillity. In these respects, there is a risk that a trial period would perpetuate the problems experienced within the local area, which would neither be appropriate nor acceptable, and as noted previously in this report, the applicant would incur additional costs that might prove to be abortive if the temporary consent was not renewed or replaced with a permanent consent.

These issues may have been easier to deal with if the previous unauthorised use of the premises had not given rise to harm to the amenities of the local area and had not impacted adversely on the quiet enjoyment of the nearest neighbouring property.

Moreover, with regard to the applicant's noise reports and the comments made by the EHO on this application, it is considered that neither is able to demonstrate that the proposed noise insulation for the building would conclusively deal with noise and the potential for disturbance arising from events. The noise report makes it clear that the effectiveness of the sound insulation is dependent on other factors such as the sound limiter and even rules out the use of drums by a live band. The EHO also requires conditions to ensure noise breakout and other activities outside the building, including vehicular movements, does not adversely affect the amenities of the nearest neighbouring property.

This means that the previous problems with events might not be resolved by simply providing the building with better sound insulation and much would depend on how the events are managed to ensure that the conditions suggested by the EHO are not breached. This gives rise to a concern that the conditions would be especially difficult for the Authority to monitor and enforce, leaving the burden of monitoring compliance with any permission granted for the application with the owners of the nearest neighbouring property.

It is acknowledged that noise issues may be dealt with under other legislation as a statutory nuisance, for example, and it is also acknowledged further submissions from the applicant suggest noise levels can be adequately controlled. Nonetheless, it would not be in the best interests of the proper planning of the local area to grant planning permission for premises that have the potential to be a 'bad neighbour' in circumstances where an unduly onerous requirement would be placed on the Authority to properly monitor and enforce conditions and in a situation where the technical evidence supplied by the applicant, and verified by the EHO, confirms any breach of these conditions could adversely affect the quiet enjoyment of the nearest neighbouring property.

In addition to these concerns, the local area is characterised by its tranquillity and is relatively undisturbed by noise from human caused sources that would undermine the intrinsic character of the area. This part of the National Park is valued for its tranquillity by visitors and residents, including the ability to perceive and enjoy the natural soundscape, as well as the scenic beauty of the surrounding landscape. Therefore, an assessment of the impacts of noise and disturbance goes beyond a technical analysis of noise breakout from the building, for example, it must also include an assessment of how the activities proposed in this application would affect the tranquillity of the local area. The threshold for disturbance to tranquillity and peaceful enjoyment will be well below that required to create a statutory nuisance; this was the determining factor in the appeal decision relating to stone saws at Dale View Quarry in 2015.

The scale of the events in terms of their numbers and the potential numbers of guests, the difficulties ensuring that these events and associated activities would not lead to noise and disturbance, and the amount of vehicular movements associated with the events, are all factors that all contribute to a conclusion that any approval for the current application would result in a harmful impact on the tranquillity of the local area to the detriment of the quiet enjoyment of the nearest neighbouring residential property. It is therefore considered that the development proposed in this application would be contrary to the requirements of saved Local Plan policy LC4, policy GSP3 of the Core Strategy and core planning principles in the Framework, which collectively require full regard to be paid to the impacts of development on those most directly affected by the proposals.

Traffic

As noted above, vehicular movements associated with the events at Lower Damgate have caused a problem in terms of noise and disturbance associated with vehicles bringing visitors to Lower Damgate and then collecting visitors at the end of the event. By virtue of the size of the building and the number of people it can accommodate at events, it is almost inevitable that events at the premises will generate a relatively large amount of vehicular movements especially taking into account that there are no public transport links to the premises. These vehicular movements might also take place late at night so it is reasonable to say that traffic generated by the events at Lower Damgate would adversely impact the tranquillity of the local area. Moreover, these impacts would be more keenly felt within an area that is more generally lightly trafficked at night. However, this is not to say that the traffic generated by the events at Lower Damgate would have a harmful impact on the local road network and the Highway Authority has advised that there are no objections to the application on highway safety grounds.

The applicant has responded to concerns about on-site parking provision and access arrangements for larger vehicles such as mini-buses and coaches by submitting a travel plan and a revised plan that shows adequate parking provision for the events and sufficient manoeuvring space allow mini-buses and coaches to load and unload passengers within the site and off the public highway. There are no objections to the proposed overspill car parking on any other planning ground. In addition, the transport plan helps demonstrate that the number of vehicle movements would be minimised as far as possible but there are concerns similar to those raised about noise mitigation measures proposed by the applicant insofar as how enforceable the transport plan would be in practice.

Provided the parking provision and arrangements shown on the amended plans were secured by an appropriate planning condition, the current application would meet the requirements of saved Local Plan policy LT18 and national planning policies, which require adequate parking provision and the provision of a safe and suitable access as a pre-requisite of all new development in a National Park. Nonetheless, these conclusions are strongly disputed in representations made on this application and reference is made to conflict with a wider range of the Authority's adopted transport policies. In particular, Core Strategy policies T1 and T4 and saved Local Plan policies LT2 and LT9 are relevant and these policies presume against developments that would result in traffic generation particularly where it would result in the more intensive use of minor roads by heavy goods vehicles and large vehicles transporting goods.

However, officers consider that whilst the local road network would be affected to a certain degree by vehicle movements to and from events at Lower Damgate, the impact of these movements would not be severe in terms of the threshold set in national planning policy especially when taking into account the transport plan submitted by the applicant. The transport plan also demonstrates that traffic moving to and from the events would not result in unacceptable risk of danger to other highway users albeit, as noted above, the recommendations in the transport plan may be difficult to monitor and enforce. Therefore, on balance, officers consider that it would not be appropriate to refuse planning permission for the current application on highway safety grounds or on the basis of the undesirable impact running events at Lower Damgate may have on the local road network.

Nonetheless, accepting that the technical evidence submitted by the applicant demonstrates the proposals are acceptable in highway safety terms does not prevent this Authority from objecting to the impact of vehicular movements on the tranquillity of the local area. In this respect, rather than seeking the implementation of the travel plan submitted by the applicant, it is considered it is the number of events and the number of people likely to be attending that needs to be addressed before planning permission could be granted for the proposed change

of use. Notably, the applicant has expressed a willingness to reduce the number of events at Lower Damgate if the current proposals were not found to be acceptable. However, without further consultation, it is not clear whether a smaller number of events would address local concerns and the Authority first needs to determine whether the number of events proposed in this application is acceptable or appropriate notwithstanding an officer recommendation of refusal.

Conclusions

In conclusion, officers consider that the proposed scale of the use of the building at Lower Damgate for 5 weddings, 6 charity events, 6 community events, 6 residential workshops per year, with two short events being held on a weekly basis throughout the year, would harm the tranquillity of the local area and detract from the valued characteristics of the National Park also taking into account the number of people that might attend those events. There is also no certainty that the adverse impacts of the proposed development on the tranquillity of the local area can be made acceptable by the use of planning conditions, a temporary consent would not be appropriate in this case, and it cannot be guaranteed that a permanent permission would not result in an unacceptable adverse impact on the quiet enjoyment of the nearest neighbouring residential property.

Therefore, Lower Damgate cannot be deemed to be an appropriate location for the scale of the development proposed in this application and the scale of the use of the building proposed in this application would harm the character and amenities of the local area contrary to saved Local Plan policies LE4(b)(i) and LE4(b)(ii). The use of the building at the scale proposed would be unneighbourly contrary to saved Local Plan policy LC4, policy GSP3 of the Core Strategy and core planning principles in the Framework. As tranquillity is a core component of the character of the surrounding landscape, and the use of the building at Lower Damgate at the scale proposed would detract from this valued characteristic of its landscape setting; the current application also conflicts with the landscape conservation objectives of policies GSP1, GSP2 and L1 of the Core Strategy and paragraph 115 of the Framework.

Consequently, planning permission should be refused for the current application unless any other material planning considerations indicate otherwise.

Other Relevant Considerations

In various submissions to the Authority, the applicant's agent has stated that the events would promote farm diversification and go towards the upkeep of the listed buildings and land in the applicant's control, amongst other things. To date, no firm details have been provided to show how income from the events would be 'ring fenced' to pay for the upkeep of the property or how income from the events would be used or has been used. Therefore, these matters can only be afforded limited weight. Similarly, in various submissions made by the applicant's agent, it has been stated that the events at Lower Damgate contribute significantly to the local economy and this point is repeated a number of times in representations made in support of this application. However, for the reasons set out in the above report, the proposals do not accord with the social and environmental principles of sustainable development and the application conflicts with core planning principles in the Framework as well as policies in the Authority's Development Plan

Therefore, whilst it is acknowledged that the events at Lower Damgate would make some positive contributions to the rural economy and it is clear from representations that a number of local businesses would benefit from the events being retained; only limited weight can be attached to the economic benefits to the rural economy that might be achieved by granting planning permission for the current application. Equally, the extent to which the applicant provides community based events has been firmly disputed in representations on this

application and the extent to which Lower Damgate provides a community facility is uncertain. There is little evidence in the representations that suggests this is the case and the Parish Council have not suggested that Lower Damgate provides a valuable service to the local community

Furthermore, the applicant's agent claim that this is a unique venue and the need for the services offered by the applicant cannot be met elsewhere in the local area is easily disproven and there are a whole range of other providers within the local area that can provide venues for events. There is also concern that the synergistic relationship the applicant says exists between Lower Damgate and a nearby business providing wedding ceremonies is firmly rejected by the owner of that business. The nearest neighbour also disputes the income said to be generated by the events for their own business. Therefore there is very little evidence that Lower Damgate does meet a need that could not be met elsewhere in the local area or that the events at the site provide any substantial benefits to the local community, taking into account it is said that just one community event and two charity events were held at Lower Damgate in 2015 as opposed to 14 weddings.

It is therefore considered that whilst a number of positive aspects of the events at Lower Damgate have been promoted in the applicant's various submissions and in representations, the positive aspects of the development proposals are not considered to demonstrably or significantly offset or outweigh the identified harm to policies and the harm to the amenities of the local area in this case.

Finally, the applicant is willing to compromise on the proposals and despite references made to a fall-back position by the applicant's agent; the applicant says there is no real likelihood that events would be held in a marquee at Lower Damgate. The applicant has also expressed a willingness to reduce the number of wedding events to ten or would accept a temporary consent if the current proposals were not considered to be acceptable by the Authority notwithstanding an officer recommendation of refusal for the current proposals. However, as noted above, it is considered these types of changes would require further consultation but there is also the issue of continued uncertainty for those affected most be the events at Lower Damgate and for the applicant if a final decision was to be deferred on this application, which was submitted in its original form in September 2015.

Recommendation

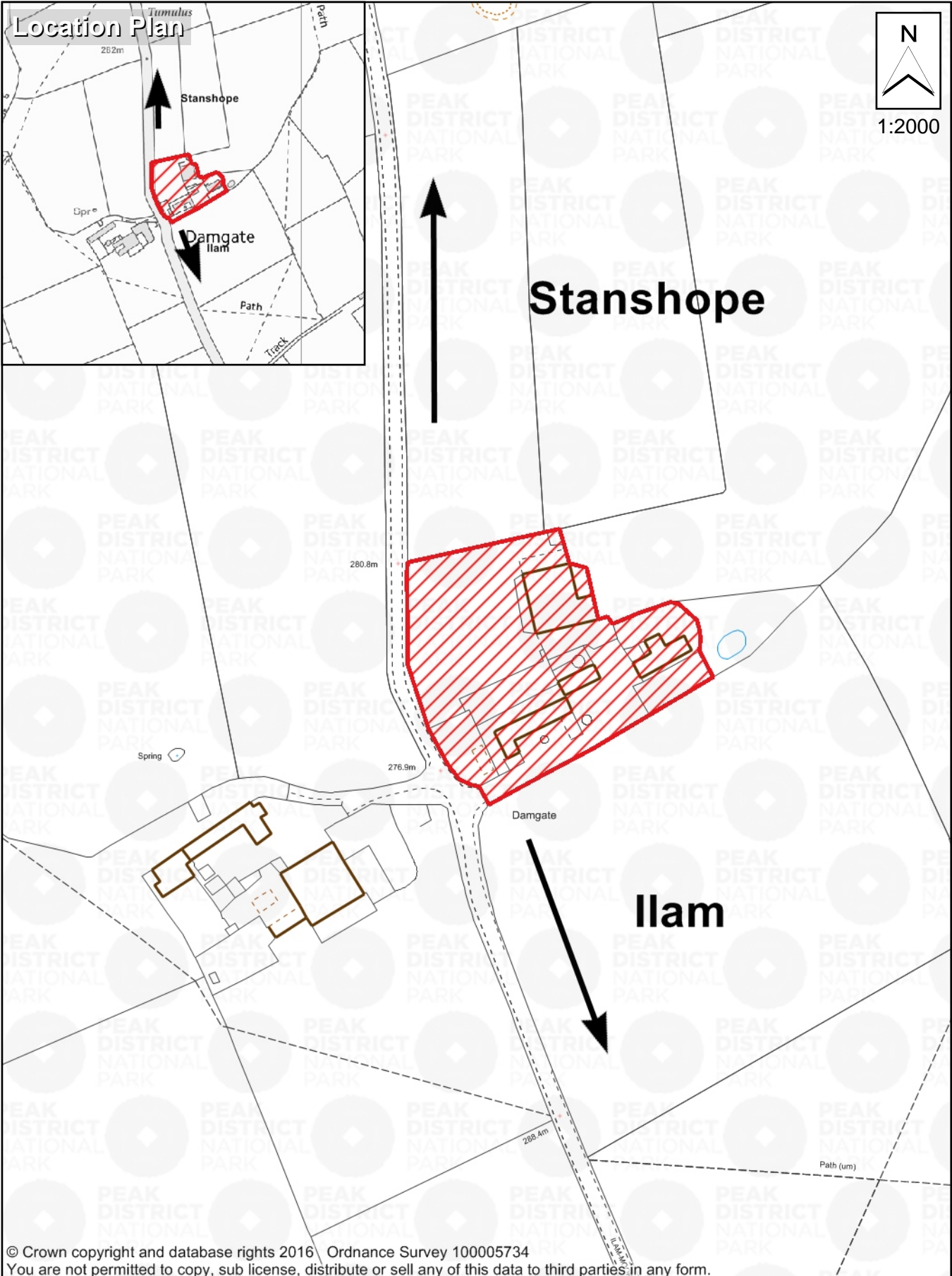
In conclusion, for the reasons set out in the above report, Lower Damgate is not an appropriate location for the numbers of events proposed in this application when taking into account the number of people that might attend those events and taking into account the potential adverse impacts of these proposals on the tranquillity of the local area, and the potential for these proposals to be unneighbourly in a manner that cannot be properly mitigated. Accordingly, the application is recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil



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Committee Date: 12/08/2016
 Item Number: 7
 Application No: NP/SM/0915/0895
 Grid Reference: 412682, 353335

Title: Lower Damgate Farm
 Ilam Moor Lane
 Ilam



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8. CHANGE OF USE OF FORMER WOOD YARD TO STORAGE AND TRANSHIPMENT OF BLOCKSTONE AT FORMER WOOD YARD, PARK LANE, ROWSLEY (NP/DDD/0416/0363, 424894 366060 NJR)

APPLICANT: STANCLIFFE STONE CO. LTD

Site and Surroundings

Stancliffe Stone Company Limited (Stancliffe) has applied for planning permission for the change of use of the former wood yard at Park Lane, Rowsley for the storage and transshipment of blockstone. The application site is located immediately north of the former Midland Railway Line, approximately 0.8km west of Rowsley and around 1.5km east of Haddon Hall. Park Lane is an unmade track which runs north from the A6 and is popular with walkers and cyclists.

The site is located within a rural setting in the River Wye Valley and A6 Corridor. The surrounding area is predominantly in agricultural use (with the exception of the Midland Railway line to the south) characterised by livestock production and areas of woodland.

The site itself is broadly rectangular in shape, extending to an area of 0.48 hectares, whilst the access road via Park Lane forms part of the public highway and extends to 0.11 hectares. The eastern boundary of the site is enclosed by established hedgerow fronting onto Park Lane. The boundary of the site turns westward and is delineated by post and wire fence adjacent to an access track which sits to the north west of the site. To the north of the site the development is bounded with a post and wire fence with periodic dry stone walling. The eastern and southern boundaries are delineated by post and wire fencing.

Currently on site there is a disused industrial style single storey building with a 'lean to' extension, a small open sided shelter in dilapidated condition, a small shed and a shipping container.

The applicant has stated that the application site was used as a wood yard and related activities until late 2012. Whilst this is not disputed, there are no lawful development certificates or planning permissions which exist for this use.

Proposal

Temporary planning permission is sought for the change of use of the former wood yard to a storage and transshipment facility for blockstone, excavated from Dale View Quarry. The application as submitted states that the blockstone would be transported from Dale View Quarry for storage at the site prior to onward shipment to the companies processing plants (or direct to third parties) located outside of the National Park.

Stone would be transported to the site by 6 or 8 wheel rigid bodied HGV tippers, and transported from the site in articulated HGV's. The development involves 12 rigid bodied HGV tipper movements per day and 4 articulated HGV movements.

The application is retrospective and proposes that a maximum of 400 tonnes of blockstone would be stored onsite at any one time. The applicant has stated that as part of the proposal they would be improving the appearance of the yard (within the first 6 months):

- Replace existing gate with a solid/close boarded version;
- Install/improve perimeter drainage;
- Resurface with limestone chatter/scalplings;
- Install new planting to extend hedgerow along frontage with Park Lane and install new section of fencing behind planting;
- Remove bramble scrub; and
- Replace post and wire fencing along southern and eastern boundaries.

Within 3 months it is proposed that the section of the Park Lane carriageway between the surfaced bell mouth and the yard entrance would be resurfaced with limestone chatter/scalplings.

RECOMMENDATION:

That application NP/DDD/0416/0363, for the change of use of former wood yard to storage and transshipment of blockstone, be REFUSED for the following reasons:

- 1. The change of use of the land would lead to an increased industrialisation of the site and would have a detrimental effect on the character, amenity and enjoyment of the locality. This does not contribute to the conservation or enhancement of the National Park, and is contrary to policies GSP1, GSP3, L1, and the saved Local Plan policies LC21 and LM1 and conflicts with the National Planning Policy Framework in particular paragraph 115 and 116.**
- 2. The proposal is for business development in the countryside outside the Natural Zone and outside the named settlements in policy DS1, and is not in accordance with the principles in policy E1 relating to business development outside of settlements.**
- 3. The proposed vehicular access to the site does not have sufficient visibility splays and would unacceptably impact on users of the highway network. The application fails to demonstrate that the development could be accessed to and from the A6 without a detriment to highway safety. Therefore, the change of use would not be provided with a safe and suitable access contrary to requirements of policies T1, and T4 and the saved Local Plan policies LT9 and national planning policies in the framework.**
- 4. The proposal would have an unacceptable impact on the safety and amenity for potential recreational users of the former railway line and this may compromise the viability of the Pedal Peak project to re-use the old railway line between Rowsley and Bakewell contrary to policy T6.**
- 5. The proposal fails to justify why this ancillary minerals development is required to be located within the PDNP and no alternative sites have been considered. The proposal would unacceptably impact on the overall character of the area and the objectives of the National Park. There is no justified need for the development which outweighs the harm to the National Park. Thus, the development is contrary to requirements of Core Strategy policies GSP1, L1, and the saved Local Plan policies LM9 LM1 and conflicts with the conservation objectives for the National Park set out in the National Planning Policy Framework.**

Key Issues

- Whether the principle of the change of use is acceptable in the location relating to highways, need and impact on recreation and visitors.
- Whether sufficient exceptional circumstances have been demonstrated to allow for the development to take place.
- The overall effect of the proposed development upon the character and amenity of the area and whether it would conserve and enhance the valued characteristics of the National Park.

Relevant History

None

Consultations (Summarised)

Highway Authority (Derbyshire County Council (DCC)) - It is considered that the proposed geometry of the junction is unlikely to accommodate 2 passing HGV's (or one HGV and car), and whilst it is stated that the proposals are low key, the proposal would be substandard in terms of geometry and visibility.

Swept path analysis was requested from the applicant, however, the applicant has argued that this is not required. These swept paths were requested to assess whether the large, relatively slow moving vehicles carrying stone are able to manoeuvre into/out of the junction without requiring the full width of the A6, a relatively busy, fast road. The manoeuvring of the HGV's has the potential to block the road, or if vehicles are unable to turn in due to another waiting to leave, then vehicles would be waiting on the A6 longer than expected.

Whilst it is noted that there have been no highway incidents since the site has been operational, the Council's records only include details of personal injury.

PDNPA Ecology – The area to the north of the site (within the redline) provides good habitat and contains a range of species of ecological interest, and as such it is recommended that this area is retained. In addition to the ecological value, the northern section of the site holds water run off from the hill, which would otherwise run onto the remaining part of the site.

Drainage improvements to the site are required, with the ponded area to be retained and deepened, with improvements to ensure that suspended solids are able to settle before entering the ditch. The ponded area would be required to be dug out periodically, removing trapped sediments. This should be done in a phased manner to ensure that all the vegetation is not removed.

PDNPA Landscape – No objection subject to conditions but would like to see to see vegetation screening on the northern and eastern boundaries of the site. Would also seek to ensure that trees located within the site and on the site boundaries are protected from potential damage during clearance and operational works. A restoration scheme for the site should be submitted for approval.

DCC Planning - No comment received.

Derbyshire Dales District Council EHO – No objection.

DCC Pedal Peak – Plans are being drawn up to extend the Monsal Trail along the former railway line adjacent to this site. The design as submitted in the application with ramps down to a table top structure within Park Lane falls short of the standards that would be required for the trail. The ramps as proposed are at 1:10 whereas for these lengths of ramp, the standards to aim for would be 1:20. It is also far from ideal to offer a solution that mixes large lorries and trail users together. The earth works to create the two ramps would also be intrusive on the landscape. A bridge across Park Lane has been considered by the project team as one of the options for this site. A S106 contribution should be sought to fund a bridge to mitigate the significant (negative) impact on future trail users.

Environment Agency - No objection

Nether Haddon Parish Council – No comments or objection to make

Stanton in Peak Parish Council – Objects to the proposal due to highway impact of HGV movement. If planning permission is granted that they would seek a 12 month permission rather than linking it to the life of the extraction at Dale View Quarry.

Rowsley Parish Council – Objects to the development, and whilst not within Rowsley the application does impact on the village. Concerns relating to increased traffic movements leading to noise and disturbance and potential impact on the White Loop (Pedal Peak) proposals.

Representations

Two letters of representation have been received following the consultation and advertisement of the planning application. Both letters object to the development, and raise the following concerns:

- Increase in the volume of HGV traffic on rural roads which are used by school children;
- Noise from plant operating from the site
- Unsuitable highway network for this type of traffic

A further letter has been received from Peak Rail who requested that the application documents are amended to ensure that the development would not prejudice any future railway used of the adjacent track bed.

Main policies relevant to the proposal

National Planning Policy Framework

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

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection to National Parks in relation to landscape and scenic beauty, reflecting primary legislation. Further guidance and information, including an explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010. The NPPF, at paragraph 116, continues to refer to designated areas and states that planning permission should be refused for major developments in these areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

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

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

- give great weight to the benefits of the mineral extraction, including to the economy;

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

Development Plan policies

Relevant Core Strategy (2011) policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, E2, T2, T4, T6.

Relevant Local Plan (2001) 'Saved' policies: LM1, LM9, LC1, LC21, LT9.

The Core Strategy (CS) general spatial policies provide overarching principles for spatial planning in the National Park. They relate closely to the delivery of National Park purposes to ensure that the valued characteristics and landscape character of the area are protected. The NPPF policy direction which states that planning permission for major development should be refused in designated areas is reiterated and expanded in policy GSP1.

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

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

Core Strategy policy L1 seeks to conserve and enhance valued landscape character and other valued characteristics of the National Park. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on such sites.

CS policy T4 states that development requiring access by Large Goods Vehicles must be located on and/or be readily accessible to the Strategic or Secondary Road Network, a policy which is reinforced by Local Plan policy LT9. Policy T1 more generally requires that the impacts of traffic within environmentally sensitive areas will be minimised.

Saved Local Plan policy LM1 seeks to assess and minimise the environmental impact of mineral extraction and states that mineral development will not be permitted unless adverse impacts on the valued characteristics and amenity of the area can be reduced to the minimum practicable

level or eliminated. Particular attention will be paid to various factors, including nuisance and general disturbance to the amenity of the area (including that caused by transport and the method and duration of working), risk and impact of pollution potential, harm to landscape, nature conservation, surface and groundwater, land stability, built environment/cultural heritage features, recreational interests and recreational interests. Policy LM9 is concerned with ancillary mineral development and states that it will be permitted provided there is a close link between the industrial and mineral development.

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

Assessment

Principle of Development

The main consideration in the determination of this application having regard to the type and location of development is whether the change of use of the land can be accommodated without an unacceptable adverse impact on the character, appearance and quiet enjoyment of the area, and on the surrounding highway network. Consideration should also be given to the amenity opportunities adjacent to the site on the former railway line.

As the use of the site has taken place for around 3 and a half years the applicant would not be able to demonstrate a continual use of the site for the current operation for more than 10 years, and as such, there is no lawful use of the site. This is an important factor in the assessment of the application, especially when considering visual impact and highway matters.

Officers became aware of the use after its commencement and up until pre-application discussions for this application, had been advised by Stancliffe that the use was temporary and was associated with a large contract to supply stone in association with the development of the Bloomberg building in London.

The proposal is located within a predominantly agricultural area, surrounded by livestock and remote, practically and visually, from the mineral workings where the imported material is sourced. There is no operational requirement for the development to be located in this area, and whilst the company has a tenancy agreement on the land, this does not influence the land use planning matters. Whilst policy DS1 states that mineral working is acceptable in the countryside outside of settlements, this proposal is not for mineral working. The location of the development in this area is contrary to policy DS1 and E2.

It is not considered that the proposal accords with the NPPF and the Core Strategy policy L1 requirement that planning should protect and enhance valued landscapes, and that great weight should be given to conserving landscape and scenic beauty in National Parks. The NPPF also states that, to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Need for the development

The applicant has stated within their submission documents that the proposal is an important adjunct to the company's operations at Dale View Quarry in that it would enable the company to both comply with the planning restrictions of the extant planning permission at Dale View Quarry which limits the type and number of HGV movements by the operation on a daily basis, and to

ensure that the operator can maintain adequate supplies on a year round basis to other parts of its business and customers. The applicant has stated that they believe that the current limitations on the vehicle type is onerous in terms of the longer distance that materials need to be transported to some of the companies processing plants, and as such, they require the ability to transfer the blockstone to larger payload articulated HGV's. The applicant further states that this would be economically beneficial together with having the added benefit of reducing the number of HGV movements in the Park.

Whilst it may be beneficial to the company to maximise the daily output from Dale View Quarry, and whilst they may feel that the restrictions on their extant planning permission at Dale View are onerous, it is not considered that either of these matters are sufficient justification to approve this application as an exception to adopted policy. The company have however made an economic and logistical based decision to operate in this way, and this is resulting in an unlawful use of the former woodyard. This application therefore seeks to regularise this.

Whilst the applicant has stated the economic benefits of the scheme to the company, there is no argument that without this development the Dale View Quarry operation would not be financially viable. Any economic and operational advantages to the applicant arising from the installation of the storage facility are not considered sufficiently significant that they outweigh the need to conserve and enhance the National Park. This is contrary to policies GPS2, GPS3 and GPS4.

Alternatives

The application does not provide a review of alternative locations where the material could be transported to, and do not state why this blockstone needs to be stored, and transhipped within the sensitive location of the National Park. The absence of a review of alternatives does not assist in justifying the acceptability of the ancillary mineral development.

It is not considered that the applicant has demonstrated that this development would be unable to take place outside of the National Park, and as such, given the great weight which must be afforded to the park both by paragraph 115 of the NPPF and Development Plan policies, the proposal would not represent a net benefit to the National Park environment.

The proposal fails to justify why this ancillary minerals development is required to be located within the National Park and no alternative sites have been considered. The proposal would unacceptably impact on the overall character of the area and the objectives of the National Park. There is no justified need for the development which outweighs the harm to the National Park. The development is therefore contrary to requirements of Core Strategy policies GSP1, L1, and the saved Local Plan policies LM9 and LM1.

Highway Issues

The use would involve 12 rigid tipper movements and 4 articulated HGV movements per day along Park Lane. DCC, as Highway Authority, has sought additional information relating to the movement of these vehicles onto the A6 to be able to make an assessment of impact; however, the applicant considers that this is not necessary and has therefore not provided the swept path analysis requested.

The proposed site is accessed off a single lane public highway which is traversed by existing vehicles, and as such, the proposal would need to ensure that visibility splays and acceptable manoeuvring onto and off the highway is afforded. The Highway Authority has raised concern that the proposal does not meet standard with regards to the visibility, and cannot demonstrate an acceptable form of access onto the A6.

Policy T1 of the local plan seeks to reduce the general need to travel and encourage sustainable transport, it is however not considered that this proposal accords with the policy, and would in

essence add additional traffic onto the network over and above that currently required for the extraction of mineral. All of the material which would be stored onsite would be double handled along the highways network contrary to the aims of sustainability.

Policy T4 further states that freight facilities should relate to the needs of National Park based business and should be located to avoid harm to the valued characteristic of the National Park. Whilst it could be argued that the development would relate to the needs of the business, it is not considered that the development has been located to avoid harm to the valued characteristics of the area. As such, the proposal is considered to be in conflict with this policy.

Concern has also been raised by the County Council about the possible impact on the extension to the Monsal Trail along the section of disused line which runs immediately to the south of the site, between it and the A6. The concerns are that the use of the site would create conflict between walkers and cyclists and HGV movements, and whilst the applicant has stated that they would ensure that the crossing would be 'at grade', this does not alleviate concerns for users. It is accepted that the Peak Pedal feasibility study identifies the trail be graded ramps at this point, that study was not based on Park Lane being regularly traversed by HGV vehicles carrying stone turning left immediately over the trail. The applicant relies on this feasibility study and has declined to provide any financial contribution to a bridge for trail users (should the trail be forthcoming), as they consider the ramps to be sufficient, notwithstanding DCC Pedal Peak's consultation response. The proposal would have an unacceptable impact on the safety and amenity for potential recreational users of the trail and this may compromise the viability of the Pedal Peak project to re-use the former railway line between Rowsley and Bakewell contrary to policy T6.

It is considered that the proposed location of the development, and in the absence of swept path analysis for the A6 and substandard visibility splays would have a detrimental impact on the safe operation of the highway network in this location contrary to policies. Therefore, the change of use would not be provided with a safe and suitable access contrary to requirements of Core Strategy policies T1, and T4 and the saved Local Plan policies LT9 and national planning policies in the framework.

Effects on the environment, landscape and recreational opportunities

Whilst the proposal would not introduce new buildings into the landscape, it considered that the storage of the blockstone and general works to the site as proposed would lead to an increased industrialisation of a site in the open countryside which would have a detrimental effect on the character and amenity of the locality, contrary to the NPPF and the Authority's development plan policies. The nature of the development, and ancillary operations associated with the proposal within the setting would, by definition, have a greater, and unacceptable impact on the setting and visual appearance of the area, especially taking account of the special character of the area and the recreational use of the immediate landscape. This in contrary to policies GPS1 and L1.

The proposal is located immediately adjacent to and would use part of Park Lane, which is well used by walkers and cyclists. As noted above, it is also adjacent to the proposed extension to the Monsal trail. It is therefore considered that the use would have a detrimental impact on the current and potential future recreational use and enjoyment of the area. It would also have a highway safety impact upon both the proposed trail and other current recreational users of Park Lane. The proposed access to the site is located immediately to the north of the crossing on Park Lane, and would result in recreational users of Park Lane and any future trail being in direct conflict with the HGV's associated with the development contrary to GPS1, T4 and T6.

Ecological impacts

It has been identified that the northern part of the site has ecological value, and as such, whilst this is proposed to be retained, it is considered there would be a requirement for this to be

retained in perpetuity by condition for ecological enhancement. Further, it is considered that additional work would be required to de-silt the pond on site to ensure adequate drainage within the locality. It is considered that these elements could be conditioned if planning permission was granted.

Conclusion

This proposal is considered to be contrary to the provisions of the Development Plan and NPPF and would have an unacceptable impact on the special qualities of the National Park and on the character of the area, detrimental impact on highway safety upon both current recreational users of Park Lane, and potential future amenity users of the former railway line arising from the Pedal Peak project, together with an unacceptable industrialisation in the locality. In the absence of any substantial justification for the proposal to be located on this site, it is recommended that planning permission be refused. Should a decision be taken to refuse the application in line with the recommendation, officers have delegated powers to take enforcement action against the development and will instigate appropriate enforcement action in the event the unauthorised use of the site continues without planning permission.

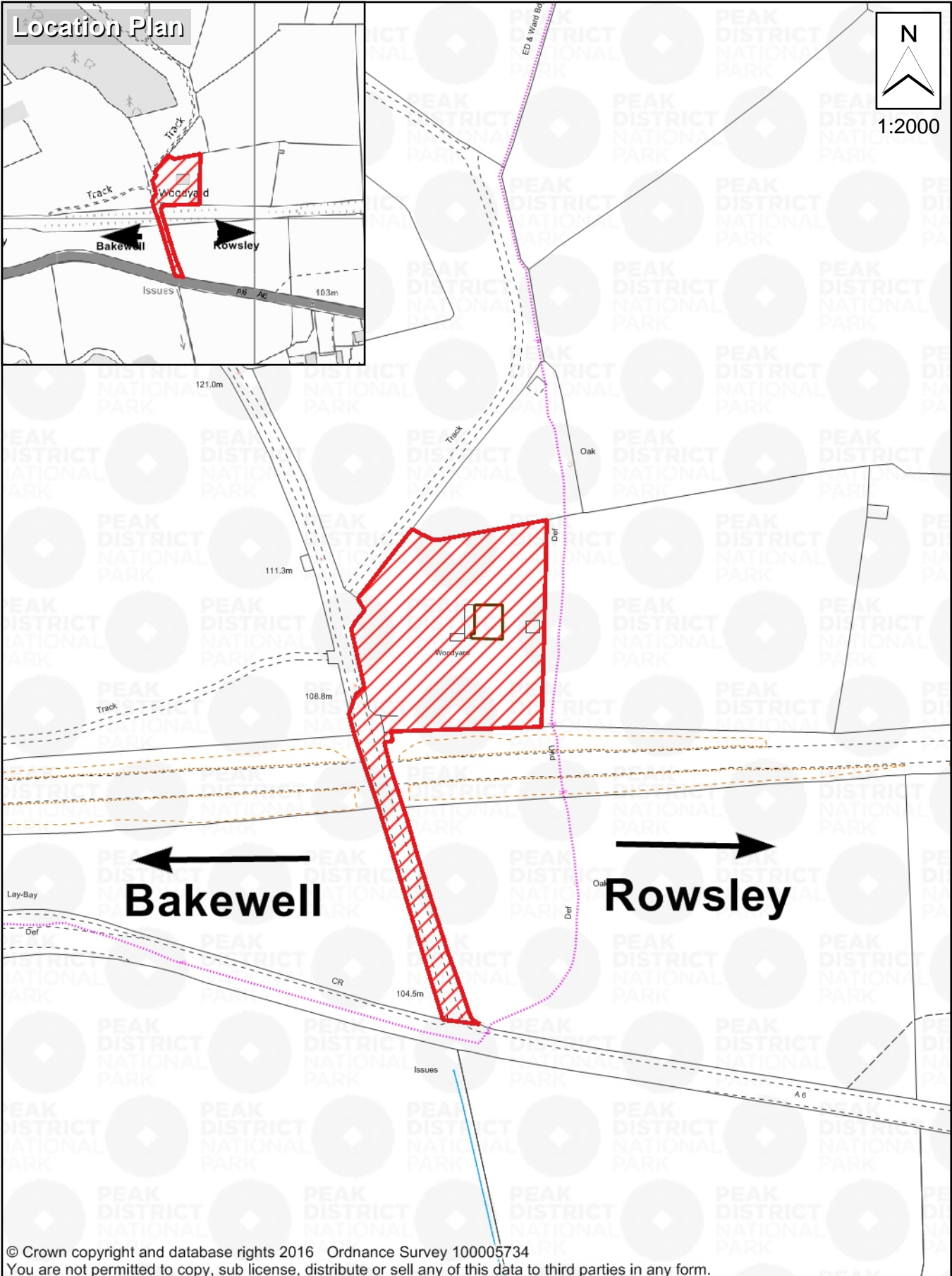
Human Rights

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


List of Background Papers (not previously published)

Nil

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Committee Date:	12/08/2016	Title: Former Wood Yard Park Lane Rowsley DE4 2EB	 PEAK DISTRICT NATIONAL PARK
Item Number:	8		
Application No:	NP/DDD/0416/0363		
Grid Reference:	424894, 366060		

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9. FULL APPLICATION - EXTERNAL ALTERATIONS AND INTERNAL RE-CONFIGURATION OF EXISTING VISITOR CENTRE FOR RETAIL AREA, TOURIST AND INFORMATION SERVICES, MUSEUM, CAFÉ, CLASSROOM AND INTERPRETATION SPACE AT CASTLETON VISITOR CENTRE, BUXTON ROAD, CASTLETON (NP/HPK/0616/0529, 414905/382963, 28/7/2016/AM)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

Castleton Visitor Centre is located at the western end of Castleton, north of the road to Winnat's Pass, approximately 110m north west of St Edmund's Church and within the designated Castleton Conservation Area. The site is located within Flood Zone 2 and 3.

The centre is occupied by the National Park Authority and in a mixed use comprising museum, retail and a catering kiosk with ancillary office and storage space. The building is made up of a range of limestone and render buildings with pitched roofs clad with concrete tiles and natural stone slate. Windows and doors are constructed from aluminium finished in a recessive grey.

There are public toilets attached to the northern end of the centre and the public car park adjacent to the site, with a shared access; this is operated by High Peak Borough Council. Orchard House is the nearest neighbouring residential property, located approximately 6.5m to the west of the centre.

Proposal

This application seeks planning permission for internal re-configuration of the centre to provide a café and larger retail and relocating the museum and media / classroom.

The amended plans show that a 45 cover café would be created within the northernmost part of the building with kitchen, disabled toilet, office and store. To facilitate this the floor space of the building would be extended by moving the existing glazing to the easternmost/outermost edge of the existing canopy on the east elevation of the building. The plans also show that a new extract vent would be installed on the western elevation to discharge air from the café kitchen.

The existing main entrance in the south elevation of the building would be altered to insert glazing to match the existing window frames and the entrance would be moved to the east elevation where two of the windows would be altered to glazed doors. A separate window would also be altered to form a new glazed door to provide access into the re-located media/classroom.

RECOMMENDATION:

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

- 1. Statutory time limit for implementation.**
- 2. In accordance with specified approved plans.**
- 3. Notwithstanding the approved plans, no planning permission is granted for an extract vent terminating on the west elevation. Prior to the installation of any extract vent, full details of its position and design shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

4. **Prior to the first occupation of the café hereby approved, full details of the bin storage area shall be submitted to and approved by the Local Planning Authority. The development shall then not be carried out other than in accordance with the approved details.**
5. **Any door on the west elevation of the building shall remain closed at all times and not be utilised for access other than in an emergency.**
6. **External finish of new door and window frames shall match the existing.**
7. **The hours of opening of the development hereby permitted shall be restricted to 09:00 – 17:00 hours on any day.**

Key Issues

- Whether the proposed development is acceptable in principal.
- The impact of the development upon the character, appearance and amenity of the building, its setting within the Conservation Area and that of neighbouring properties.

History

2001: Planning permission granted conditionally for conversion and extension of existing building to form visitor / heritage centre.

The above planning permission was granted subject to a planning condition which prevented any change between the approved layout of uses within the building along with a condition which restricts hours of opening to between 08:00 – 20:00 Monday to Saturday and 09:00 – 20:00 on Sundays.

2003: Planning permission granted to vary condition 4 imposed upon the 2001 to allow for public opening hours to extend to 23:00 hours for up to 15 days a year.

2003: Planning permission granted for external alterations to erect three shelters, boundary wall, two pieces of artwork and the installation of security shutters.

Consultations

Highway Authority – No objection.

Borough Council – No response to date.

Borough Council Environmental Health – No response to date.

Parish Council – No objections.

Representations

A total of five individuals have written to the Authority at the time this report was written. All five individuals object to the proposed development and the reasons given are summarised below. The letters are available to read in full on the website.

- Object to the reduced area dedicated to a museum in the visitor centre as this provides interest, education and diversity and as such is the most important part of the visitors centre.

- There are significant numbers of existing cafes and tea rooms in Castleton.
- The proposed external extract fan on the west elevation would have an adverse impact upon the visual aspect of the building.
- The proposed external extract fan on the west elevation would create constant noise and odour related to cooking which will adversely affect the residential amenity of neighbouring properties and specifically Orchard House.
- If the doors on the west elevation become access points for deliveries or moving rubbish from the café or is left open there would be further kitchen and cafeteria noise and overlooking from members of the public in the café. This will adversely affect the residential amenity of neighbouring properties and specifically Orchard House.
- The window proposed on the west elevation will overlook the conservatory, bedroom and garden of Orchard House. *Officer Note – the window that this point refers to has been omitted from the amended drawings.*
- Concern that use of the land between the building and Orchard House as staff smoking / recreation area or for siting waste food bins would adversely affect the amenity of neighbouring properties and specifically Orchard House.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3, RT1, HC4 and HC5

Relevant Local Plan policies: LC4, LC5, LS1, LT11 and LT18

National Planning Policy Framework

Paragraph 115 within the Framework says that great weight should be given to conserving landscapes, wildlife and cultural heritage within in National Parks. Paragraphs 128 – 134 make a strong presumption in favor of the conservation of designated heritage assets such as Conservation Areas and says that development which would have a harmful impact should not be accepted unless there is an overriding public benefit.

Paragraph 28 says that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development. Policies should support sustainable rural tourism and leisure developments that benefit businesses, communities and visitors in rural areas and which respect the character of the countryside. Policies should also promote the retention and development of local services and community facilities in villages.

Development Plan

DS1 says that in settlements recreation and tourism development and community facilities are acceptable in principle. RT1 A says that the National Park Authority will support facilities which enable recreation, environmental interpretation and encourage understanding and enjoyment of the National Park. RT1 B says that development should be focused in or on the edge of settlements and RT1 D says that development must not prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities.

HC4 A says that the provision or improvement of community facilities and services will be encouraged within settlements. HC4 and LS1 say that shops, professional services and premises for the sale and consumption of food and drink must be located within settlements and be of appropriate scale to serve the needs of the local community and the settlement's visitor capacity. Premises for the sale and consumption of food and drink will be permitted provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability.

GSP3, L3, LC4 and LC5 together require a high standard of design which conserves and enhances the significance of the cultural heritage of the National Park and require development to conserve the character, appearance and amenity of existing buildings, their setting and that of neighboring properties. LT11 and LT18 require development to be provided with adequate parking and safe access.

The Authority's adopted Design Guide and the Castleton Conservation Area appraisal which was adopted in 2010 are also relevant material considerations in the determination of this application.

Assessment

Whether the proposed development is acceptable in principle.

The visitor centre is located within Castleton, which is a designated settlement for the purposes of policy DS1. This application proposes internal and external alterations to the existing centre to facilitate the internal re-organisation of the museum / interpretation space and retail space within the building and the expansion of the existing catering kiosk into a café in the rear of the building.

Whilst officers understand the concerns raised in regard to the reduction in floor space allocated to the museum within the building, taken together policies RT1, HC4, HC5 and LS1 offer clear support in principle for appropriate tourism, shopping and food and drink premises within designated settlements such as Castleton. It is also clear from the submitted plans that the museum would be retained within the centre of the building along with a media / class room and interpretation space in the shop and café.

The proposed uses would be retained within the existing building and it is considered that both the larger shop and the café would be an appropriate scale to serve the needs of both the local community and Castleton's visitor capacity. It is acknowledged that there are a number of cafes in Castleton, but this site, close to the main car park and already providing some catering facilities, is well located to serve visitor needs and would enhance the visitor offer. Competition between individual businesses is not a material planning consideration. It is therefore considered that in principle the proposed development is in accordance with relevant development plan policies.

Impact of the development

To facilitate the internal re-organisation of the building the application proposes several alterations to the existing building to move the access to the building from the road facing gable to the east elevation, to provide a new access to the media/class room and to increase the internal space available for the café by extending beneath the existing canopy.

The submitted plans show that the existing entrance in the road facing gable would be removed and provided with new glazing to match the existing above the opening. New glazed doors would be provided in the existing glazing on the eastern elevation again to match the existing frame design. There are no objections to these alterations which would reflect the design of the existing fenestration and therefore subject to conditions to secure an appropriate matching finish it is considered that the character and appearance of the building would be conserved along with its

setting in the Conservation Area in accordance with GSP3, L3, LC4 and LC5.

Concern has been raised in representations that the introduction of the café, together with the use of the existing door openings on the western elevation and the introduction of a new window and extract fan, could harm the amenity of the occupants of Orchard House which is located approximately 6.5m to the west of the site (measured at the closest point) on the far side of the watercourse.

In response to these concerns amended plans have been submitted which show the proposed window on the west elevation being omitted. Additional information has been provided with regard to the proposed extract vent. A 0.45m diameter extract vent is proposed with an odour control unit. The odour control would include carbon filters and an activated oxygen oxidation odour suppression system. A silencer is proposed to be fitted to the system which would reduce the noise level of the system to 40dB.

Given the close relationship between Orchard House and the western elevation of the visitor centre, Officers understand the concerns raised that noise and smells generated by both the operation of the café and the extract fan could have the potential to have an adverse impact upon the residential amenity of occupants of Orchard House. The issues raised relate to the operation of the extract fan, the use of the existing doorways on the western elevation of the building and access and use of the land outside the building closest to Orchard House.

With regard to the extract fan, Officers note the intention by the applicant to install an odour suppression system and silencer to mitigate potential impacts. However, given the close relationship to the boundary of Orchard House Planning officers remain concerned that there is the potential for noise and on occasion odour to impact upon the quiet enjoyment of occupants of Orchard House. It is therefore considered that any extract fan would need to be sited on the east side of the building facing the car park or potentially exit out of the roof to avoid this impact.

Officers are in discussion with the Property Service of the Authority (as applicants) in regard to an amended position for the extract vent which is expected in time for the meeting. However, at this stage and in the absence of a resolved solution, Officers recommend that any permission is subject to a planning condition that no extract system shall be installed to terminate on the west elevation and that full details of a revised scheme are submitted to and approved by the Local Planning Authority.

There are three existing doors on the west elevation of the visitor centre which currently provide access to the museum and to two stairwells which lead to first floor offices and store rooms. The position of the three doors and the relation of the doors to the stairwells would be unchanged, therefore there are no concerns that the doors to the stairwells would generate or cause any additional or harmful impact.

The plans show that the central door would provide access to a service counter within the proposed café. Given the position of this door it is unlikely that it would be utilised by members of the public, however it is considered that if this door was left open or in regular use during opening hours that potential noise from the café and staff using the door and outside space could harm the residential amenity of occupants of Orchard House.

It is therefore considered that if permission is granted that the use of this particular door would need to be carefully controlled to ensure that it remains closed and not used for access other than as a fire door. A condition to restrict the hours of operation of the visitor centre would also be recommended in line with the proposed opening times on the planning application form.

Finally, concern has been raised that siting bins close to Orchard House could generate noise and other disturbance. The enlargement of the café as proposed would be likely to result in

additional waste generated from the site which if sited close to the boundary facing Orchard House could have an adverse impact upon amenity. It is therefore considered necessary to impose a condition requiring the location of the bin storage area to be submitted and approved by the Local Planning Authority.

Subject to the above, it is considered that the proposed development would not have a harmful impact upon the living conditions of neighbouring properties in accordance with policies GSP3, HC5 and LC4. The proposed development would not result in any changes to the existing access or the public car park to the rear and therefore Officers agree with the Highway Authority that there are no objections on highway safety grounds.

The site is located within Flood Zones 2 and 3. The Environment Agency standing advice for this type of development within an existing building is that it is acceptable provided that existing floor levels are retained which is the case here.

Conclusion

The proposed development would facilitate the re-configuration of the museum and shop space within the building and expand the existing catering kiosk into a café. It is considered that the proposed development would be in accordance with policies DS1, RT1, HC4, HC4 and LS1 as the proposal would involve alterations to the existing visitor centre to provide a museum, interpretation space, shop and café which is appropriate in scale in relation to the needs of the local community and the visitor capacity of Castleton.

Subject to conditions it is considered that the development would conserve the character, appearance and amenity of the existing building, its setting within the Conservation Area and that of neighbouring properties in accordance with GSP3, L3, HC5, LC4 and LC5. The proposal would not give rise to any parking or highway safety issues in accordance with LT11 and LT18.

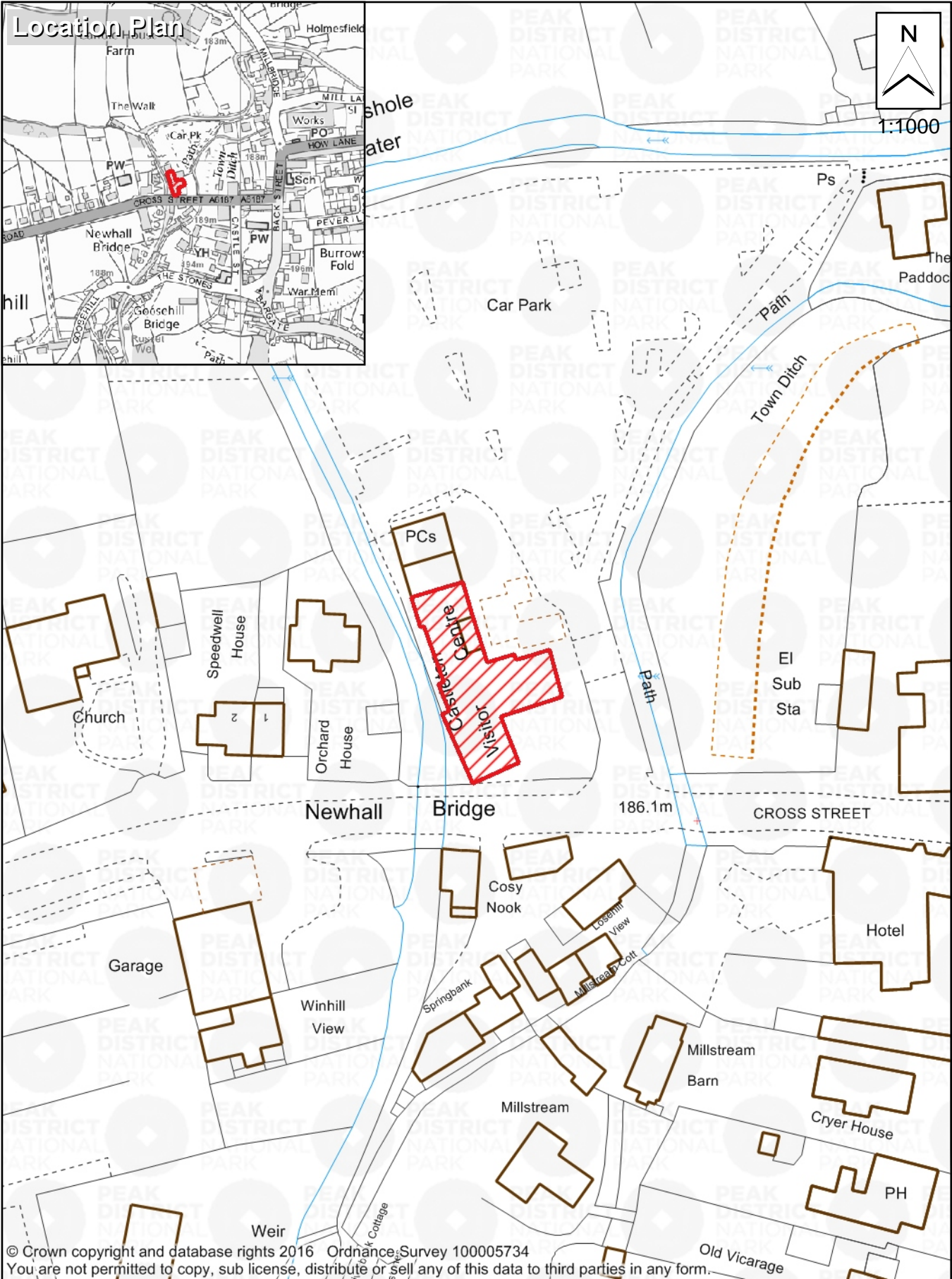
In the absence of any further material considerations it is considered that the proposed development is in accordance with the development plan and accordingly is recommended for approval subject to the conditions outlined in this report.

Human Rights


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

List of Background Papers (not previously published)

Nil



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Committee Date:	12/08/2016	Title: Castleton Visitor Centre Buxton Road Castleton	 PEAK DISTRICT NATIONAL PARK
Item Number:	9		
Application No:	NP/HPK/0616/0529		
Grid Reference:	414905, 382963		

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10. FULL APPLICATION - ERECTION OF AGRICULTURAL BUILDING – SHUTTLE HOUSE, CALVER (NP/DDD/0416/0300, P.4038, 07/04/16, 424411/ 375289, MN)

APPLICANT: MR R JOWITT

Site and Surroundings

Shuttle House is situated to the east of the A.625 and Froggatt New Bridge , some 800m north-east of Calver Sough, approximately 25m to the south of the River Derwent and just to the east of Calver weir. The house is adjacent to the river and the application site is on the opposite (southern) side of the track which serves the house and other property, otherwise the area is largely undeveloped and wooded.

Historically a small quarry, the application site is separated from the river by a well-use public footpath that follows the line of the river. To the south the site is flanked by a tall rock face, and to the east it adjoins an area of woodland. To the west of the site is an open fronted portal-framed storage building of some age. This is currently in use for a mix of vehicular and firewood storage. To the west of this building are two neighbouring bungalow properties, and opposite these on the other side of the footpath is the applicant's property, Shuttle House (also known as Shuttle Cottage).

Shuttle House is a curtilage listed building by virtue of its historic and functional association with the listed Calver Mill. It is sited immediately adjacent to the river and to Froggatt New Bridge. Historically it housed the sluice for controlling the water supply to Calver Mill and was a therefore a fundamental part of the water management system at this location.

Calver Weir is located in the river to the north of the site, and the water management system, including the goyt and sluices, is located between the river and the application site. The weir itself is Grade II Listed, whilst it and the associated water management system are a Scheduled Ancient Monument (SAM). The site is outside of any conservation area.

Immediately to the north of the site is an area that has been in an unauthorised storage use for several years and is currently the subject of enforcement action by the Authority. Until recently the application site itself was clear other than rubble and vegetation, but is now also subject to some unauthorised storage, including a firewood store and trailers.

Proposal

To erect a steel-framed agricultural building of approximately 23m long by a maximum width of just under 14m; it would narrow at one end due to the topography of the site. The building would be timber clad with a green profile sheet roof and timber-clad doors to the front and western gable.

RECOMMENDATION:

It is recommended that the application be REFUSED for the following reasons:

- 1. By virtue of its siting, size, design, and materials the development would result in substantial harm to the setting of the Scheduled Ancient Monument of Calver Weir, contrary to Development Plan policies L3, LC15, LC16, and the NPPF.**

2. **By virtue of its siting, size, design, and materials the development would result in less than substantial harm to the setting of the listed Shuttle House, contrary to Development Plan policies L3, LC15, LC16, and the NPPF.**
3. **There is insufficient information available to be able to assess direct harm that could be caused to the adjacent Scheduled Ancient Monument by the construction or use of the building, contrary to Development Plan policies L3, LC15, LC16, and the NPPF.**

Key Issues

The key issues in assessing this proposal are:

- The acceptability of the principle of the development
- The impact of the development on the character and appearance of the landscape
- The impact of the development on the setting of the adjacent Scheduled Ancient Monument of Calver Weir and water management system.

History

1994: Planning permission granted for extension to dwelling and erection of garage at Shuttle Cottage. Not implemented.

2008: Planning permission granted for demolition of existing conservatory and creation of subterranean extension to Shuttle Cottage. Not implemented.

2009: Planning permission granted for restoration of Calver Weir.

2012 – Present: There is an ongoing enforcement case relating to unauthorised general storage on land to the immediate north of the application site. An enforcement notice has been served requiring the use to cease but at time of writing has yet to be complied with.

2014: Officers provided informal pre-application advice to the applicant that the site now proposed for an agricultural building would be acceptable in principle, subject to the demonstration of an agricultural need and to matters of design, size, and landscape impact being satisfactorily addressed.

Consultations

Highway Authority: The proposals will be unlikely to result in any significant increase in traffic movements over and above existing, after the initial construction period. Do not wish to raise objections and would ask that a condition to cover that the building is ancillary to Shuttle House and used in conjunction with surrounding controlled land.

Parish Council: Object to the proposal on grounds of:

- the harmful landscape impact of the building
- the harmful impact on the heritage site of Calver Weir and the water management system
- inappropriate size and design for its location
- the harmful impact on neighbouring amenity due to noise and odours, and being overbearing
- siting - the proposed building has no direct connection to any farm land or farm buildings, and siting it in an otherwise largely residential setting is inappropriate

- unsustainable – The buildings justification is based on the farming of short-term leased farmland elsewhere, meaning that it could quickly become redundant
- the applicant states that this development will improve the condition of the adjacent site currently subject to enforcement action, but that the volume of paraphernalia stored on that site means this could not be achieved.

The Parish Council have made further comments relating to the ongoing enforcement issues on the adjacent site, and to issues of land ownership. These are not material to the determination of this application. The full comments of the Parish Council can be read on the Authority's website.

PDNPA – Archaeology: Recommends that the application is refused as it results in substantial harm to the setting of the SAM of Calver Weir and water management system, and because harm to the SAM itself through the construction and use of the building cannot be ruled out due to insufficient information being submitted in relation to these matters. The Archaeologist's full response can be viewed on the Authority's website.

PDNPA – Conservation: Recommends that the application is refused as it results in less than substantial harm to the setting of the listed Shuttle House, harming its significance and that of Calver Mill and Wheel House, to which it is curtilage listed. The Conservation Officer's full response can be viewed on the Authority's website.

PDNPA – Ecology: Notes that the meadows that the applicant manages have had excellent ecological interest in the past but have unfortunately degraded as a result of inappropriate management. Advises that it would be useful to explore whether it would be possible to improve their management as a condition of any permission.

PDNPA – Rights of Way: Notes that the development abuts Public Footpath 20 'Parish of Calver'. The line of this path must not be affected in any way by the development, this is also true during construction work – the developer should contact the County Council Rights of way team to advise them of works and discuss if a temporary closure of the right of way may be appropriate.

Historic England: Recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation and archaeological advice. The full Historic England response can be viewed on the Authority's website.

District Council: No response at time of writing.

Representations

17 representations have been received – some people have written more than once and their complete comments have been considered, but counted as a single representation. In total, 5 representations object to the proposal, whilst 12 support it.

The planning grounds for objection are:

- The harmful landscape impact of the building
- The impact on the heritage site of Calver Weir and the water management system
- The buildings inappropriate size and design for its location
- The impact of the building on neighbouring amenity due to noise and odours, and being overbearing
- The siting of the building - the proposed building has no direct connection to any farm land or farm buildings, and siting it in an otherwise largely residential setting is inappropriate

- The proposal represents unsustainable development – its justification is based on the farming of short-term leased farmland elsewhere, meaning that it could quickly become redundant
- The applicant states that this development will improve the condition of the adjacent site currently subject to enforcement action, but that the volume of paraphernalia stored on that site means this could not be achieved.
- The use of the building would affect the safety of those using the footpath
- Potential pollution from the use of the building affecting groundwater and watercourses
- Increased traffic would increase chances of an accident on a dangerous corner

The planning grounds for support are:

- The building would have an acceptable landscape impact
- The building would be built on agricultural land
- The building would conserve the setting of Calver Weir
- The development would support a young local farmer, farming in the area, and the local economy
- The proposed siting is necessary for management of livestock and security of equipment
- The building would not result in pollution of the river

Some representations – both supporting and objecting to the proposal – also make reference to the unauthorised storage use on the adjacent site. This matter is not material to the determination of the current application.

Main Policies

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

Relevant Local Plan policies: LC4, LC6, LC13, LC15, LC16, LC21.

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

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

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

Core Strategy policy L3 requires development to conserve historic assets.

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

Listed buildings are addressed by Local Plan policy LC6, which states that any applications for development must clearly demonstrate how listed buildings and their settings will be preserved and enhanced and why the development is desirable or necessary.

Local Plan policy LC13 is also relevant, stating that any agricultural buildings should be close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features; respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location And not require obtrusive access tracks, roads or services.

Local Plan policy LC15 states, amongst other things, that when considering development proposals affecting heritage sites the protection, enhancement and preservation of the sites and their settings will be taken in to account.

Local Plan policy LC16 states, amongst other things, that when considering development proposals that could affect archaeological sites or features the protection, enhancement and preservation of the sites or features and their settings will be taken in to account.

Local Plan policy LC21 states, amongst other things, that development that presents a risk of pollution or disturbance that could adversely affect water supply, groundwater resources and the water environment will not be permitted unless adequate measures to control emissions within acceptable limits are put in place and (when the permitted use finishes) appropriate removal of any pollutants from the site is assured.

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

Paragraphs 132, 133, and 134 are of particular relevance to this application, relating to development affecting heritage assets. These describe how when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It notes that the more important the asset, the greater the weight should be and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

It goes on to state that Scheduled Monuments – of which Calver Weir is one – have the highest levels of significance, and that any harm to them should be wholly exceptional. Harm is categorised as 'substantial' or 'less than substantial' by the Framework; in either case development causing harm should be refused unless there are public benefits that outweigh that harm, with those benefits needing to be substantial to justify substantial harm to a designated heritage asset.

Assessment

Principle

Several representations and the Parish Council have made reference to issues relating to the ongoing enforcement case on the adjacent site, which is in the applicant's ownership, as well as other business activities of the applicant. These matters are separate from this application, which must be assessed on its own merits. Unauthorised storage of items on the adjacent site, agricultural or otherwise, does not provide justification for the construction of this building, nor does it preclude it.

The applicant has advised that the building subject of this application is required for the storage of machinery and hay in association with his agricultural business. It was originally also proposed to house livestock at some times of year, but this has now been omitted from the proposal following concerns relating to neighbouring amenity and groundwater pollution.

The proposed development is acceptable as agricultural development in the countryside outside of the Natural Zone is permitted under the terms of Development Plan policies DS1 and LC13. The adopted supplementary guidance document 'Agricultural Developments in the Peak District National Park' makes clear that such development is permitted on an exceptional basis and that if you do not supply adequate information to justify your proposal your application may be refused.

The applicant has advised that in addition to the application site, he rents 69 acres of agricultural land. He has 3 cows, 20 ewes, and 2 rams. None of the animals are kept at the application site. It is noted that the applicant proposes to increase the number of sheep to 100 if this application is successful. The building is proposed to house a tractor, topper, muck spreader, baler, general farm implements, 500 small hay bales, and 80 Heston (large) bales of hay/straw.

A plan showing the other rented land has been provided. The applicant has advised that he cannot erect a building on any of this other rented land as he only has twelve month rolling tenancies on them, leaving any investment in a building unsecured. In contrast, he has just under 7 years left on the lease of the application site. The submitted supporting statement also notes that none of the other rented land includes existing buildings that could meet the needs of the applicant.

Based upon the information above it is accepted that there is a justification for an agricultural building, and that this site is the only one reasonably available to the applicant.

Landscape impact and design

Revised plans have been received during the course of the application that lower the height of the building by around 70cm, bringing it to just over 6m in total height, and just under 5m to the eaves.

The design of the building follows that typical of modern agricultural buildings, being portal framed and clad with a mix of timber to the walls and profile sheeting to the roof. The adopted supplementary planning guidance document for Agricultural Developments in the Peak District National Park (SPD) is clear that large new agricultural buildings are not expected to replicate traditional building forms or materials, as their function does not lend itself to such design. The materials and form adopted do follow the advice of that adopted guidance and the building is considered to be appropriately designed for its purpose.

The lack of alternative sites available to the applicant does leave the proposed building isolated from the associated farmland and policy LC13 does seek to avoid this. However, both this policy and the SPD acknowledge that this will not always be possible, and note that buildings that make the best use of existing landscape features can be supported in other locations. By being sited against and beneath the former quarry rock face and adjacent to woodland and trees, the building is considered to achieve this and to have a low impact in the wider landscape.

When approaching along the popular riverside footpath from the east, the building would be mostly screened from view by trees and banking in all but very close views. From the west, it would be visible when close to the site, and from the road bridge, but would not be seen in any longer views. Where visible, it would be seen backed by rising ground and flanked by trees. Given the timber finish it would not be a dominant feature at any distance.

When passing it on the adjacent footpath the building would be more dominant by virtue of its size. It would be set back by around 6m from the footpath however, and would be quickly passed. Additionally, the presence of the adjacent portal framed building and three nearby dwellings mean it would be viewed in the context of other buildings, albeit as a relatively large building, rather than as an isolated building in the countryside.

From across the river to the north views of the building would be partial. Mature trees along both the north and south riverbanks and the presence of a tall beech hedgerow between the southern riverbank and the application site screen much of the site. The top of the building would be seen above the hedgerow, but would have a recessive timber finish and dark green roof, which would not be prominent in the context of the adjacent woodland and other tree cover.

It is not considered that the building would be prominent in views from Froggatt Edge, given the distance away, cladding of the building, and intervening tree cover.

Overall, the design of the building is considered appropriate to its purpose and to have an acceptable impact within the general landscape.

Impact on the Scheduled Monument and curtilage listed building

The Authority's Senior Archaeologist and Conservation Officer have been consulted on the application due to the site being adjacent to the scheduled weir and water management system, and close to the curtilage listed Shuttle House. They requested that a Heritage Assessment was undertaken to assess the impacts of the development on the setting of the heritage assets.

This has been provided and concludes that the proposed agricultural building has the potential to cause harm to the setting of Calver weir, Shuttle House and Froggatt New Bridge due to the scale of the building and the industrialising effect that this could have on this setting. It balances this with what is described as the potential enhancement of removing the equipment and materials stored on top of the SAM to within the proposed building. As the current storage on the SAM is unauthorised and subject to enforcement action by the Authority Officers can give no weight to this in terms of its potential to offset any harm caused by the proposed building.

Having reviewed the report, the Authority's Senior Archaeologist has provided a detailed consultation response, concluding that the development would result in substantial harm because the scale, size and materials of proposed development will change the character of a visually dramatic, enclosed riverine setting and it will dominate the area. She considers that this would harm both the aesthetic and historical value of the SAM because at the moment the weir is a large and visually dramatic feature in an important river-scape location, which would become dominated by the building. This would also change how the group of assets (weir, bridge, and cottage) are experienced together in the landscape and how they are understood in terms of their wider group function and value.

The Archaeologist also points out that the application does not include details of how the SAM would be protected from damage during both the construction of the proposed building and during use, and so it is not possible to rule out direct impacts on the SAM itself, in addition to the harm to setting that is detailed above.

The comments of the Authority's Conservation Officer focus primarily on the impacts of the development on the setting of Shuttle House. The Officer concludes that by virtue of its size and materials the development would be prominent and have an industrialising effect on the area adjacent to the listed house, appearing out of context, detracting from its setting and resulting in less than substantial harm. It is also argued that due to the close functional relationship of Shuttle House with the listed Calver Mill and Wheel House, harm to the significance of the setting of the house also adversely affects the significance of these other designated heritage assets, despite

their physical separation from the application site.

On the basis of these comments, from an independent professional assessment and the Authority's own experts in these fields, Officers conclude that the setting of the SAM and the curtilage listed building will be harmed by the proposed development.

The NPPF is clear that any harm to a designated heritage asset requires clear and convincing justification. The harm to the setting of the SAM has been found to be substantial, and so approval of the development should only be on a wholly exceptional basis to accord with the NPPF. No basis for such an exception is considered to be present in this case, and there are no significant public benefits which could outweigh harm to the assets. The development is therefore contrary to both the NPPF and Development Plan policies L3, LC6, LC15 and LC16.

Officers therefore consider that the application should be refused on these grounds.

Other matters

Amenity

Due to the separation of the building from the neighbouring properties it would not be overbearing or oppressive upon them. The proposed use of the building would not lead to unacceptable levels of noise or disturbance to these neighbours either; there may be some minor increase in vehicle movements but this track already serves several properties and the increase is not considered likely to be significant.

The proposal is therefore considered to conserve neighbouring amenity in accordance with policy LC4.

Pollution

The use of the building for storage of hay and machinery is not considered to result in significant risk of pollution, and the development therefore accords with policy LC21.

Highways

The site can already be accessed by vehicles and no new road or driveway is proposed. Whilst the development would introduce new traffic to the site visibility along the path or at the junction with the road is not such that it is considered to reduce highway or pedestrian safety. Officers have consulted Rights of Way Officers and the Highway Authority who agree, neither objecting to the proposal on highway related grounds, subject to the use of the development remaining ancillary to Shuttle House. It is not considered that such a condition would be appropriate if permission was to be granted; the house does not form part of a farm holding and the use of the proposed building for farming separate from it would give rise to no additional planning impacts.

Site area

The application site area includes an area of land around the proposed building. Given the site's rural location and the proximity of designated heritage assets outdoor storage of farming equipment would appear untidy and out of keeping, and would detract from the setting of the heritage assets. If Members are minded to approve the application it is therefore recommended that the development is restricted to the footprint of the building only.

Ecology

The Authority's Ecologist has noted that the meadows that the applicant manages have had excellent ecological interest in the past but have unfortunately degraded as a result of inappropriate management. They query if improvement of these meadows could be a condition of any permission. As the applicant only rents the parcels of farmland on a rolling yearly basis he would be unable to secure any long-term enhancement however, and such a condition would therefore not be reasonable.

Conclusion

Officers have assessed the application against all relevant planning policy and all other material considerations. In less sensitive locations agricultural buildings of this type and size are regularly supported by the Authority where an identified agricultural need has been established. Whilst such a need has been accepted in this case, the proposed siting of the building has been found to be harmful to the setting of the curtilage listed Shuttle House and the SAM of Calver Weir and the water management system. SAMs carry the highest level of protection afforded by planning policy, and any harm to listed buildings must also be found to be outweighed by wider public benefit before developments causing it should be supported. No such benefits are present in this case.

All other material matters have been considered and found to be acceptable, but this cannot offset the harm to the heritage assets. The application is therefore recommended for refusal, because approval would be contrary to the NPPF and Development Plan policies L3, LC6, LC15 and LC16.

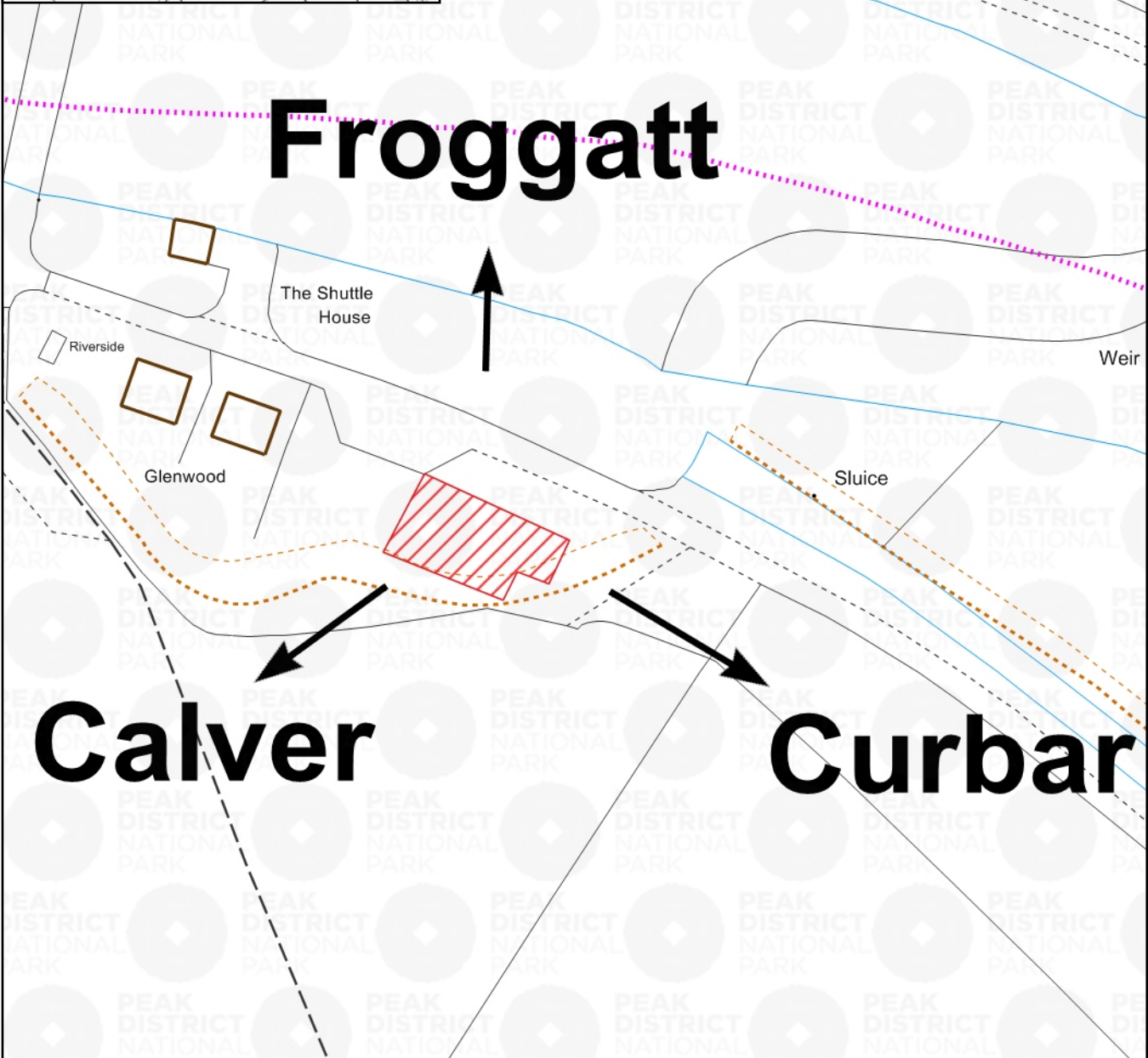
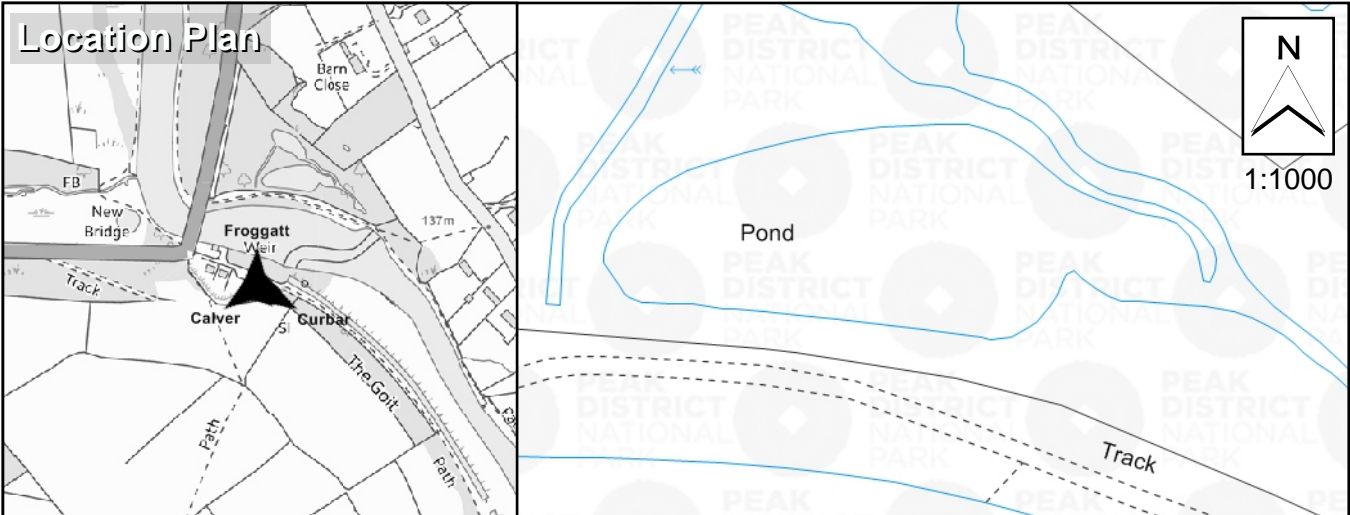
Human Rights

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


List of Background Papers (not previously published)

Nil

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Committee Date:	12/08/2016	Title: The Shuttle House New Bridge Calver	 PEAK DISTRICT NATIONAL PARK
Item Number:	10		
Application No:	NP/DDD/0416/0300		
Grid Reference:	424416, 375314		

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11. HOUSEHOLDER APPLICATION – ALTERATIONS, EXTENSIONS, AND NEW EARTH SHELTERED GARAGE – WARREN LODGE, BAR ROAD, CURBAR (NP/DDD/0616/0569, P.9881, 20/06/2016, 425667 / 374903, MN)

APPLICANT: MR SIMON LAPISH

Site and Surroundings

Warren Lodge is a detached former warrener's house dating from the late 19th century. It is situated on the hillside below Curbar Edge, some 350m north-east of Curbar village. Vehicular access is off Bar Lane to the east. The house is constructed of gritstone under a blue slate roof and has a timber porch to the front and a rear extension that was previously used as a workshop. To the rear of the house there is a detached range of outbuildings and a further detached stone kennel building. The house is visible from Curbar and Baslow Edges to the north and east, from the adjacent Bar Road and from nearby footpaths which afford views down over the property

The site lies adjacent to a Site of Special Scientific Interest, a Special Protection Area, a Special Area of Conservation, and is bounded to all sides apart from the south east by land designated as 'Natural Zone' in the Authority's Local Plan. The site lies outside of Curbar Conservation Area.

Proposal

The proposal comprises of the following developments:

- To convert the workshop extension to ancillary living accommodation
- To erect a conservatory to the rear of the house
- To demolish the existing range of outbuildings and replace them with a new ancillary accommodation building, connected to the house by a glazed link extension with a pitched slate roof
- To erect a new semi 'earth sheltered' garage building towards the rear of the site.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **Commence development within 3 years.**
2. **Completion in accordance with the submitted plans.**
3. **Conditions to specify architectural and design details including, stonework, roof materials, windows and door design including finish and rainwater goods.**
4. **New buildings to remain ancillary to Warren Lodge only.**
4. **Domestic curtilage to be limited to that shown on the proposed site plan.**
5. **Material and plant storage area to be agreed prior to commencement.**
6. **Parking and turning area to be made available before occupation.**
7. **Lighting scheme agreed prior to installation.**
8. **Development carried out in accordance with the recommendations of the protected species survey.**

Key Issues

1. Whether the development has an acceptable impact on the character and appearance of the landscape
2. Whether the development has an appearance that conserves the character and appearance of the dwelling and its setting

History

2015 – The applicant received pre-application advice from the Authority relating to a development similar to that now submitted. Some design and layout changes have been made to the proposal since that advice was given.

2016 – Planning permission granted for an undergrounded package treatment plant and LPG tank

2016 – Planning permission refused for alterations, extensions and a new garage with accommodation above.

2016 – Appeal lodged against refusal of planning permission for alterations, extensions, and new garage with accommodation above – ongoing.

Consultations

Derbyshire County Council – Highways – No response at time of writing.

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

Curbar Parish Council – Welcome a number of changes from the previous proposal. However, still object to the proposal on the grounds that a simpler, more compact and less obtrusive extension is required to conserve the appearance of the site and landscape. They go on to detail how they consider this would be best achieved. The Council's full comments can be viewed on the Authority's website.

PDNPA Archaeology – Recognise that Warren Lodge is a non-designated heritage asset. However, given the degree of alteration, extension, and refurbishment that has already been undertaken it is not considered that a heritage assessment would add any further understanding of the site or its significance. Similarly, a condition requiring a record of the site to be made would not be appropriate as much of the interest has already been lost. It is suggested that a more informal approach is appropriate, outside of this application, for members of the Cultural Heritage team to work with the applicants to produce an appropriate record of the site using pre-alteration site photographs that both the NPA and the applicant hold. The full response can be viewed on the Authority's website.

PDNPA Conservation – Advise that the historical value of the site lies in its association with the Duke of Rutland and its illustrative value, in form and function and the physical relationship between the buildings - with imposing main house and simpler, smaller subservient outbuildings - clearly illustrate the historical functional use of the site.

It is considered that the proposed development would have a significant negative impact on the site and its heritage value because the design and detailing of the extensions would significantly reduce the visual and architectural integrity of the house, and the clear physical and functional separation between the higher status main dwelling and smaller, simpler subservient ancillary outbuildings would be lost. The full response can be viewed on the Authority's website.

Representations

2 letters of representation have been received supporting the proposal.

A further letter has been received from Friends of the Peak District, also supporting the proposal.

The grounds for support are:

- The proposal is a sensible attempt to address the objections to the previous proposal
- The stepping down of building heights retains the dominance of the main house
- The reduction in the length of the sequence of buildings (from the previous proposal) provides a compact set of buildings instead of the previous, sprawling effect
- Putting the garage underground with a turf roof is an innovative solution which virtually eliminates the impact of the development on the built footprint when viewed on the descent from Curbar Edge.

The full responses can be viewed on the Authority's website.

Main Policies

Core Strategy

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

Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation.

GSP3 states amongst other things that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals.

Policy L1 requires that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics. Valued characteristics specifically identified in the preamble to L1 include amongst other things – trees, woodlands, hedgerows, stone walls, field barns and other landscape features.

Local Plan

The policies of the development plan are generally permissive of householder development provided it will not harm the character and appearance of the original building or its setting and will not harm the amenities of the site, neighbouring properties or the area (policies LC4 and LH4).

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

National Planning Policy Framework

Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that these policies detailed are consistent with the core planning principles set out in paragraph 17 of the National Planning Policy Framework and the policies in the Framework when taken as a whole because both documents seek to secure high quality design, and promote the importance of landscape protection within the National Park.

Assessment

This is a revised proposal following the Planning Committee's refusal of the previous scheme at the April 2016 Planning Committee meeting. Members considered that this scheme failed to conserve the valued character, appearance and setting of Warren Lodge and to have an adverse impact upon the landscape of the surrounding area. This was due to the design, siting and massing of the proposal. Members also concluded that the linear development of the site resulting from the extension and detached garage would be harmful to the landscape due to the resulting increase in prominence of the site. It was also considered that it was not appropriate for the linked extension to be designed and detailed as an outbuilding, and that a more compact extension of the house that takes its lead from the parent building would be a more acceptable approach.

This re-submission follows discussions with officers about how to address the previous reasons for refusal and adopts a design approach which closely follows the steer given by the Planning Committee.

Principle

The principle of the development is acceptable because as it represents extensions to an existing dwelling it would comply with the policies of the Development Plan. The key issues are therefore how the design and massing relates to the parent building and what impact they have on the character of the wider landscape of the area.

Relationship of the alterations and extensions to the existing dwellinghouse

Whilst not closely following the local building traditions, the existing building does have some cultural heritage and architectural interest resulting from its former use and from its design which reflects its origins as part of the Duke of Rutland's estate. The design incorporates gothic elements within a palette of materials that is traditional to the area. It is considered to be a non-designated heritage asset and it is therefore important that any extensions or alterations are sympathetic to its valued character and appearance.

Conversion of workshop to ancillary accommodation

The rear single storey extension to the house has most recently been used as a workshop. It is considered that this was ancillary to the occupation of the house and consequently the proposal to use it for ancillary accommodation does not represent a change of use. The physical works proposed to the extension are limited to alterations to openings. These have been detailed to reflect the openings in the main house and given that the design of the extension otherwise reflects the house, this is considered to be appropriate and to conserve the character and appearance of the house.

Erection of conservatory to the rear of the house

The proposed conservatory would be sited to the rear in the corner formed by the house and the former workshop extension. Its design has been revised since the last application was submitted with the roof changing to a simple dual pitch. Whilst this does increase the height of the conservatory it nevertheless better reflects the form of the house, as Members had requested.

Whilst the massing is somewhat increased by the change to the roof, the conservatory retains a simple design, is of modest size relative to the main house, and is in a recessed position to the rear. Overall, it is not considered that the conservatory would dominate the house or detract from its character or appearance and would therefore be in accordance with adopted design policies and guidance.

Demolition of existing outbuildings and replacement with new extension

In contrast to the recently refused scheme, the application scheme brings the new build ancillary accommodation close to the house so that instead of being seen as a detached outbuilding with a subservient link to the main house, it is now read as an extension to the house. To that end, the proposed extension immediately abuts the existing former workshop extension, rather than seeking to appear somewhat detached – as the last scheme did with a flat roofed glazed link between it and the house. In doing so, and also by virtue of turning part of the building through 90 degrees, the length of the extension and its overall projection away from the house has been significantly reduced. This accords with Members' request that the extensions do not result in an extended linear form that over-elongates the built development on the site.

Whilst the new ancillary accommodation would be taller than the outbuildings it replaces it would be no higher overall than the rear workshop extension on the house – and in the key east and west vantage points the dominant roofline which runs in line with the main house would actually be lower than the existing former workshop extension. This is considered to prevent it from dominating the house, allowing it to read as an ancillary and subservient addition, particularly from the footpath above the site. The building itself would be constructed from natural gritstone with a slate roof and detailed to reflect the main house.

Erection of new earth-sheltered garage

The new detached garage building would be sited to the rear of the extension, and would be accessed along the driveway which would be laid out to the east of the buildings. It is considered to be closely enough related to the other proposed buildings so as to not appear isolated within the site.

The previously proposed building was a conventional pitched roof design with rooms in the roof space, giving a one and a half storey form which Members considered contributed to the unacceptable spread of linear development along the site, adding a further building that would be overly prominent in the wider landscape.

Seeking overcome these concerns, the applicant has revised this part of the scheme considerably, now proposing a flat roofed earth-sheltered design. The garage would only be read as such from the front (west) side, where the front elevation containing the two doors would be seen. The stonework surrounding the doors would be detailed as a drystone wall which would extend either side to retain the raised ground flanking the garage and covering the roof before dropping in height to join existing boundary walling. Due to the rising ground behind the garage it would sit below the height of the boundary wall to the east and with appropriate planting over the roof and flanking earth sides it would have a very limited impact in views from the footpaths and Curbar Edge beyond. Similarly, due to its siting at the back of the site, low height and recessive materials it would have only a minor impact in any views from the west of the site.

Overall, the design is considered to follow the advice of Members and to have a form and materials that minimises its impact on the appearance of Warren Lodge and the wider landscape.

Summary of relationship of the proposal to the dwellinghouse

Overall, both individually and cumulatively, the proposal is considered to represent a scale, form and massing of extension that does not detract from the character or appearance of the house. It would appear subservient to the main house due to the height and levels at which the buildings are proposed to be built, and includes design details and materials that are sympathetic to the main house. The proposal is therefore considered to conserve the character and appearance of the built environment as required by policies GSP3, LC4 and LH4.

Impact of the alterations and extensions on the wider landscape

The landscape character of the area surrounding Warren Lodge is sensitive to development. Its largely undeveloped and wild character is recognised by the designation of much of the surrounding land as 'Natural Zone', where development is only permitted on an exceptional basis. The landscape sensitivity of the site is furthered by the high levels public visibility of it from the surrounding footpaths, open access land, and iconic Curbar Edge to the north.

The application proposals would be confined within the existing residential curtilage. Although they would not encroach into the landscape, the extension to the house would increase the massing of Warren Lodge. The extension would also be visible from many public vantage points around the area, including Curbar Edge. In some views its visibility would be reduced by established tree planting, but this screening is only sporadic and would be further reduced when the trees are not in leaf. It is therefore accepted that the extension will have wide ranging visibility in both the immediate and wider landscape, but this visibility in itself does not amount to harm.

The existing house and outbuildings are already a significant feature in the landscape. The replacement and additional buildings will result in what is considered in the wider landscape context to be a minor increase in massing. The height of the new buildings would minimise their prominence in wider views, as would the earth-sheltering of the garage. The rising ground to the east of the site, currently held back from the site by a retaining wall, would further downplay their impact, particularly in views from the footpaths to the east of the site.

The glazing on the conservatory and, to a lesser extent, the glazed wall of the extension will catch the light at some times of day when viewed from the footpaths and Curbar Edge to the north. This would, however, be limited due to the orientation of the buildings relative to the sun path. The house is already clearly visible from the footpath and the edge and it is not considered that occasional reflection from these additional elements will have any significant impact above that of the existing house on the character and appearance of the landscape.

Officers do not therefore consider that the development would result in an overdevelopment of the site that results in landscape harm. The development is considered to conserve the character and appearance of the landscape, as required by planning policy.

Heritage impacts

Having visited the site during the previous application, the Conservation Officer was satisfied that the approach then adopted – i.e. to retain a layout in which the extension read as an outbuilding with a minimal link back to the main house – conserved the historic significance of the site. On that basis no consultation response was provided, nor further information requested. The change of approach in this application to one that extends the house and loses the current relationship of a house with detached outbuildings has prompted comment from the Authority's Senior Archaeologist and Conservation Officer.

Having visited the site, both Officers are of the view that some of the heritage significance of the building has already been lost through previous extension and alteration. As a result, it is not considered appropriate to require further heritage assessment to be undertaken as it would be unlikely to further reveal the property's significance. Instead, it is recommended that Officers work informally with the applicant to draw together a record of the property and its history, outside of this application. Whilst not material to the outcome of this application, Officers have discussed this possibility with the applicant's agent who is open to such an arrangement.

The Conservation Officer is concerned that the approach now adopted harms the remaining heritage significance of the building because it reduces the visual and architectural integrity of the house and loses the historic relationship between the house and detached outbuildings. In

addition, the Conservation Officer does not consider that the extension of the house in the position and manner proposed conserves its character.

The Planning Officer has considered the concerns of the Conservation Officer but must place weight upon the previous decision of the Planning Committee, which was to refuse permission for a development that took a form advocated by the Conservation Officer. Given that the current proposal addresses the reasons for refusal of the previous application, and largely accords with the approach advocated by Members when dealing with the previous application, Planning Officers consider the approach to extension that has now been adopted to be acceptable.

Other matters

Due to the isolated position of the house and the size, height, and orientation of the extensions they are not considered to affect the amenity of any nearby property.

Officers consider there are no objections to the development on highway grounds. The Highway Authority has not provided a response on the application. On the previous application they recommended that conditions requiring storage space for materials and plant equipment to be provided prior to commencement of the development, and for the parking and turning spaces to be made available prior to the occupation of the site. Officers still consider that this will be necessary to avoid the risk of vehicles needing to reverse on to the highway. These matters could therefore be controlled by planning condition if permission was granted.

The development is not considered to affect the areas of environmental protection around the site as the work would not encroach into them or otherwise disturb them.

The protected species survey submitted in support of the previous application found evidence of bats on site. It concluded that these interests would not be harmed by the development if it is carried out in accordance with the recommendations of the survey, something that the Authority's ecologist at that time supported, subject to any external lighting being agreed prior to commencement. The findings of that survey are considered recent enough to still be relied upon, and the ecological impacts of this development are considered to be comparable to the previous scheme. Therefore subject to the development being carried out in accordance with the report and to an external lighting scheme being agreed prior to the development commencing – in order to avoid disturbance in or around their breeding sites and resting places – the development is considered acceptable on ecological grounds. These measures could be controlled by planning condition if permission was to be granted.

Conclusion

The form, design and size of the extensions are all considered to conserve the character and appearance of the built environment and landscape of the area as required by the policies of the Development Plan. Given these considerations, and having taken account of all other material matters, the application is recommended for approval.

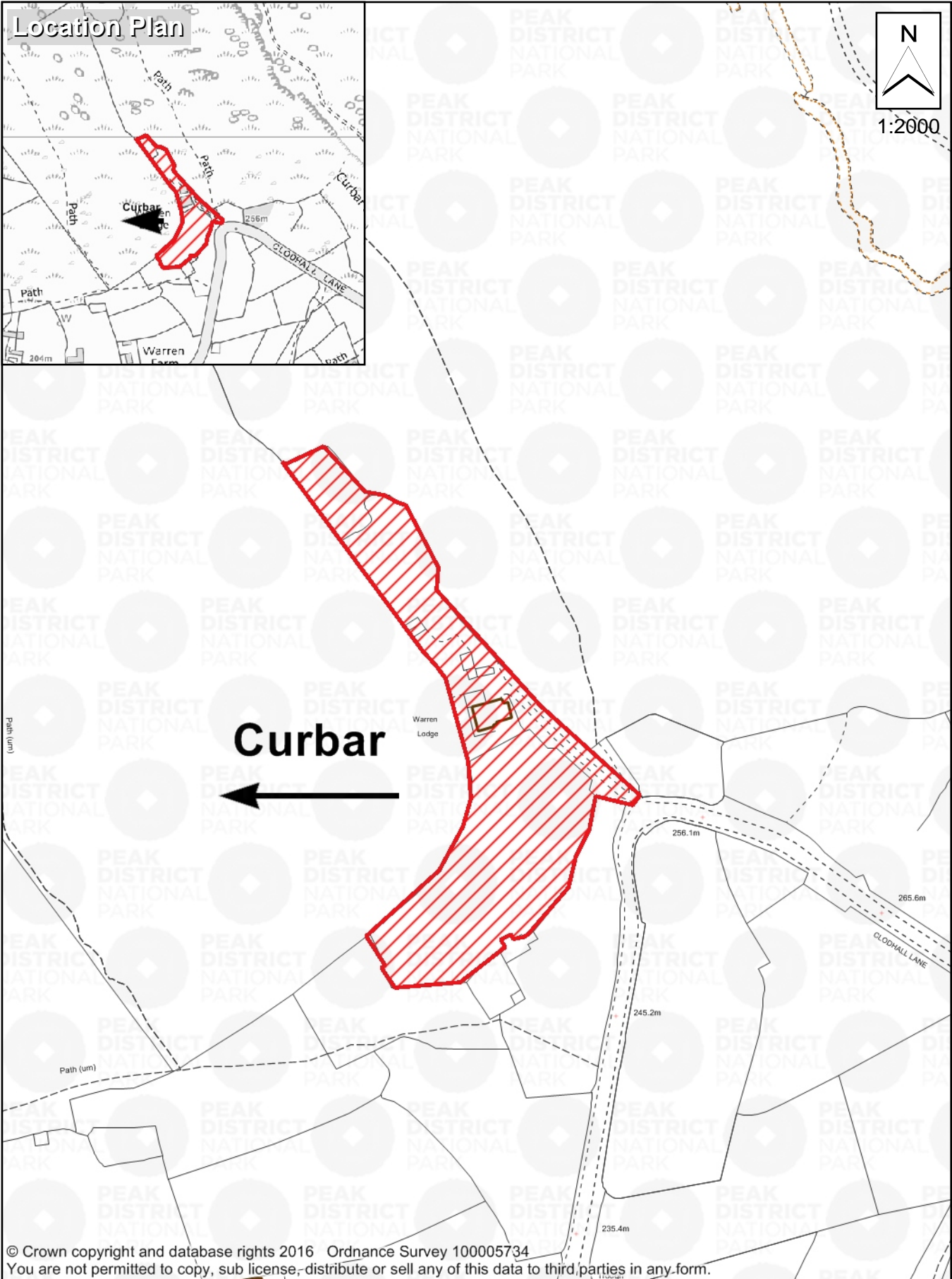
Human Rights

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


List of Background Papers (not previously published)

Nil

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Committee Date:	12/08/2016	Title: Warren Lodge Bar Road Curbar	 PEAK DISTRICT NATIONAL PARK
Item Number:	11		
Application No:	NP/DDD/0616/0569		
Grid Reference:	425668, 374902		

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12. ADVERTISEMENT CONSENT APPLICATION – REPLACEMENT SIGNAGE TO PUBLIC HOUSE AT THE BRIDGE INN, CALVER (NP/DDD/0516/0444, P.6290, 27/06/2016, 424707 / 374417, MN)

APPLICANT: MRS ELISA BLACKBURN

Site and Surroundings

The Bridge Inn is an historic, but unlisted, building which occupies a prominent roadside position on the northern side of the A623 near Calver Mill. It is constructed from coursed gritstone walls, under a Hardrow tile roof. The building largely follows vernacular design and construction, although there is a section of flat roofed extension to the rear in addition to a more traditional pitched roof single storey projection. It is a public house.

The inn is located within a designated Conservation Area. It effectively occupies an “island” between the old line of the A623 and its current route, with the River Derwent adjacent.

Proposal

To replace the existing pub signage, including one double sided post sign, one directional post sign, one hanging sign, two wall-mounted car park signs, two sets of wall-mounted individual letter signs, and one wall-mounted brewery logo sign. The signage has been erected during the course of the application and so the application is retrospective.

RECOMMENDATION:

**That the application be APPROVED subject to the standard conditions in the advert regulations and the following additional conditions:
following conditions:**

- 1. Completion in accordance with revised plans**
- 2. Lighting of signage shall not exceed 200cd/m²**

Key Issues

Advertisement consent applications can only be evaluated on grounds of amenity and public safety, as detailed by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Relevant History

2000 – Advertisement consent granted for new signage

2014 – Planning permission granted for extension and alteration of public house

Consultations

Highway Authority – Projecting sign to be a minimum 2.5m above adjacent highway, minimum 450mm setback from kerb, and may require licencing by the Highway Authority under the Highways Act 1980.

District Council – No response at time of writing.

Parish Council – Strongly oppose, making the following comments;

- No pre-application advice has been sought.
- The signs were erected on the same day the PC were consulted on the application which is a blatant disregard of the planning process.
- The application ignores 'Development Considerations' given in the Curbar No1 (Area A) Conservation Area Appraisal, in particular:
Section (a) - Development must preserve and where possible enhance the conservation area.
Section (d) – High standards of listed building consent will be maintained including impacts upon the appearance of the area as a whole as well as the individual buildings concerned.

The bright orange format is obtrusively bright and gaudy and the print style is ultra-modern which disregard the development plan objectives and definitions designed to preserve and conserve the characteristics of this important 18th century building.

The Council therefore recommends the Authority refuse permission and take retrospective enforcement action.

Representations

4 letters of objection have been received objecting to the signage on the grounds that the colour, design and scale of the signs are inappropriate and detract from the appearance of the building and the area. One letter refers to the use of lower case initial letters as being inappropriate.

Main Policies

Core Strategy policy GSP3 broadly sets out the Authority's development management policies, requiring all development to respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal.

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

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

Furthermore in respect of illumination LC11(b) states that "External illumination will not be granted consent unless it is during opening hours in predominantly commercial areas: or it is at public houses, restaurants or similar premises open after dark."

LC11(c) also deals with signs or adverts above 3.6m or the bottom level of any first floor window and states they will not be granted consent unless they are either a hanging sign or the building is a public house that does not have a fascia and the sign or advert consists of individual lettering attached to it so as to minimise any harmful visual impact and damage to the stonework.

These policies are consistent with the wider range of conservation and design policies in the Development Plan and the National Planning Policy Framework, which promote high standards of design and seek to protect the valued characteristics of the National Park.

Wider Policy context

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that advertising consent applications can only be evaluated on grounds of amenity and public safety. It specifies factors relative to amenity to include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Factors relevant to public safety include the safety of any persons using a highway.

Assessment

The majority of the proposed signage is a direct replacement for the existing signage, which was approved by the Authority in 2000. The exceptions to this are the hanging sign and the signage on the north west gable.

Public safety impacts

The Highway Authority has advised that the projecting sign should be a minimum 2.5m above the adjacent highway and a minimum of 450mm back from kerb. The sign does overhang the pavement, but is more than 2.5m above ground and would not obstruct users of the pavement. It would also be more than 450mm back from the kerb.

All other signage is within the confines of the site and does not overhang the road. The signs are not of such a size so as to present undue distraction to users of the highway, and those that are illuminated are lit with directional lighting that would not dazzle drivers. Overall, the proposal is considered to conserve public safety.

Amenity impacts

In this case amenity is primarily considered to be a matter of visual impact. The signs are by necessity publicly visible and so their impact on the character and appearance of the area has been considered in detail.

There has been some objection to both the colour and design of the signage on the grounds that it is too prominent, contemporary and out of keeping with the area. Whilst it is not appropriate to be overly prescriptive in terms of detailed design it is reasonable and necessary to consider the wider impacts of signage on the amenity and appearance of the area.

The majority of the signs are modest in size, and those that are lit are illuminated by small downlighters. Brightness has not been specified for these, but could be controlled by condition if consent is granted. Officers advise that the light is restricted to 200cd/m².

The replacement signage on the building itself would, in terms of its massing, represent a reduction over the previous signage. This is because the use of individual letters rather than large single boards breaks up the outline of the signage and allows more of the stone to remain visible. This improvement is offset to some degree by the use of a more prominent colour than was previously the case, and the addition of a hanging sign. However, it is still considered that these signs have a neutral impact on the amenity of the area.

Overall therefore, and subject to a condition restricting the brightness of any illumination, the majority of signage is considered to conserve the amenity of the area due to its low impact.

The exception to this is the directional post sign situated at the end of the car park. This sign is prominent from the adjacent main road and is much larger in size than the other signs. It is the same size as the sign that was previously approved in this position in 2000, however its prominent new colour (a shade of yellow/orange) makes it a much more strident feature. At this size and in this position, the colour of the sign is considered to detract from the amenity of the area, appearing overly prominent and out of keeping.

It is accepted that a directional sign in this position is necessary to attract passing trade, and so Officers have requested that the proposal be amended to reduce the sign in size or to change its colour. Revised plans have since been received that reverse the colours on the sign, so it would now be mostly black with yellow/orange lettering. This significantly reduces the prominence of the sign and improves its relationship to its surroundings. It is therefore considered to conserve the amenity of the area.

Other matters

Some additional lighting is also proposed to be fixed to the building. This is not subject to control under the advertisement regulations however, and so is not a material consideration for the determination of this proposal.

Conclusion

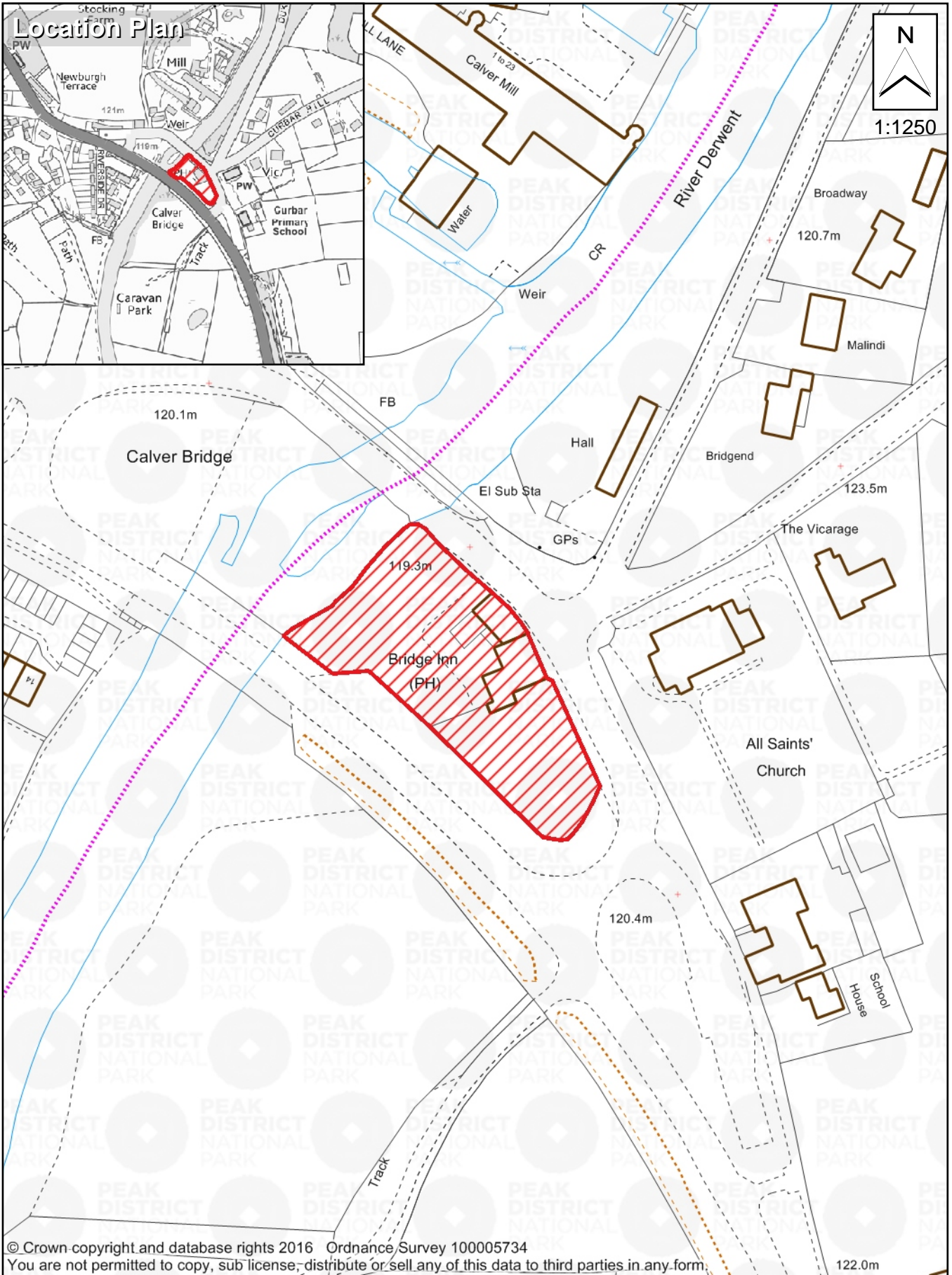
The design, sizes and siting of the signs are considered such that they have no significant impact on the amenity or public safety of the area, and complies with local planning policies. The application is therefore recommended for approval.


Human Rights

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

List of Background Papers (not previously published)

Nil



Committee Date:	12/08/2016	Title: Bridge Inn Calver Bridge Curbar Calver	 PEAK DISTRICT NATIONAL PARK
Item Number:	12		
Application No:	NP/DDD/0516/0444		
Grid Reference:	424707, 374417		

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13. FULL APPLICATION - NEW SIGNAGE AND REPLACEMENT WINDOWS, BAKEWELL TOURIST INFORMATION CENTRE, OLD MARKET HALL, BRIDGE STREET, BAKEWELL (NP/DDD/0516/0410 P.6021 421862/368571 31/7/2016/CF)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

This application concerns Bakewell Tourist Information Centre, which is operated by the National Park Authority from the Grade II listed Old Market Hall on Bridge Street in the centre of Bakewell. The Tourist Information Centre also lies within Bakewell's Central Shopping Area and the designated Conservation Area.

Proposal

The application seeks planning permission for replacement windows either side of the entrance doors that face towards Rutland Square. A parallel application for listed building consent has been submitted for these windows and for new signage for the building; a further application has been submitted for advertisement consent for the new signage.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. Three year time limit for commencement**
- 2. Adopt amended plans**
- 3. Specify external finishes**

Key Issues

- Whether the proposed works would harm the character of the Grade II listed building or the appearance of its setting, which includes the designated Bakewell Conservation Area.

History

There is no record of any applications for consent for signage or any other works to the Tourist Information Centre since 1985 when listed building consent was granted for alterations to the building and advertisement consent was granted for the existing hanging sign.

Consultation

Highway Authority – No objections.

District Council – No response to date.

National Park Authority (Built Environment) – No objections to amended plans subject to conditions.

Town Council – Recommend approval

Representations

One letter about this application has been received by the Authority, which offers comments on the original proposals that have been addressed by the submission of amended plans.

Main Policies

The application seeks planning permission for works to be carried out to a listed building that lies within the designated Bakewell Conservation Area. Therefore, the most relevant policies in the Authority's Development Plan are policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

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

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

LC6 relates to listed buildings and says applications should demonstrate why the proposed works are desirable or necessary. LC6 also says works which adversely affect the character, scale, proportion, design, detailing of, or materials used, or which would result in loss or irreversible change to original features will not be permitted.

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

The Authority's adopted policies and design guidance are consistent with the National Planning Policy Framework ('the Framework'), which states that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle whilst Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be.

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

Wider Policy Context

Relevant Core Strategy policies: GSP1, GSP2 & GSP3

Relevant Local Plan policies: LC4

Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1 and GSP2 the Core Strategy. GSP3 of the Core Strategy and LC4 of the Local Plan are consistent with core planning

principles in the Framework that require all development in the National Park to be of a high standard of design that is sensitive to the locally distinctive character of its landscape setting.

Assessment

The new windows would replace the pair of windows either side of the main entrance to the Tourist Information Centre and these windows would have vertical glazing bars subdividing the main part of the windows into two panes of glass rather than into three panes as present. The main windows would have a horizontal panel of glass at high level to reflect the 'fan light' above the entrance door in terms of their depth and visual appearance. The panels of glass above the main doors and the two new windows would have vinyl signs attached to their inner surface to advertise the various services offered at the Tourist Information Centre.

The proposed works follow advice offered by the Authority's Conservation Officer and would reflect and respect the historic character of the Old Market Hall. The external finishes proposed for the entrance door and windows (stone grey) would match the colour scheme for the signage and provide the premises with a coherent and legible external appearance. In these respects, the works taken as a whole are desirable and necessary insofar as there is a need to improve the presence of the Tourist Information Centre within the town centre.

Conclusions:

It is therefore concluded that the proposals shown on the amended plans do comply with the Authority's design and conservation policies, its adopted guidance on shop fronts and guidance within the Conservation Area Appraisal and that the new windows would not harm the significance of the Grade II listed building or that of its setting. Consequently, the current application is recommended for approval subject to conditions requiring compliance with the amended plans, specifying external finishes and a time limit for commencement in the interests of the proper planning of the local area.

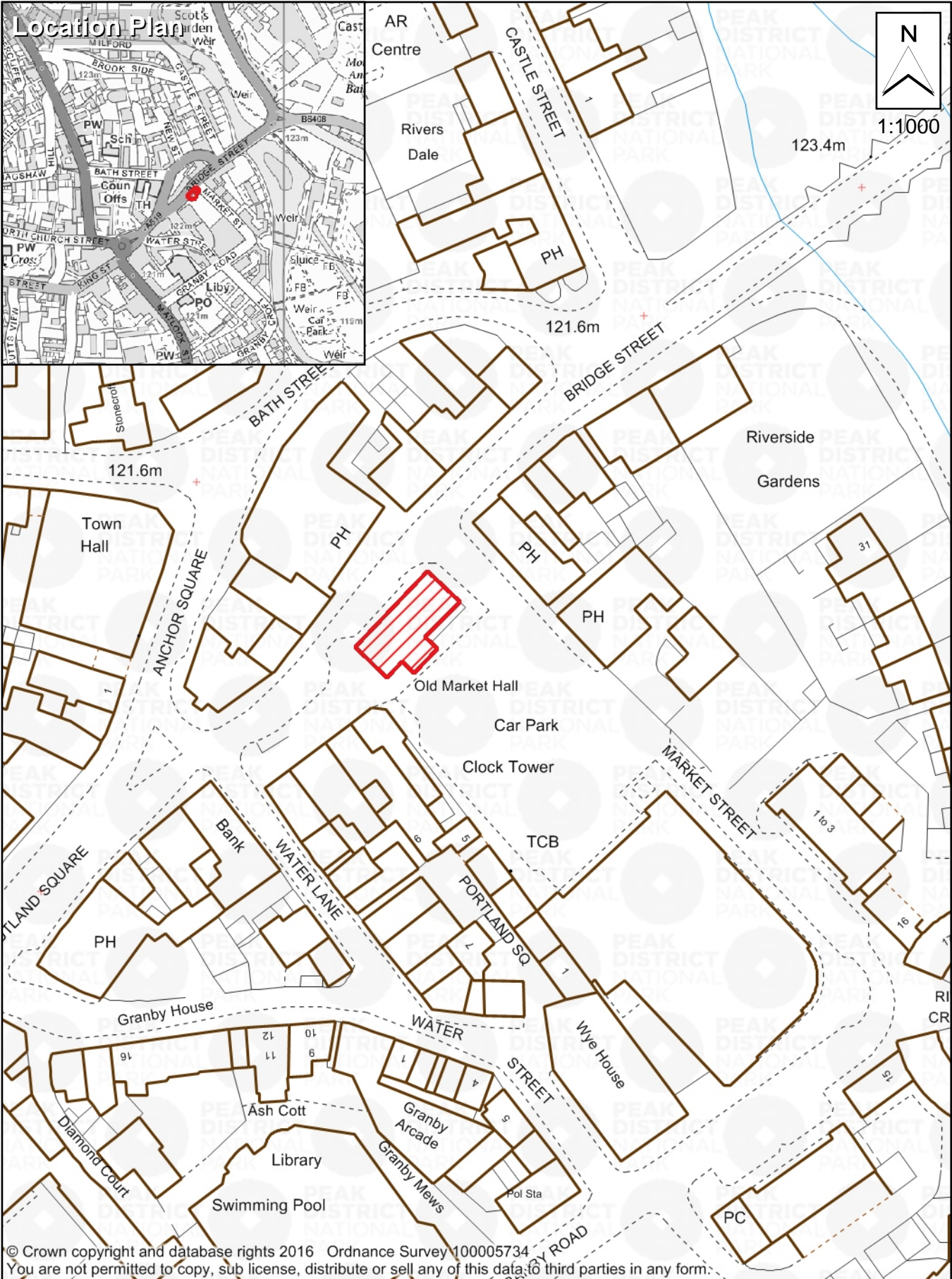
Human Rights

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

List of Background Papers (not previously published)

Nil

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<p>Committee Date: 12/08/2016 Item Number: 13 Application No: NP/DDD/0516/0410 Grid Reference: 421862, 368571</p>	<p>Title: Bakewell Tourist Information Centre Old Market Hall Bridge Street Bakewell</p>	 <p>PEAK DISTRICT NATIONAL PARK</p>
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14. ADVERTISEMENT CONSENT APPLICATION: NEW SIGNAGE, BAKEWELL TOURIST INFORMATION CENTRE, OLD MARKET HALL, BRIDGE STREET, BAKEWELL (NP/DDD/0516/0407 P.6021 421862/368571 31/7/2016/CF)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

The current application concerns Bakewell Tourist Information Centre, which is operated by the National Park Authority from the Grade II listed Old Market Hall on Bridge Street in the centre of Bakewell. The Tourist Information Centre also lies within Bakewell's Central Shopping Area and the designated Conservation Area.

Proposal

The application seeks advertisement consent for new signage for the premises including a wooden painted hanging sign on a bracket and a wooden painted sign attached to the front of the building, which overlooks the large car park that is also used to accommodate market stalls on Mondays and other market days. The application has been revised since its submission and the amended plans now show both signs would be smaller than proposed originally and the colour scheme for the signage has been changed in accordance with the Authority's Conservation Officer's advice.

A parallel application for listed building consent has been submitted for the new signage and replacement windows; a further application has been submitted for planning permission for the replacement windows.

RECOMMENDATION:

That the application be APPROVED subject to the standard conditions in the advert regulations and the following additional conditions:

- 1. Adopt amended plans.**
- 2. All new fixtures and fittings to be inserted into existing mortar joints and not into the existing stonework.**

Key Issues

- Whether the signage would harm the amenities of the local area.

History

There is no record of any applications for consent for signage or any other works to the Tourist Information Centre since 1985 when listed building consent was granted for alterations to the building and advertisement consent was granted for the existing hanging sign.

Consultation

Highway Authority – No objections.

District Council – No response to date.

National Park Authority (Built Environment) – No objections to amended plans subject to conditions.

Town Council – Recommend approval

Representations

One letter about this application has been received by the Authority, which offers comments on the original proposals that have been addressed by the submission of amended plans.

Main Policies

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

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

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

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

Wider Policy Context

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

Relevant Local Plan policies: LC4, LC5 & LC6

Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1 and GSP2 the Core Strategy. Similarly, GSP3 of the Core Strategy and LC4 of the Local Plan are consistent with core planning principles in the Framework that require all development in the National Park to be of a high standard of design that is sensitive to the locally distinctive character of its landscape setting.

The Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles whilst Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. These provisions are consistent with the criteria for assessing development that would affect the setting of a Conservation Area set out in the Authority's Development Plan in policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

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

Assessment

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

It is also considered the new signage would meet the requirements of the Authority's adopted detailed design guidance on shop fronts, or reflect the valued characteristics of the Conservation Area, as identified in the recent Conservation Area Appraisal. This is because of the use of good quality materials, the bespoke colour scheme, and the well-considered detailing of the proposed signage. The signage on the front of the Old Market Hall would cover an area of new stonework that has not been particularly well executed and the signage will not have any significant impact on the fabric of the building provided any new fixings go into mortar joints between the stonework rather than into the stonework itself.

Conclusions

It is considered that the signage would not harm to the amenities of the local area or compromise public safety and in all other respects; the amended plans accord with national planning policies and the most relevant policies in the Development Plan. Consequently, the application is recommended for approval subject to the standard conditions required by the Advertisement Regulations, and conditions securing compliance with the amended plans and requiring all new fixtures and fittings to be inserted into the existing mortar joints rather than the stonework in the interests of conserving the character and appearance of the Grade II listed building.

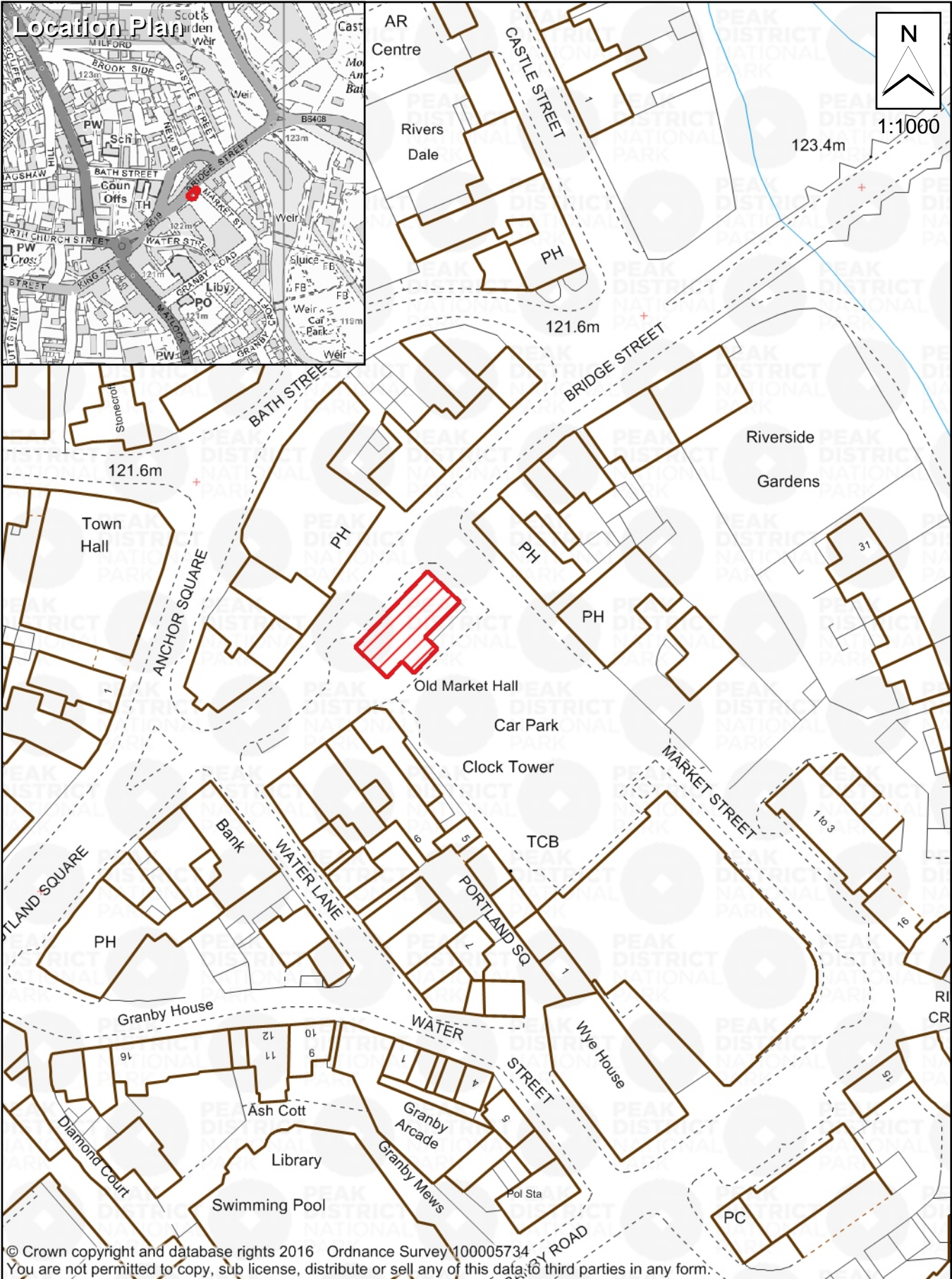
Human Rights

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

List of Background Papers (not previously published)

Nil

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Committee Date:	12/08/2016	Title: Bakewell Tourist Information Centre Old Market Hall Bridge Street Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	14		
Application No:	NP/DDD/0516/0407		
Grid Reference:	421862, 368571		

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15. LISTED BUILDING APPLICATION - NEW SIGNAGE AND REPLACEMENT WINDOWS, BAKEWELL TOURIST INFORMATION CENTRE, OLD MARKET HALL, BRIDGE STREET, BAKEWELL (NP/DDD/0516/0411 P.6021 421862/368571 31/7/2016/CF)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

The current application concerns Bakewell Tourist Information Centre, which is operated by the National Park Authority from the Grade II listed Old Market Hall on Bridge Street in the centre of Bakewell. The Tourist Information Centre also lies within Bakewell's Central Shopping Area and the designated Conservation Area.

Proposal

The application seeks listed building consent for new signage for the premises including a wooden painted hanging sign on a bracket and a wooden painted sign attached to the front of the building, which overlooks the large car park that is also used to accommodate market stalls on Mondays and other market days. The application has been revised since its submission and the amended plans now show both signs would be smaller than proposed originally and the colour scheme for the signage has been changed in accordance with the Authority's Conservation Officer's advice. This application also seeks listed building consent for replacement windows in the main entrance to the Tourist Information Centre that faces towards Rutland Square.

A parallel application for Advertisement Consent has been submitted for the new signage and a further application has been submitted for planning permission for the replacement windows.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. Three year time limit for commencement**
- 2. Adopt amended plans**
- 3. Specify external finishes**
- 4. All new fixtures and fittings to be inserted into existing mortar joints and not into the existing stonework.**

Key Issues

- Whether the proposed works would harm the character of the Grade II listed building or the appearance of its setting, which includes the designated Bakewell Conservation Area.

History

There is no record of any applications for consent for signage or any other works to the Tourist Information Centre since 1985 when listed building consent was granted for alterations to the building and advertisement consent was granted for the existing hanging sign.

Consultation

Highway Authority – No objections.

District Council – No response to date.

National Park Authority (Built Environment) – No objections to amended plans subject to conditions.

Town Council – Recommend approval

Representations

One letter about this application has been received by the Authority, which offers comments on the original proposals that have been addressed by the submission of amended plans.

Main Policies

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

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

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

LC6 relates to listed buildings and says applications should demonstrate why the proposed works are desirable or necessary. LC6 also says works which adversely affect the character, scale, proportion, design, detailing of, or materials used, or which would result in loss or irreversible change to original features will not be permitted.

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

The Authority's adopted policies and design guidance are consistent with the National Planning Policy Framework ('the Framework'), which states that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle whilst Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be.

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

Wider Policy Context

Relevant Core Strategy policies: GSP1, GSP2 & GSP3

Relevant Local Plan policies: LC4

Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1 and GSP2 the Core Strategy. Similarly, GSP3 of the Core Strategy and LC4 of the Local Plan are consistent with core planning principles in the Framework that require all development in the National Park to be of a high standard of design that is sensitive to the locally distinctive character of its landscape setting.

Assessment

The amended plans show new signage in line with the Authority's new colours and branding that would generally meet the requirements of the Authority's adopted detailed design guidance, and reflect the valued characteristics of the Conservation Area, as identified in the recent Conservation Area Appraisal. This is because of the use of good quality materials, the bespoke colour scheme, and the well-considered detailing of the proposed signage. The signage on the front of the Old Market Hall would cover an area of new stonework that has not been particularly well executed and the signage will not have any significant impact on the fabric of the building provided any new fixings go into mortar joints between the stonework rather than into the stonework itself.

The new windows would replace the pair of windows either side of the entrance door and these windows would have vertical glazing bars subdividing the main part of the windows into two panes of glass rather than into three panes as present. The main windows would have a horizontal panel of glass at high level to reflect the 'fan light' above the entrance door in terms of their depth and visual appearance. The panels of glass above the main doors and the two new windows would have vinyl signs attached to their inner surface to advertise the various services offered at the Tourist Information Centre.

The proposed works would reflect and respect the historic character of the Old Market Hall and the external finishes proposed for the entrance door and windows (stone grey) would match the colour scheme for the signage and provide the premises with a coherent and legible external appearance. In these respects, the works taken as a whole are desirable and necessary insofar as there is a need to improve the presence of the premises within the town centre not least to increase footfall and help visitors to the National Park to find the Tourist Information Centre.

Conclusions

It is considered that the works to the building shown on the amended plans comply with the Authority's design and conservation policies, its adopted guidance on shop fronts and guidance within the Conservation Area Appraisal and that the signage and the new windows would not harm the significance of the Grade II listed building or its setting.

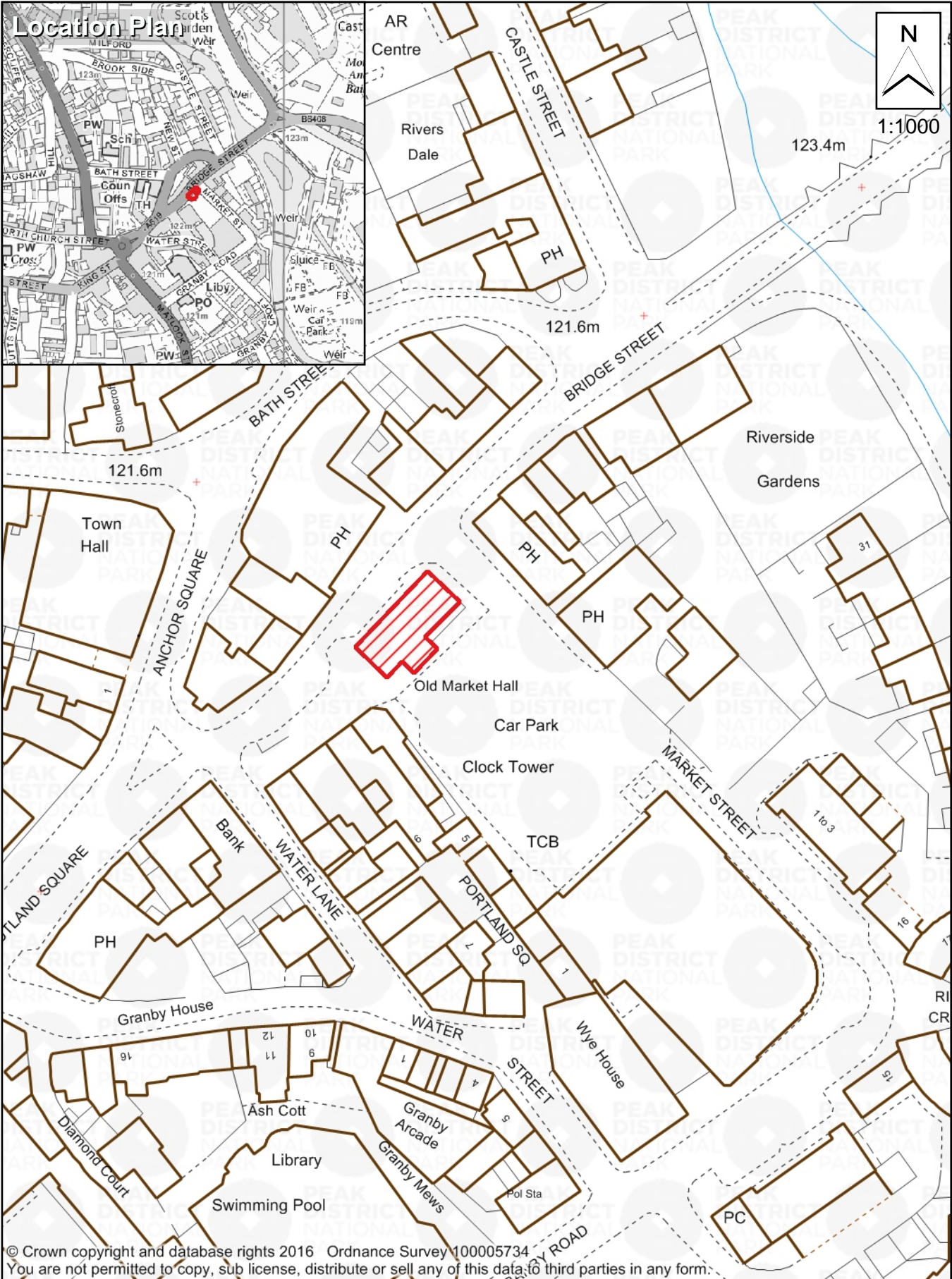
Consequently, the current application is recommended for approval subject to conditions requiring compliance with the amended plans, specifying external finishes and a time limit for commencement in the interests of the proper planning of the local area. It is also considered that a condition specifying that all new fixings should go into the mortar joints rather than the existing stonework is reasonable and necessary in the interests of safeguarding the historic fabric of the Old Market Hall.

Human Rights

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

List of Background Papers (not previously published)

Nil



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Committee Date:	12/08/2016	Title: Bakewell Tourist Information Centre Old Market Hall Bridge Street Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	15		
Application No:	NP/DDD/0516/0411		
Grid Reference:	421862, 368571		

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**16. CONFIRMATION OF TREE PRESERVATION ORDER, FROGGATT
(TPO 89/2016 /DF)**

Purpose of the report

1. To confirm a Woodland Tree Preservation Order in the Parish of Froggatt, to which objections have been received.

Recommendation:

2. **1. To approve confirmation of Tree Preservation Order TPO 89/2016 (Appendices 1 and 2 attached) without modification**

How does this contribute to our policies and legal obligations?

3. This action is proposed in pursuance of the following policies:
 - National Park Management Plan Outcomes DL1, DL3 and TV1
 - Landscape Strategy (Derwent Valley: Slopes & Valleys with Woodland)

Background

4. This area of woodland comprises semi-natural mixed broadleaf within the boundary of the Froggatt Conservation Area (designated on 21 August 1998) and is therefore subject to Section 211 of the Town and Country Planning Act 1990. This requires the local authority (in this case this Authority) to be informed 6 weeks prior to tree works taking place, allowing the authority to protect individual trees or woodlands by making a Tree Preservation Order (TPO) should they feel it expedient to protect amenity.
5. A complaint was received on 25 September 2015 about the carrying out of works which involved the destruction and uprooting of a number of trees in the area using a JCB wheeled excavator, in the absence of notification under Section 211 of the Town & Country Planning Act. A site inspection confirmed that the work carried out would not have been approved or considered to be appropriate woodland management had such an application been received. Subsequent liaison with the landowner gave rise to the concern that other trees and woodland now in the same ownership may be subject to further and immediate threat. The landowner informed an officer of the Authority that he wished to take another access onto the land, which it is believed would involve further clearance. A Tree Preservation Order was therefore made on 9 March 2016 and served on the owner on 11 March 2016, under delegated authority. The TPO Schedule (including map) is attached at Appendix 1 and the Statement of Reasons at Appendix 2.

6. Objections

Objections were received and although not 'duly made' were within the extended time allowed, in view of the Easter break. The objections, and officer comments on each, are as follows:

7. Objection: *"I am strongly objecting to a tree order being put on to my recently purchased land at Froggatt. As all I have done is cleared very small areas where deadly razor wire has been strung around and also cleared fallen or damaged trees which were unsafe for me and my family to enjoy the land in safety. I checked with a health and safety officer which he said needs removing asap in the interest of public and animal welfare."*

Officer comment: No evidence is presented that the work was sufficiently urgent to progress prior to consulting the Authority, nor that the scale and extent of work carried out was proportionate to the risks. Whilst a TPO would require consultation of proposed works with the Authority, consent for work on legitimate health and safety grounds would not be unreasonably withheld; however it would allow the Authority to ensure such measures were reasonable and proportionate. Furthermore there is provision in the legislation to carry out urgent work prior to consultation “to the extent that such works are urgently necessary to remove an immediate risk of serious harm”.

8. Objection: *“The wood has no right of way through it, and is difficult to see only from the road which there is no footpath and the road is very dangerous to walk up as very heavy speeding traffic. Also car users do not get any pleasure from my wood as they are too busy looking forward watching traffic going at 60 plus miles per hour.”*

Officer comment: The amenity value of the woodland is set out in the Statement of Reasons at Appendix 2. In particular the site’s inclusion within the ‘Slopes and Valleys with Woodland’ Landscape Character Type within the Authority’s Landscape Strategy, and the importance of woodland referred to in the Froggatt Conservation Area Appraisal, both highlight the visual amenity value attached to the woodlands below Froggatt Edge, to which the site contributes.

9. Objection: *“I don’t wish any orders on this land as it would devalue the land I have asked my local CLA representative to visit the site and as I think also the woods rotten and suffocating itself the previous owner never visited the site for six years so the wood was unworkable as well as having razor wire strung across which I strongly suspect the neighbour may have done to try and stop the wild deer problem in the area, I have reported this to the police which they are investigating as we speak.”*

Officer comment: The making of a TPO does not preclude reasonable woodland management for amenity, economic or health and safety purposes. There is therefore no reason why a TPO should devalue the land unless the intended use was incompatible with National Park purposes.

10. Objection: *“Note 200yds further down the road the wood has been thinned and scrub cleared. Seems double standards.”*

Officer comment: The site referred to in the owner’s objection falls outside the Conservation Area, and work was done as part of sustainable woodland management on a post-industrial site.

Proposal:

11. Member approval is required to confirm an opposed TPO. In this case officers consider that the owner’s objections do not diminish the case for confirming the TPO so it is proposed to confirm Woodland Tree Preservation Order TPO 89/2016 without modification. The purpose is to safeguard the amenity value of this area of woodland, which is considered to be of sufficient value to warrant such protection.

Are there any corporate implications members should be concerned about?

12. **Financial:** No financial implications are envisaged.
13. **Risk Management:** No significant risks are envisaged in confirming the TPO. If the TPO is not confirmed it will expire on 9 September 2016. There is a risk that further work may be undertaken which would compromise the landscape and amenity value of the woodland.
14. **Sustainability:** The confirmation of a TPO would encourage sustainable woodland management.

15. **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 an application to 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.

The purpose of confirming the Tree Preservation Order on this site would be to conserve the amenity value of this area of woodland as part of a larger area of contiguous woodland below Froggatt Edge. The impact on the owner's human rights is limited by the fact that the property is not the owner's home, that only certain specified operations require consent and the fact that, in line with the Authority's normal procedures for dealing with tree enquiries, consent would not be unreasonably withheld, as far as any proposed operations are consistent with maintaining the amenity value. Normal sustainable woodland management would not, for example, be proscribed. There is a right of appeal to the Planning Inspectorate if an application for Works were refused.

The public interest in conserving the amenity value of the woodland, as set out in the attached Statement of Reasons, is therefore considered to be significant enough to warrant the limited impact on the owner's right to peaceful enjoyment of their property.

16. **Consultees:**

The Authority's Natural Environment Team Manager, Monitoring & Enforcement Manager, Landscape Architect, Conservation Officer and Senior Legal Officer (Enforcement) have been consulted and support the proposal.

The Forestry Commission were consulted in connection with the work which has been carried out and confirmed that they have no Felling Licenses approved or pending approval for the area concerned. There is no planning permission in place that approves any Works.

17. **Background papers** (not previously published)

Proposed Tree Preservation Order: Delegated Report

Appendices -

Appendix 1- TPO 89/2016- Schedule of Trees

Appendix 2- TPO 89/2016- Statement of Reasons

Report Author, Job Title and Publication Date

Dave Frost, Tree Conservation Officer, 4 August 2016

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Appendix 1: Tree Preservation Order

Town and Country Planning Act 1990

Tree Preservation Order 2016 No. 89

Woodland at Froggatt Edge, Calver, (East side of B6054), Derbyshire Grid Reference SK24661,76643

The Peak District National Park Authority, in exercise of the powers conferred on it by section 198 of the Town and Country Planning Act 1990 makes the following Order—

Citation

1. This Order may be cited as Tree Preservation Order 2016 No. 89.

Interpretation

- 2.— (1) In this Order “the authority” means the Peak District National Park Authority.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

Any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this day of

The Common Seal of Peak District National Park Authority

was affixed to this Order in the presence of—

.....]

CONFIRMATION OF ORDER

This Order was confirmed by Peak District National Park Authority without modification on the.....day of

SCHEDULE
Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of trees

(within a broken black line on the map)

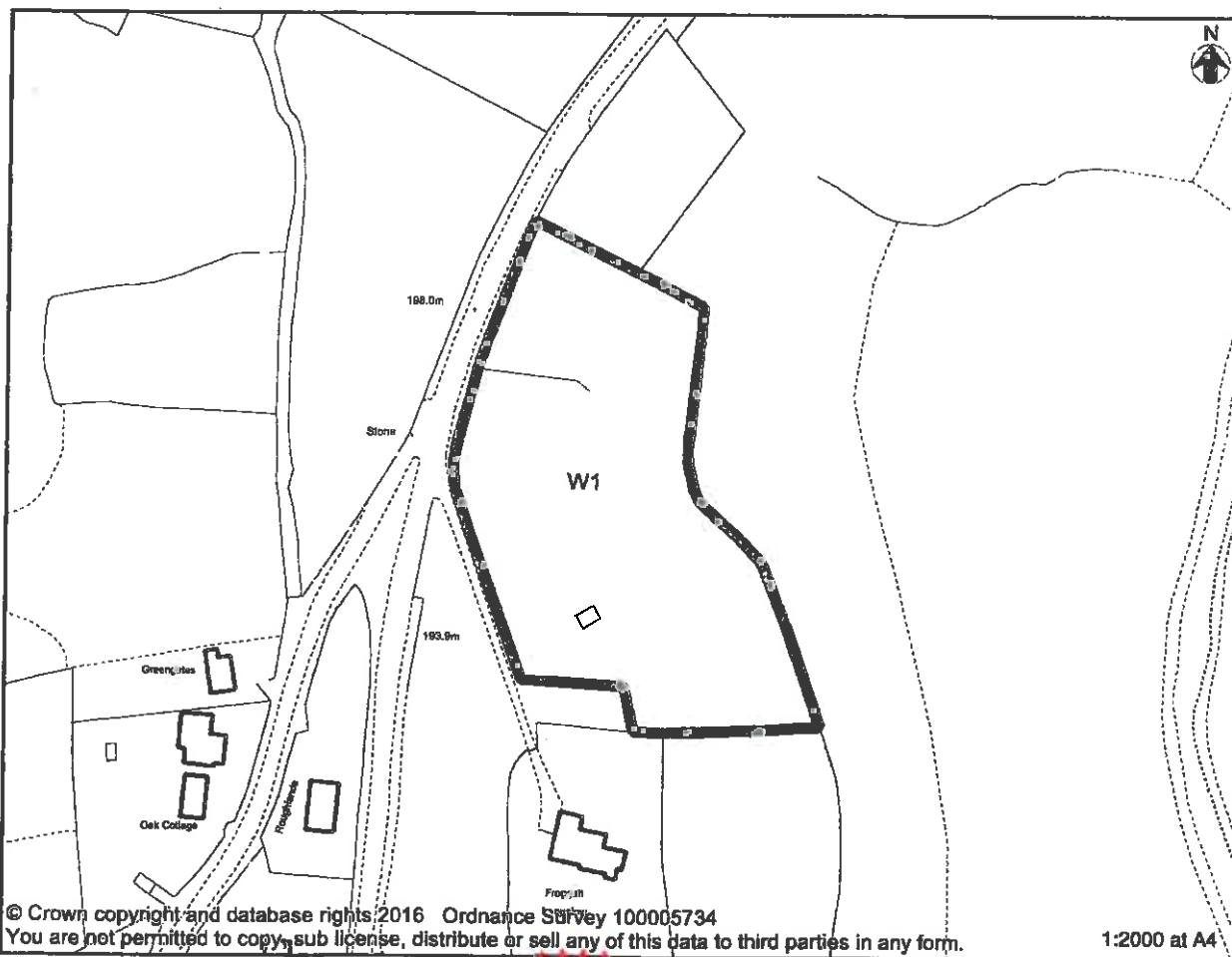
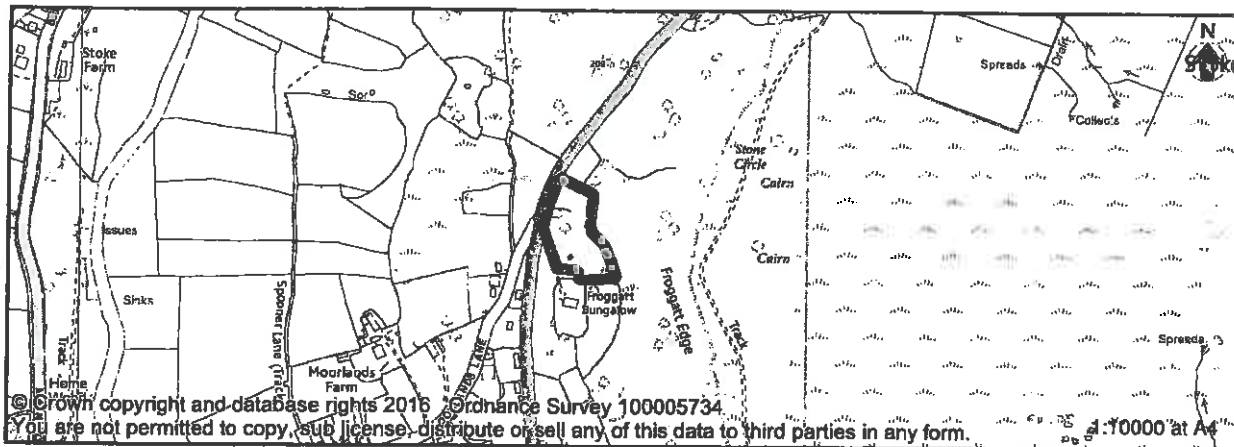
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
None		

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Semi-natural mixed deciduous woodland including but not restricted to Ash, Sycamore, Rowan and Hawthorn	

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THE COMMON SEAL of the
 Peak District National Park Authority
 was hereunto affixed on the
9th
March 2016
 In the presence of:

Jim

Authorised Signatory:

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



Town and Country Planning Act 1990
 Tree Preservation Order No. 2016/89
 Land Known as:
 Woodland
 Eastside of B6054 at
 Froggatt Edge, Calver, Derbyshire
 Grid ref: SK24661-76643
 Plan number 1/P1967

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Appendix 2:

Tree Preservation Order No 89/2016

Woodland at Froggatt – grid ref SK24661 76643 (as shown by the area encapsulated by a solid black line on the plan).

Statement of reasons

- This area forms part of a large continuous area of woodland cover that runs along the eastern side of the Derwent valley. This woodland forms a strong and prominent landscape feature running up the slope to Froggatt Edge, which forms a striking backdrop to the wooded slope.
- It consists of a mix of species, including Ash, Sycamore, Rowan and Hawthorn with an age range of sapling to semi-mature trees forming a diverse woodland structure which provides significant habitat opportunities.
- This area of semi-natural, deciduous woodland is an important component part of the larger area of woodland recognised in the Froggatt Conservation Area plan.

“The landscape within which the village has evolved is an intrinsic part of its character. The massive dark gritstone Edge provides a backcloth. The river valley location adds a further landscape dimension as do the surrounding woodlands. The loose form of the village allows a constant awareness of the surrounding countryside, consequently the richness and variety of this landscape setting contributes significantly to the character of Froggatt”.

Froggatt Conservation Area Appraisal Written Statement 2004/5

- In terms of landscape character, the area is located within the ‘Slopes & Valleys with Woodland’ Landscape Character Type which forms part of the Derwent Valley Landscape Character Area. Irregular blocks of ancient and secondary woodland are one of the key characteristics of this character type.

“Large interlocking, in places extensive blocks, of woodland are a continuous feature throughout this landscape type. Interlocking blocks combine with the sloping landform to frame views within this landscape character type”

Peak District Landscape Strategy & Action Plan 2009

- This area forms part of a continuous wooded area and its loss would result in significant effects on one of the key characteristics of this landscape.
- In terms of management strategy, the priority is to protect and manage the mosaic and diversity of woodlands, so loss of woodland in this area would conflict with this landscape management priority.

- As well as forming a key landscape feature in its own right, this woodland forms a valuable visual amenity for local residents, car users on the local road network (particularly the B6054) and users of the extensive network of footpaths in the area.
- This area forms part of an extensive mosaic of woodland which forms a significant landscape feature. The site is an important element which makes up a cohesive landscape unit whose erosion would negatively impact on landscape character, biodiversity and the visual amenity of people within the valley.



Dave Frost

Tree Conservation Officer

Peak District National Park Authority

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

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/HPK/0216/0134 3153511	Removal of conditions requiring proposed garage and home office to be constructed of brick and stone – to permit external cladding to be of timber at The Hermitage, Edale	Written Representations	Delegated
NP/DDD/1215/1167 3152332	Erection of Domestic Garage and Store at Swallow Cottage, Pilhough	Written Representations	Committee
NP/DDD/0416/0325 3152338	Deposit of spoil at Swallow Cottage, Pilhough	Written Representations	Delegated
ENF 09/0078 3151187	Appeal against enforcement notice: Without planning permission, material change of use of domestic building to holiday let at 4 Court Lane, Ashford-in-the-Water	Written Representations	Delegated
NP/DDD/0216/0087 3153429	Alterations, extensions and new garage with accommodation at Warren Lodge, Bar Road, Curbar	Householder	Committee

2. APPEALS DECIDED

There were no appeals decided during this month.

3. RECOMMENDATION:

That the report be received.

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