

# Public Document Pack

**Peak District National Park Authority**

**Tel: 01629 816200**

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

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

Minicom: 01629 816319

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



Our Ref: A.1142/1450

Date: 6 October 2016



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 14 October 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 9 September 2016** (*Pages 1 - 12*)
- 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. Monitoring & Enforcement Quarterly Review - October 2016 (A.1533/AJC)** (*Pages 13 - 20*)
- 7. Full Application - 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 21 - 34*)  
Site Plan

8. **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 28/9/2016/CF) (Pages 35 - 56)**  
Appendix 1

Site Plan

9. **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 27/9/2016/CF) (Pages 57 - 92)**  
Appendix 1

Appendix 2

Site Plan

10. **Outline Application - Proposed 12 No. One Bedroom Flats, Endcliffe Court, Ashford Road, Bakewell (NP/DDD/0716/0678 P.11903 420931/368985 19/9/2016/BJT) (Pages 93 - 102)**  
Site Plan

11. **Full Application - Erection Of Small Store, Horseshoe Cottage, Back Lane, Alstonefield (NP/SM/0716/0731 P2561, 413126 / 355395 1/8/2016/SC) (Pages 103 - 108)**  
Site Plan

12. **Full Application - Extension/Re-Modelling Of Lower Ground Floor And Rendered Rear Extension At Ground Floor, Spital House, How Lane, Castleton (NP/HPK/0716/0595 P.8579 415271/ 383091 12/07/2016 DH) (Pages 109 - 116)**  
Site Plan

13. **Proposed Waiting Restrictions and On-Street Charges Order 2016 How Lane, Back Street, Bargate, Millbridge, Castle Street and Buxton Road, Castleton (TN) (Pages 117 - 128)**  
Annex 1

14. **Head Of Law Report - Planning Appeals (A.1536/AMC) (Pages 129 - 132)**

15. **Exempt Information S100(A) Local Government Act 1972**

The Committee is asked to consider, in respect of the exempt item, whether the public should be excluded from the meeting to avoid the disclosure of Exempt Information.

Draft Motion:

That the public be excluded from the meeting during consideration of Agenda Item No. 16 to avoid the disclosure of Exempt Information under S100 (A) (4) Local Government Act 1972, Schedule 12A, Paragraph 6 "Information which reveals that the Authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order under any enactment."

**PART B**

**16. Prohibition Order . (Pages 133 - 144)**  
Site Plan

**Duration of Meeting**

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

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

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

**Agendas and reports**

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

**Background Papers**

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

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

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

**Written Representations**

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

**Recording of Meetings**

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

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

**General Information for Members of the Public Attending Meetings**

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at [www.travelineeastmidlands.co.uk](http://www.travelineeastmidlands.co.uk).



**Peak District National Park Authority**  
**Tel: 01629 816200**  
E-mail: customer.service@peakdistrict.gov.uk  
Web: www.peakdistrict.gov.uk  
Minicom: 01629 816319  
Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



---

## MINUTES

Meeting: **Planning Committee**

Date: Friday 9 September 2016 at 10.00 am

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

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr A Hart, Mr R Helliwell, Cllr Mrs C Howe, Cllr H Laws, Cllr J Macrae, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg and Cllr D Williams

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

Apologies for absence: Ms S McGuire.

### 114/16 MINUTES OF PREVIOUS MEETING OF 12 AUGUST 2016

The minutes of the last meeting of the Planning Committee held on 12 August 2016 were approved as a correct record subject to an amendment to minute 105/16 to clarify that the sign is in the car park and not about the car park.

The Director of Conservation and Planning updated Members regarding the planning appeal for Warren Lodge which has now been determined and allowed. The applicant now has two approved applications and can decide which to proceed with.

In response to Member comments it was confirmed that item 102/16 and 106/16 will now return to a later committee.

### 115/16 MEMBERS DECLARATIONS OF INTEREST

Item 6

Cllr Mrs Kath Potter declared a personal interest as she is a member of CPRE and Friend of the Peak District who had supplied comments on the report.

Item 7

Cllr Mrs Kath Potter declared a personal interest as she is a member of CPRE and Friends of the Peak District who have supplied comments on the report.

Mr Robert Helliwell declared a personal interest as he knows the applicant.

The agent for this application was a former officer at the National Park Authority and was known to many of the Members.

Item 8 & 9

Cllr Mrs Judith Twigg declared a personal interest as she knows the applicant but has not discussed the application with them.

Mr Robert Helliwell declared a personal interest as he knows the applicant.

Item 10

As the application was on behalf of the Authority the individuals involved were known to members.

Item 11

Cllr Mrs Lesley Roberts declared a personal interest as she had spoken to the Chairman of Upper Hulme Parish Council but did not give an opinion. Cllr Mrs Roberts also knows the applicants.

Item 12

Cllr John Walton declared a personal interest as Mr & Mrs Danks are members of his ward.

Mr Robert Helliwell declared a personal interest as he knows the applicant.

Item 13

Cllr David Chapman declared a personal interest as he had visited the site as Member Representative for Enforcement as an observer.

[I think there were some extra decs of interests-Lesley knew applicants on one of the applications and there were further decs in relation to 8,9 and 10-can you check the tape]

#### **116/16 PUBLIC PARTICIPATION**

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

#### **117/16 OUTLINE APPLICATION - CONSTRUCTION OF NEW EMPLOYMENT BUILDING, ASSOCIATED LANDSCAPING OPERATIONS AND ACCESS IMPROVEMENTS, BACKDALE QUARRY, HASSOP ROAD, HASSOP**

Members had visited the site on the previous day.

The Officer confirmed that this was an outline application and therefore no detailed plans were available. Following discussions between the applicant and Officers the size of the proposed building had been reduced, there were no sustainable reasons for refusal on highways grounds and no major landscape impact therefore Officers recommended approval.

The following spoke under the Public Participation at Meetings Scheme:

- Barry Anderton, Objector
- Mr Church, Agent

Members requested a change to condition 6 to remove the wording 'associated with the use of the building', Officers agreed to this change.

Members discussed the relocation of the building to increase screening from the road, location of the building in relation to the lawful development certificate, demolition of the current building and the timing of that demolition.

The officer recommendation to approve the application subject to the following changes to the conditions was moved, seconded, put to the vote and carried:

- Detailed siting of the building within the site.
- Condition 4 (i) at top of page 3 shall include the wording 'clearance works to include timing of removal'.
- Additional condition – 'no work on the new building shall take place prior to the demolition of the existing industrial building, subject to condition 4 above'.
- Changes to condition 6 as stated above.

Further discussions between the Officer and the applicant will take place prior to the submission of the reserved matters application regarding the location of the new building with a view to minimising the visual impact.

**RESOLVED:**

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

- 1. The development hereby permitted shall be carried out in accordance with Drawing No. CL.206312.106 Revision A received by the National Park Authority on 11 August 2016 subject to the following conditions or modifications:**
- 2. Prior to the commencement of any part of the development hereby permitted, approval of Reserved Matters relating to the following details shall be obtained from the National Park Authority:**
  - i. The layout of the proposed development (including parking and manoeuvring areas)**
  - ii. The design and external appearance of the proposed development (including materials and external finishes)**
  - iii. Landscaping treatment of the site which shall not be in conflict with, or seek to amend the requirements of the scheme on 'Plan 2' attached to the Prohibition Order (including the retention of existing trees, boundary treatments and precise details of any planting schemes and surfacing materials)**

**All such applications shall be made within three years of the date of this permission. Thereafter, the development shall be carried out as approved and begun three years from the date of this permission, or two years from final approval of all Reserved Matters, whichever is the later.**

3. The detailed scheme shall provide for a single building with a maximum ridge height of 12 metres above the adjacent ground levels and a maximum floor area of 1000m<sup>2</sup> (measured externally), the design of which shall closely reflect the appearance of a modern portal framed agricultural building in terms of form, detailed design and materials including the provision of timber cladding above a stone plinth for the external walls of the building and a profile sheeted roof factory coloured dark slate blue.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

The Statement shall also include precise details of:

- i. site clearance works to include timing of removal and a schedule of all items within the area covered by the pre-existing Certificate of lawful Use to be removed or demolished;
  - ii. all earthworks associated with the construction of the building hereby permitted
  - iii. mitigation measures to avoid disturbance or harm to reptiles and birds
  - iv. connections to services and means of foul water disposal
  - v. external lighting (including details of luminosity)
  - vi. a watching brief (with regard to safeguarding fossil remains) unless otherwise agreed in writing by the National Park Authority in liaison with Natural England
5. No work on the new building shall take place prior to the demolition of the existing industrial building, subject to condition 4 above.
6. The building hereby permitted shall not be taken into use until the means of vehicular access has been constructed and completed in accordance with plans to be first submitted to and agreed in writing by the National Park Authority. The said means of vehicular access shall thereafter be retained for access purposes only and the approved visibility splays shall be maintained free of any obstruction to their designated purpose throughout the lifetime of the development hereby permitted.

7. **The building hereby permitted shall not be taken into use until a bin store, and area/facilities allocated for storing of other waste and recyclable materials have been completed in accordance with plans to be first submitted to and agreed in writing by the National Park Authority. Thereafter, there shall be no outdoor storage of any items anywhere on the land hereby permitted other than in the areas designated for bin storage and storage of other waste and recyclable materials.**
8. **The amended Travel Plan shall be implemented on the commencement of the use of the building hereby permitted and thereafter, the occupier of the building shall submit a monitoring and evaluation report to the National Park Authority, which assesses compliance with the Travel Plan, on each anniversary of the commencement of the use of the building for the following five years. Any recommendations made in the reports submitted to the National Park Authority shall be implemented in the following year subject to the written agreement of the National Park Authority and any recommendations made by the Authority in the event of traffic movements from the development demonstrably having a severe impact on the local road network shall be implemented by the occupier of the building within three months of notification of these recommendations by the Authority.**
9. **The restoration of the quarry outside of the area covered by the pre-existing Certificate of Lawful Use shall be carried out in complete accordance with the restoration scheme approved under the Prohibition Order other than in respects of any minor works expressly consented by the National Park Authority in pursuance of the discharge any of the above conditions.**
10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the building hereby permitted shall only be used for employment purposes associated with a use falling within B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order) and for no other purposes at any time during the lifetime of the development hereby permitted.**
11. **Roadside trees to be retained as part of the site landscaping.**

The meeting was adjourned from 11.00 to 11.05 following consideration of this item

Cllr Patrick Brady joined the meeting at 10.35 but took no part in the discussion or voting on this item.

**118/16 FULL APPLICATION - ERECTION OF AGRICULTURAL BUILDING, CLIFFE HOUSE FARM, LOXLEY ROAD, BRADFIELD, SHEFFIELD**

Members had visited the site on the previous day.

In introducing the report the Officer pointed out an error in Condition 6 which should also include the painting of the north elevation of the building.

The photo montage used as part of the Officer presentation had been supplied by the applicant and did not include the raised bunding which had subsequently been discussed with officers.

There had been a previous application on 2012 for two new buildings which had been refused, appealed and the Authority's decision to refuse had been upheld by the inspector.

The following spoke under the Public Participation at Meetings Scheme:

- Mrs Barbara Wardley, Objector
- Jan Symmington, Objector

It was noted that the present building already had an impact on the landscape and all the reasons specified by the Planning Inspector when refusing the previous application still stand even though this is now only one building. The large scale landscaping needed to reduce the impact of the buildings and the storage of large amounts of waste products from the cattle kept in the sheds could have an environmental impact on the yard and surrounding land. No consultation has taken place with the water company to check on the impact of the earth works on the water table.

A motion for refusal contrary to the officer recommendation based on the points noted in the Planning Inspector's report at point 14, 17, 18, 26 and 29 and including the last sentence of point 25 '*Overall it seems to me that the benefits outlined include a small public benefit. However, it is not sufficient to outweigh the harm that I have identified.*' was moved and seconded, put to the vote and carried.

**RESOLVED:**

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

**The impact of this major development in a National Park is not outweighed by public benefits, the scale and design of building and associated works, and the impact on landscape and setting of a listed building.**

**119/16 FULL APPLICATION - INSTALLATION OF A DISABLED ACCESS CAMPING POD WITH SURFACED PARKING AND WHEELCHAIR ACCESSIBLE PATHWAY TO CAMPSITE BUILDING AND INSTALLATION OF TWO CAMPING PODS IN THE NORTH EAST OF THE CAMPSITE AT NORTH LEES CAMPSITE, HATHERSAGE**

Members had visited the site on the previous day.

The Officer reported receipt of a letter in support of the application which had been received after the completion of the report.

The following spoke under the Public Participation at Meetings Scheme:

- Rebekah Newman, applicant

Members of the Committee congratulated the management of the site on the 'good fit' with the landscaping and the welcome addition of the facility for disabled visitors.

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

**RESOLVED:**

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

1. **Statutory three year time limit for implementation.**
2. **Development to be carried out in accordance with specified approved plans.**
3. **The camping pods shall not be sited anywhere within the application site other than in accordance with the plots identified on the approved plans.**
4. **No camping pod shall be replaced with any other structure or caravan at any time.**
5. **Restrict occupancy of camping pods to short term holiday letting purposes (no more than 28 days occupancy by any individual per calendar year) ancillary to North Lees Campsite. The camping pods and the existing campsite shall be retained within a single planning unit.**
6. **The roof tiles and external finish of the pods shall match the existing camping pods.**
7. **All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.**
8. **There shall be no external lighting on the camping pods hereby approved and the camping pods and associated land shall not be provided with any other external source of illumination at any time.**
9. **No trees shall be felled within the area proposed to site the two camping pods in the north eastern corner of the site other than in accordance with a details scheme (to include details and timing of any tree to be felled and subsequent species, size and location of any new planting) which shall have first been submitted to and approved by the National Park Authority.**

**120/16 FULL APPLICATION - NEW GARDEN SHED AND PORCH AT STATION HOUSE, STATION ROAD, UPPER PADLEY, GRINDLEFORD**

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

**RESOLVED**

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

1. **The development shall be carried out in accordance with specified approved plans.**

2. **The window and door frames to the porch shall be finished to match the existing conservatory.**
3. **The stone work for the porch shall be natural gritstone, faced, coursed, laid and pointed to match the existing dwelling.**
4. **Notwithstanding the submitted plans no planning permission is granted for any change of use within the application site or any alterations or extensions to buildings within the application site other than in relation to the proposed porch and garden shed.**

**121/16 S.73 APPLICATION - FOR THE REMOVAL OR ALTERATION TO CONDITION 4 (HOLIDAY OCCUPANCY CONDITION) FROM PLANNING CONSENT NP/SM/0106/0032, OLD DAINS MILL, UPPER HULME**

Cllr Andrew Hart declared that he knew the applicants and left the room during discussion of this item due to a prejudicial interest.

The following spoke under the Public Participation at Meetings Scheme:

- Mr Brian Bell, applicant

Members noted that there may be other viable options to preserve this heritage asset including conversion to more than one affordable home. Members supported the removal of the condition but not to allow open market sale of a large dwelling.

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

**RESOLVED:**

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

1. **The proposal fails to meet the requirements of Core Strategy Policy HC1(C) and national planning policies because the removal of the planning condition is not required in order to achieve conservation of the mill building and adjacent store house, and the proposals would not otherwise achieve any significant enhancements to the character and appearance of the building or its landscape setting.**

Cllr Andrew Hart returned to the meeting.

**122/16 FULL APPLICATION - FIRST FLOOR EXTENSION AND GROUND FLOOR KITCHEN EXTENSION AT ROTHERWOOD, WEST LEES ROAD, BAMFORD**

Members had driven past the site the previous day.

The following spoke under the Public Participation at Meetings Scheme:

- Cllr Sue Beckett, Chair Bamford Parish Council, Supporter
- Mrs Aline Danks, Applicant

Members were minded to approve the motion contrary to officer recommendation as there were no objections from the neighbour whose home is closest to the extension.

The motion for approval contrary to officer recommendation was moved, seconded, put to the vote and carried. Officers were asked to apply appropriate conditions without further reports to the Committee.

**RESOLVED**

**That the application be APPROVED subject to conditions.**

Cllr David Chapman was not present for the discussion on this item.

**123/16 FULL APPLICATION - REAR EXTENSION TO PROVIDE HALL, STUDIO, STAIR TO BASEMENT AND EN-SUITE AT A HALF LEVEL. REFURBISHMENT OF BASEMENT AND CONVERSION TO HABITABLE SPACE INCLUDING RESTORATION OF ORIGINAL WINDOW OPENINGS,. REGRADING OF LAWN AND ACCESS TO BASEMENT DOOR. HALL COTTAGE, BAULK LANE, HATHERSAGE**

Members had visited the site on the previous day.

Item 14 & 15 were discussed together.

In introducing the report the Officer stated that the agent had been in touch to confirm that the applicant would be happy to discuss conditions on the detailed comments as follows:

- Detailed window frames
- Floor level – relaying of original floor once level changed
- Retaining features in cellar and covering of walls.

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

The following spoke under the Public Participation at Meetings Scheme:

- Simon Gedye, Agent

Members noted that some form of extension to the rear of the building, in keeping with the Georgian lean-to which is already in place, may be possible but this would require a new planning application as this would not be a minor change to the submitted plans.

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

**RESOLVED:**

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

1. **The proposed development would harm the significance of Hall Cottage (Grade II listed), the setting of Further House (Grade II listed) and the designated Hathersage Conservation Area. In the absence of any public benefits which could outweigh the harm that has been identified it is therefore considered that approval of the proposals would be contrary to Core Strategy policy GSP3 and L3, Local Plan policies LC4, LC5, LC6 and LH4 and the National Planning Policy Framework.**

**124/16 LISTED BUILDING CONSENT APPLICATION - REAR EXTENSION TO PROVIDE HALL, STUDIO, STAIR TO BASEMENT AND EN-SUITE AT A HALF LEVEL. REFURBISHMENT OF BASEMENT AND CONVERSION TO HABITABLE SPACE INCLUDING RESTORATION OF ORIGINAL WINDOW OPENINGS,. REGRADING OF LAWN AND ACCESS TO BASEMENT DOOR. HALL COTTAGE, BAULK LANE, HATHERSAGE**

Members had visited the site on the previous day.

repetative

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

**RESOLVED:**

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

- 1. The proposed works would harm the significance of Hall Cottage (Grade II listed), and the setting of Further House (Grade II listed). In the absence of any public benefits which could outweigh the harm that has been identified it is therefore considered that approval of the proposals would be contrary to Core Strategy policy L3, Local Plan policy LC6 and the National Planning Policy Framework.**

The meeting was adjourned at 13.30 for a lunch break and reconvened at 14.00

Chair: Mr P Ancell

Present: 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, Cllr J Macrae,  
Cllr Mrs K Potter, Cllr Mrs L C Roberts,  
Cllr Mrs J A Twigg and Cllr D Williams

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

Apologies for absence: Ms S McGuire and Cllr A Hart.

**125/16 LOCAL DEVELOPMENT PLAN ANNUAL MONITORING REPORT FOR 2015/16**

The Director of Conservation and Planning reminded members that there are Planning Training session on 30 September and 28 October, all Planning Committee Members need to attend one of these sessions and there will be further discussion of the Local Development Plan and polices at each.

It was noted that some minor changes were needed to the text on pages 115 & 119.

The motion to approve the report subject to the stated amendments was moved, seconded, put to the vote and carried.

**RESOLVED:**

**Members agreed the Annual Monitoring Report for 2015/16 subject to amendments agreed.**

**126/16 HEAD OF LAW REPORT - PLANNING APPEALS**

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

**RESOLVED:**

**That the report be received.**

The meeting ended at 2.35 pm

This page is intentionally left blank

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

### Introduction

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

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

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

### **RECOMMENDATION:**

**That the report be noted.**

### Summary of Activity

#### (a) Formal notices issued:

15/0021 Land at Backdale Quarry Hassop Avenue Hassop	Parking of HGVs and storage of a caravan	Enforcement Notice issued 7 July 2016
15/0021 Land at Backdale Quarry Hassop Avenue Hassop	Use of land for storage of building, and other, materials	Enforcement Notice issued 7 July 2016
13/0040 Land adj Swallow Cottage Pilhough Road	Erection of building and carrying out of engineering operations	Enforcement Notice issued 13 July 2016
13/0146 Land North of Brown Lane Flash Quarnford	Use of land for storage, handling and processing of wood	Enforcement Notice issued 16 September 2016
12/0113 Mixon Mines Barn	Erection of a portal framed building	Enforcement Notice issued 23 September

<p>Onecote 12/0113 Mixon Mines Barn Onecote</p>	<p>Cladding of farm building and erection of extension to create new building</p>	<p>2016 Enforcement Notice issued 23 September 2016</p>
---	---	---

(b) Breaches Resolved:

<p>14/0001 Clough View Main Road Wensley</p>	<p>Erection of first floor extension to dwelling</p>	<p>LDC granted</p>
--	--	--------------------

<p>16/0095 Dower House West Bank Winstar</p>	<p>Display of sign on listed wall/gate pier</p>	<p>Not expedient to take enforcement action</p>
--	---	---

<p>15/0108 Barn House Mixon Grange Onecote</p>	<p>Change of use of agricultural building to two dwellings and associated development</p>	<p>Dwellings immune from enforcement action; not expedient to pursue other development</p>
--	---	--

<p>13/0014 Overton Hall Farm Taxal Whaley Bridge</p>	<p>Erection of feed silo</p>	<p>Planning permission granted</p>
--	------------------------------	------------------------------------

<p>13/0039 Croft Barn Mawstone Lane Youlgreave</p>	<p>Use of agricultural land as residential garden</p>	<p>Use ceased</p>
--	---	-------------------

<p>14/0104 Ivy Cottage Warslow Buxton</p>	<p>Listed Building: Replacement door and windows and installation of meter box</p>	<p>LBC granted for door and windows and meter box removed</p>
---	--	---

<p>16/0105 Dower House West Bank Winstar</p>	<p>Listed Building: Replacement gates</p>	<p>Not expedient to pursue enforcement action</p>
--	---	---

<p>16/0093 Clough View Main Road Wensley</p>	<p>Use of buildings in connection with metal fabrication business and mixture of B1 and B8 uses</p>	<p>LDC granted</p>
--	---	--------------------

<p>07/0031 Field south of Manifold Inn Hulme End Hartington</p>	<p>Erection of toilet block on campsite</p>	<p>Use of site and associated facilities lawful</p>
---	---	---

<p>14/0383 Smithy House Main Street</p>	<p>Listed Building: Erection of garden room and installation of rooflights</p>	<p>LBC granted</p>
---	--	--------------------

Winster 15/0047 Land Opposite The Grouse Inn Chunal Glossop	Use of land for clay pigeon shooting	Use has ceased
16/0041 Tilly's Tea Rooms Cross Street Castleton	Erection of two buildings	Planning permission granted
12/0080 B Kershaw & Co 2 Castleton Road Hope	Advertisement signs	Not expedient to take enforcement action
15/0140 Surrey Farm Hollow Meadows Sheffield	Breach of condition requiring mast and antennae to be painted	Condition complied with
16/0051 Dale Cottage The Dale Hartington	Listed Building: Design details not in accordance with approved plans	LBC granted and amendments accepted
11/0082 The Square Parwich	Listed Building: Removal of lean-to coal store and erection of gas cylinder enclosure	LBC granted
14/0477 Workshop adj Carlton Emporium The Stones Castleton	Change of use from workshop to retail	Planning permission granted
16/0037 Youth Hostels Association Losehill Hall How Lane Castleton	Creation of car park	Car park removed
13/0135 Cow Close Farm Hathersage	Erection of building and use as residential accommodation	Building removed
16/0058 Lindale Monyash	Breach of car parking condition, installation of French doors and erection of decking	NMA and planning permission granted
16/0103 Beaconsfield Cottage The Causeway Eyam	Extension not in accordance with approved plans	Planning permission granted

16/0086 Whiteshaw Farm Heaton Rushton Spencer Macclesfield	Listed Building: Erection of pergola, internal alterations and replacement of roof covering on outbuilding	Not expedient to pursue enforcement action against pergola and internal alterations; roof covering painted agreed colour
16/0088 The Old Piggery Ashford Road The Rock Bakewell	Excavations/groundworks and possible change of use	Works amount to repair and maintenance – no change of use occurred
15/0079 Lower Farm Sheldon Bakewell	Failure to discharge conditions before commencing development	Conditions discharged
15/0035 Building west of Pilhough Lane and Northeast of Dale View Quarry Rowsley	Use of building and land for stone dressing	Use ceased
16/0075 Bubbles Galore 16 Matlock Street Bakewell	Display of advertisement	Advertisement removed
11/0083 Harratt Grange North side of A623 Between Peak Forest and Sparrowpit	Erection of polytunnel	Immune from enforcement action
16/0049 Land south of the A515 North of Newhaven Grid Ref - 416312, 360573	Creation of field access and track	Planning permission granted
16/0120 Lambton Cottage Station Road Bakewell	Extension not erected in accordance with approved plans	NMA granted
16/0100 Honeybee Cottage Main Road Wensley	Erection of outbuilding	Permitted development
16/0071 Thornbridge Hall Longstone Lane Ashford-In-The-Water	Erection of marquee	Marquee removed

16/0029 Knarrs Farm Wildboardclough Macclesfield	Excavations and construction of a retaining wall	Planning permission granted
16/0080 Bagshaw Cottage Lower Elkstones Nr Warslow	Replacement agricultural building	Planning permission granted
16/0046 Small Mead Station Road Great Longstone	Breach of condition 1 of NP/DDD/0115/1078 - requiring erection of fence	Condition complied with
15/0096 Small Mead Station Road Great Longstone	Breach of condition 2 on NP/DDD/0615/0600 - not in accordance with approved plans	Condition complied with

(c) Overview of caseload

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

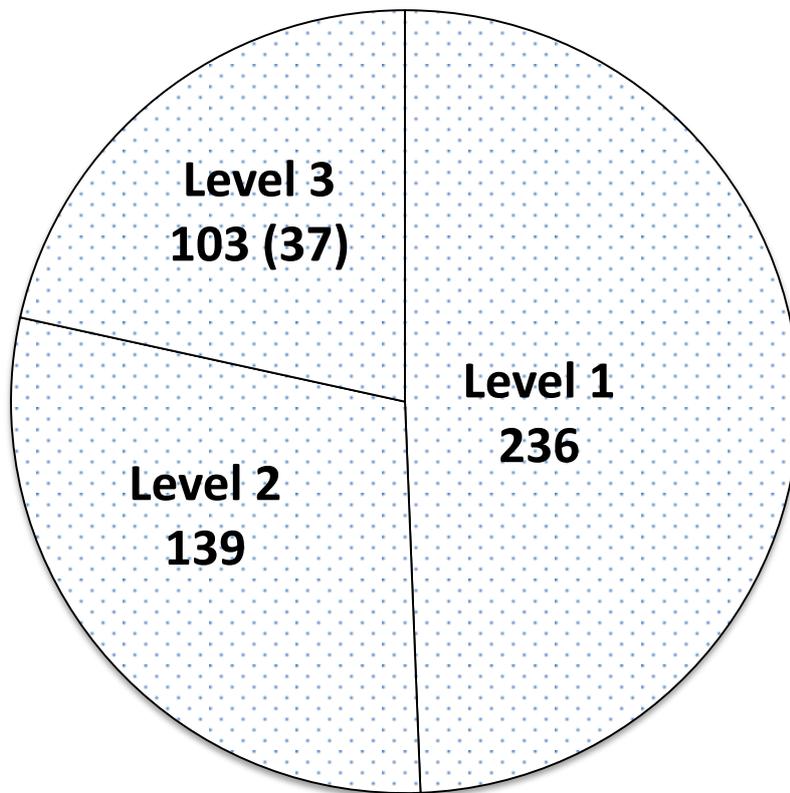
	<b>Received</b>	<b>Investigated/Resolved</b>	<b>Outstanding</b>
Enquiries	97 (152)	100 (138)	116 (117)
Breaches	42 (53)	35 (37)	478 (469)

In order to help focus resources and increase the pace of progress on casework, officers have introduced a system which classifies breaches, as early as possible in the process, as Level 1, Level 2 or Level 3. Level 1 cases are those where it is likely to be 'not expedient' to take enforcement action; Level 2 are those where a conditional planning permission would be likely to resolve the breach and Level 3 are those where formal enforcement action is likely to be required or has already been taken.

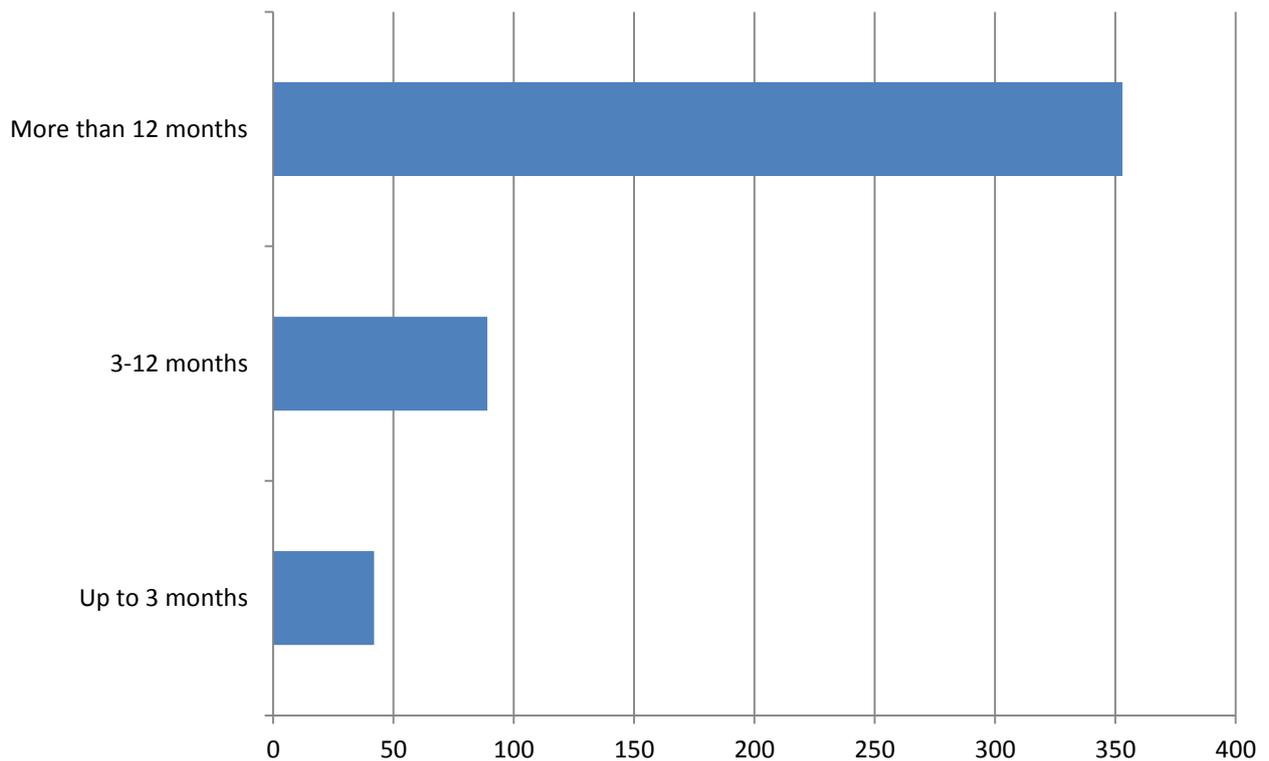
This is a case-specific judgment in each case based on the seriousness of the breach. By making this judgment at an earlier stage cases are progressed more quickly with a greater emphasis on moving to formal action in cases identified as Level 3. To encourage the submission of applications for Level 2 cases we are making more use of Planning Contravention Notices and giving a clearer indication to owners that the absence of planning permission is likely to adversely affect any future sale of the property. For cases at Level 1 a delegated decision not to take enforcement action is normally made at an earlier stage and we do not normally devote resources to seeking the submission of an application.

The chart below shows the outstanding cases at each of the three levels. The chart also shows in brackets the number of Level 3 cases where formal action has already been taken. In response to queries raised by Members in previous meetings a second chart is included to show the length of time that cases have been outstanding.

**Chart 1 - Enforcement Cases: levels**



**Chart 2 - Enforcement Cases: period outstanding**



## Member Representative's Report

At the annual Authority meeting on 1 July 2016 Cllr David Chapman was appointed for a second year as Member Representative for Planning Enforcement. As part of his role he has recently accompanied two of the officers on site visits so that he can gain a better understanding of some of the issues faced and the varied caseload dealt with by the team. Following the site visits, and further discussions between Cllr Chapman and the team, the following themes have emerged:

- (a) Dealing with breaches of planning control is rarely as straightforward as it appears and sometimes progress on resolving breaches can be delayed by circumstances beyond the Authority's control. An example of this is case ref: 11/0222 – Land off Stanage Road, Bakewell. An enforcement notice requiring the demolition of a building was issued in October 2014 and a subsequent appeal was dismissed in August 2015. As a result of the appeal, the building was required to be demolished within 6 months, that is by 7 February 2016, with a further 3 months specified for the land to be restored. However, the owner has commissioned a bat survey which has found evidence of protected species in the building. Demolition of the building would thus destroy a protected species habitat and could result in the owner being prosecuted by Natural England. Discussions are ongoing with the owner's agent and Natural England but clearly this has led to a delay in complying with the enforcement notice and resolving the breach.
- (b) Repeated third-party complaints can sometimes raise the profile of a case where the breach is causing relatively little harm. This can lead to a disproportionate level of resources being devoted to the case. An example is case ref: 14/0539 – Leanlow Farm, Hartington. This case was reported to Planning Committee in July 2016. A number of allegations have been made, including that the site is untidy, that a plant hire business is being operated from the site, that buildings have been erected without planning permission and that conditions have been breached. Although there is an issue with untidy storage of materials and vehicles/equipment this is partly due to ongoing work on erection and extension of buildings which have been granted permission and partly due to legitimate storage of agricultural items. Following a site visit in May 2016 the appearance of the site has significantly improved. A condition requiring removal of containers is being breached but these have a limited visual impact and it is not currently considered that enforcement action would be justified.
- (c) It is not always appropriate to devote resources to taking enforcement action (even where a retrospective planning application has been refused and appeal dismissed) or to ensuring that a formal notice is complied with. An example of this is case ref: 15/0059 – Land rear of the Bowling Green Inn, Bradwell. A modest lean-to extension was added to an existing concrete block building. Retrospective planning permission was refused and an appeal dismissed – largely on the grounds that there was insufficient agricultural justification. The lean-to has little impact on the character and appearance of the area, particularly in the context of the existing building. Other issues on the land, relating to the storage of materials, equipment etc have been addressed. At this stage it is not considered appropriate to take enforcement action. A second example is case ref: 10/0120 – Land at Brookfields, Calver. In August 2012 an enforcement notice was issued in relation to the use of the land for storage purposes. The land had been used for storage of stone and continues to be so used. The amount of stone stored is relatively small and is barely visible from public viewpoints. The notice was issued to prevent the storage becoming a lawful use as this could have led to a more significant and visually unacceptable storage use occurring. The amount of storage has remained constant and, given the limited harm being caused, it is not considered appropriate to take further action at this time. The enforcement notice remains in place and should the situation significantly deteriorate then further action could be taken.
- (d) It is important to follow up on issues once informal deadlines have passed. An example of this is case ref: 16/0057 – The Rising Sun Hotel, Bamford. Rendering has been removed from part of the building exposing the stonework. This is at odds with the remainder of the building. The owners stated that the section of wall in question would be re-rendered and a

period of time was allowed for this. The rendering was not carried out and no further contact has been made with the owners.

- (e) In some cases, a more assertive approach could be taken, particularly where negotiations do not appear to be working. This approach is likely to result in more formal action being taken at an earlier stage in the process and would need the support of Members as it may result in concerns being raised by those against whom action is being taken. It should also be noted that the availability of resources in both the Monitoring & Enforcement Team and Legal Team limits the number of cases where formal action can be taken. It might also lead to more appeals being received which will also have resource implications in both teams.

The above themes are brought to Committee for Members to note and to invite discussion. The team will continue to liaise with Cllr Chapman and report back to Members as appropriate.

**7. 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**

**Update following deferral from Planning Committee 12 August 2016**

Members will recall that this application was deferred at the August Planning Committee to allow a number of matters to be clarified and to allow the applicant to provide additional information in support of their application, in particular relating to the concerns of the Highway Authority.

Officers have collaborated with the applicant throughout the intervening period while they worked towards resolution of the outstanding issues. However, although additional information has been helpful in some respects to address the reasons for the recommendation of refusal, not all of the reasons have been able to be overcome and the recommendation remains that the application should be refused.

The applicant has met with the Authority officers and corresponded extensively with the Highway Authority to seek to resolve the highway concerns. It remains the case that a swept path analysis as requested by the Highway Authority has still not been provided, and whilst the manoeuvring of HGV's associated with the applicants' development **may** be able to be controlled to some extent, there would be no control on how other users of the public highway use this junction. As such it is not considered that HGV's can access or egress the site in a safe manner (contrary to the Authority's planning policies).

**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 transhipment 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. Park Lane forms part of the public highway.

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 western 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.

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 the use of the land in this regard. The use of land within Haddon Hall's Estate as a wood yard associated with the Estate's own woodland is not development requiring planning permission. While officers are aware that sales of logs and timber products such as fence panels have historically taken place on the land, this is not considered to have been substantial or beyond a minor ancillary part of the wood yard use for Haddon's own woodland. This was confirmed at a recent meeting with the estate.

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 industrial style building was granted planning permission in 1957 for 'Estate Sawmill and Joinery shops' and whilst located within the site, this does not form part of the application for change of use.

### **Proposal**

Temporary planning permission (to September 2028) 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 company's processing plants (or direct to third parties) located outside of the National Park. The length of the temporary consent would match the operating life of Dale View Quarry.

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/scalpings;
- 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/scalpings.

### **RECOMMENDATION:**

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

- 1. 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. 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.**
- 2. 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.**
- 3. 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.

4. It has not been demonstrated that the site has a safe and suitable access. The proposal 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.
5. The proposal would have an unacceptable impact on the amenity of recreational users of Park Lane and on 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.

### **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**

Officers became aware of the unauthorised use of site early in 2013. On 25 February 2013 officers wrote to the operating company (copying in Haddon's Estate Manager) informing them that the use of the land required planning permission, and expressing concern about the impacts of the development. These concerns related to: impacts on the public highway, intensification of the impacts of mineral extraction on the wider area, and impacts upon public rights of way. Officers enquired whether a retrospective application would be submitted and when that would be.

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.

As the site continued to operate without any planning application being provided, a Planning Contravention Notice dated 3 June 2015 was served upon the operating company and landowner. In response to the Planning Contravention Notice, the operating company stated that they had originally taken advice that the use of the site did not require planning permission as it fell under B8 of the use classes order and was lawful. However, their advisor withdrew that advice on 19 June 2015. Further, it was stated within the Planning Contravention Notice response that the company intended to continue the import, deposit and transfer minerals onto the land only until the expiry of their lease on 30 November 2015.

Despite the Planning Contravention Notice response, the unauthorised use of the land continued after 30 November 2015, and a retrospective planning application for the change of use of the land (the subject of this committee report) was validated on 5 May 2016.

It should be noted that although there are existing buildings on site (including one that has planning permission dated 30 September 1957 for 'Estate Sawmill and Joinery shops'). These buildings do not form any part of this change of use planning application, nor does the applicant propose the removal of any of the buildings in whole or part at the expiry of proposed period of change of use (15 September 2028).

### **Consultations**

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, but 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.

Update: The applicant has now included a sight line visibility splay within an amended blue line (land under control of the applicant) plan.

The Highways Authority have stated that a visibility splay of 2.4m x 149m (in both directions) would be required and would need to have a maximum hedge height of around 1.5m.

The Highway Authority also states that they are uncertain how the routing restrictions suggested by the applicant could reasonably be enforced. Most significantly, the Highway Authority states that whilst the manoeuvring of HGV's associated with the applicants' development **may** be able to be controlled, there would be no control on how other users of the public highway use this junction. Despite the provision of additional information and the inclusion of a height maintained visibility splay, the Highway Authority remains unsatisfied that all their previous concerns have been addressed.

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 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.

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.

### **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 Framework 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. Paragraph 116 of the Framework refers 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 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, T1, 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.

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. The applicant argues that the 'fall back' position for the site would be for a wood yard as this was the use which was on the site in 1948 (the appointed date) for all planning applications and as such, what would be relied on should the applicant be seeking a Lawful Development Certificate for the site. This is an application in its own right for the change of use of the land, and in the absence of any LDC the Authority is not in a position to state the fall back position. It should be noted that the use of the land as a wood yard is not necessarily development which requires planning permission where it is associated with forestry. The existing buildings (which do not make up part of this application) would remain upon site in either scenario.

Members will recall that at the August meeting a question was asked about whether an approval of this application could be used to achieve removal of the wood yard and the associated buildings at the end of the temporary permission in 2028, thereby achieving some enhancement. This was raised at a meeting with the Estate in September and they have advised that they do not wish to relinquish this use. Moreover, if a wood yard was required in associated with Haddon Estates forestry in future, this could be established on their land without necessarily requiring planning permission.

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 considered that the proposal does not accord with the National Planning Policy Framework 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 Framework 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 effect of this use is to extend the impact of the extraction activity to a site which is physically and visually unrelated to the quarry, industrialising the character of the area in a wholly inappropriate way. If a site is required for transshipment of material, a more appropriately located site should be found.

### **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 the applicant may feel that the restrictions on their extant planning permission at Dale View Quarry are onerous, it is not considered that this is sufficient justification to approve this application as an exception to adopted policy. They could, in any case, apply to vary these if they wish to do so. If the applicant's business is operating in a way that cannot be accommodated within the limits of their planning permission, this does not mean that the Authority has an obligation to grant permission to accommodate this business model, where it is incompatible with planning policy. The company has made an economic and logistical 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. The use of this site is relatively recent; the quarry has operated for many years without this additional storage site. 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 block stone 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 Framework 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 demonstrate an acceptable form of access onto the A6.

Whilst the applicant suggests that there are benefits from the proposed development in reducing cross park traffic no detail on the amount of 'reduced HGV miles' has been provided.

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 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.

Following discussions the applicant has now included a sight line visibility splay within an amended blue line (land under control of the applicant) plan which can achieve the requirements of the Highways Authority for a visibility splay of 2.4m x 149m (in both directions) with a maximum hedge height of 1.5m.

Planning conditions and legal agreements cannot control use of the highway. However, it would be feasible to require a sign to be placed at the junction of Park Lane and the A6 asking vehicles leaving the site to turn right. This sign would be on land controlled by the applicant and although compliance with it could not be controlled, its placement could. However, for vehicles entering the site, it would be difficult to control the direction these entered the site as land for signage is outside of the applicant's control. Although the vehicles carrying stone from the quarry generally

would be travelling from Rowsley, articulated vehicles arriving at the site would be travelling a greater distance with no particular route able to be specified. In the event that a articulated vehicle arrived from the Bakewell direction on the A6, and a sign was located asking them not to turn left into the site, there is not a good turning area further south on the A6 to allow them to turn and make a right turn into the site.

The Highway Authority remain concerned that whilst the manoeuvring of HGV's associated with the applicant's development may be able to be controlled, there would be no control on how other users of the public highway use this junction. Despite the provision of additional information and the inclusion of a height maintained visibility splay, the Highway Authority remains unsatisfied that all their previous concerns have been addressed.

It is considered that the proposed location of the development, and in the absence of swept path analysis for the A6 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 is 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 proposal effectively moves stocking that would otherwise happen within the confines of an existing quarry into the open countryside. 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 Core Strategy policies GPS1 and L1.

As part of the application the applicant is proposing works which they consider will improve the appearance of the site as follows:

- Replace existing gate with a solid/close boarded version;
- Install/improve perimeter drainage;
- Resurface with limestone chatter/scalpings;
- 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.

Whilst some of these could be considered to assist with enhancing the general appearance of the site, some will result in a greater industrialising impact over and above that currently onsite. The site's use as a wood yard was sporadic and occasional and thus the site was not as apparent in the wider landscape. The increased scale of development associated with the stone yard use makes the appearance of the site more intrusive. It is not considered that the limited enhancements to the site would outweigh the overall harm to the area which granting the change of use application would introduce.

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. Additionally, it would have a highway safety impact on other current recreational users of Park Lane. The proposed access to the site would result in recreational users of Park Lane 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**

The proposed use is clearly contrary to adopted Development Plan policies as there is no demonstrable need for the development to take place in the open countryside and the use expands the impacts of quarrying outside the quarry site. In the absence of any substantial justification for the proposal to be located on this site, it is recommended that planning permission be refused. This proposal is considered to be contrary to the provisions of the Development Plan and Framework 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.

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.

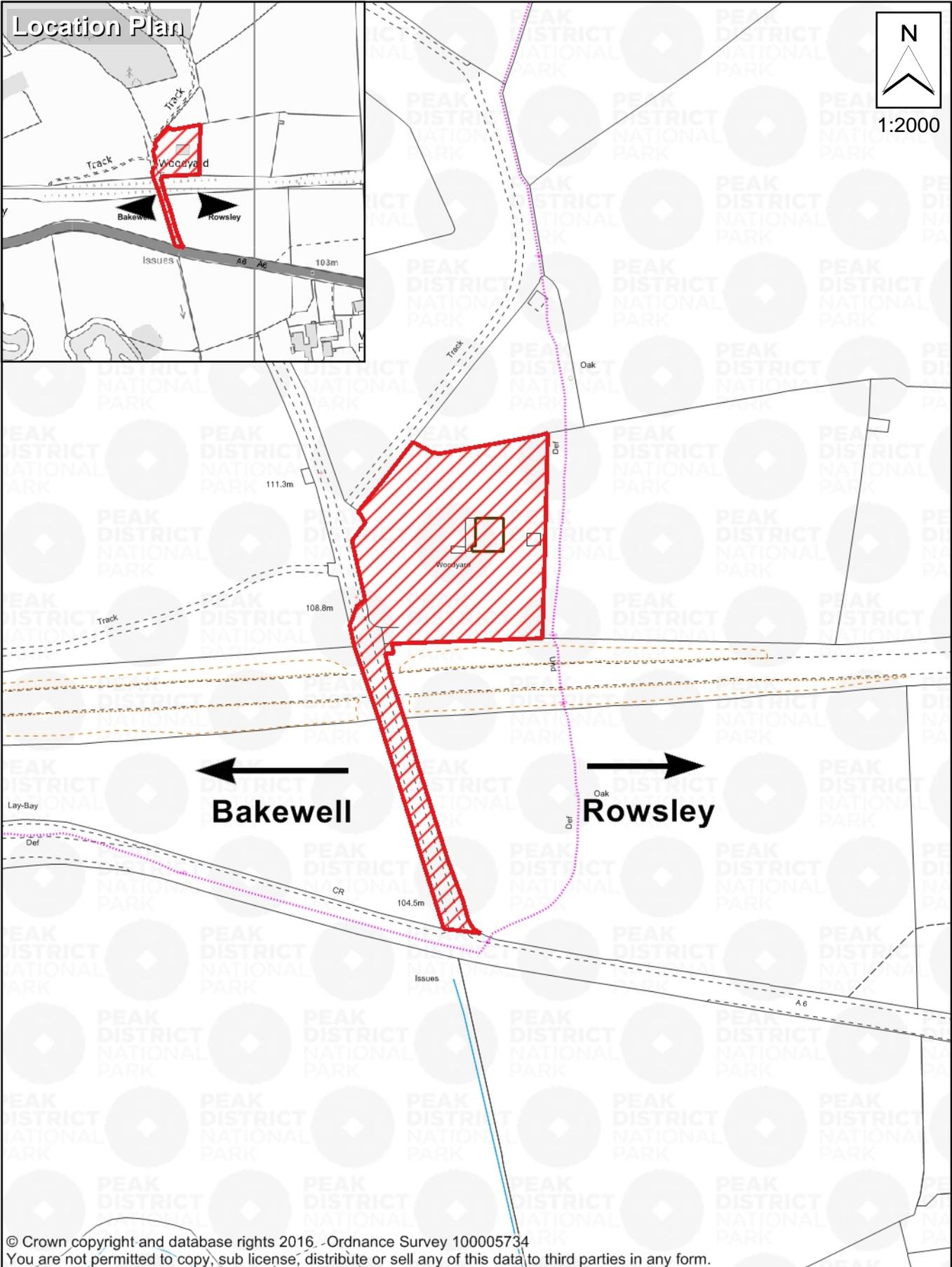
### **Human Rights**

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

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

Nil

This page is intentionally left blank



Committee Date:	14/10/2016	<b>Title:</b> Former Wood Yard Park Lane Rowsley DE4 2EB	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	7		
Application No:	NP/DDD/0416/0363		
Grid Reference:	424894, 366060		

This page is intentionally left blank

**8. 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 28/9/2016/CF)**

**APPLICANT: F REDFERN & SONS LTD**

**Introduction**

In summary, the application proposes the erection of a new portal framed building at the rear of a group of existing buildings at the Knackers yard in Flagg. The building would be partly dug into a field parcel immediately adjacent to the northern boundary of the existing yard areas and would be used to process animal by-products. This process would involve feeding macerated animal by-products through a centrifuge where the material would be 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.

A decision was deferred on this application at the Authority's Planning Committee in August to allow Flagg Parish Council to clarify their position with regard to the proposed development. The original officer report (attached as Appendix I) afforded a significant amount of weight to the Parish Council's views on this application and the Parish Council's stated objections underpinned an officer recommendation of refusal of this application 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.**

Flagg Parish Council met on 13 September 2016 with members of the local community and all Councillors present. At this meeting Councillors agreed that a Parish Council vote should be taken to clarify matters on whether the Parish Council was in favour of the application or not. The

result was that the Parish Council could not support the application by 3 votes to 2, with no abstentions, for the reasons stated in their representations to the Authority sent on 8 March 2016 and 17 May 2016 and that these letters should stand as valid objections to the application.

In their representations submitted on 8 March 2016, Flagg Parish Council stated they were not in favour of this application and expressed their concerns as follows:

- Despite assurance to the contrary, Councillors believe this [application] will lead to an increase in noise pollution.
- The new buildings would encroach into an otherwise un-built field and close proximity to neighbouring properties.
- The overall size of the business premises is increasing rapidly and is disproportionate with the overall scale of the village.

On 17 May 2016, the clerk to Flagg Parish Council wrote that the expansion of the Knackers Yard was raised at the Parish Council meeting earlier that month and was still causing concern. The clerk went on say that Councillors wish to stress the levels of concern and that the expansion seems to be out of line with the size and depth of the village. Of great concern are the existing noise, odour and traffic levels, and how any further expansion will make these completely intolerable for residents.

### **Representations**

At the time of the original officer report, there had been five letters of objection received by the Authority 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. Subsequently, a further six letters objecting to the current application have been received by the Authority from other local residents at the date of this report.

One focus of these six letters is the impact of traffic in the village and in particular, the risk posed by large vehicles moving through the village to young children attending the nursery school in the centre of Flagg. These objections are exacerbated by concerns about air pollution, odour nuisance associated with vehicles carrying carcasses to the Knackers Yard, and large lorries coming into the village on narrow country lanes that are not considered to be suitable for this kind of traffic. These letters set out a general consensus amongst the local residents concerned that the existing operations at the Knackers Yard blights the village by the way of odour nuisance and the noise and disturbance associated with vehicle movements. There is also a consensus in these letters that the increasing size and scale of the operations at the Knackers Yard mean that the business would be better sited on an industrial estate rather than within a small rural village within the National Park

There are other issues raised in the objections letters that are not relevant planning considerations such as the effect of existing operations and any grant of planning permission for the current proposals on house prices. There are also references to other rendering plants elsewhere in the country but the current proposals and existing operations at the Knackers Yard simply are not comparable to the operations taking place at any of the other rendering plants mentioned. However, the overall conclusion that can be drawn from these letters is that there is a strong feeling amongst the local residents that have written in to object to this application that approving the current application would have severe and detrimental long-lasting effects on Flagg and that it is inequitable that the desires of one party should be allowed to have a catastrophic effect on so many others. These letters are available to read in full on the Authority's website.

### **Fall-back Position**

Since the meeting of the Authority's Planning Committee in August, it has come to light that there is a potential fall-back position insofar as permitted development rights would allow the applicant to install the processing plant in one of the existing buildings on site. This means that the processing plant could be installed and operated from the site without planning permission. The processing activities would remain ancillary to the primary use of the site as a Knacker's Yard so there would be no material change of use of the land or buildings. In these respects, a fall-back position only has to have "more than a merely theoretical prospect" of taking place in order to be a material consideration but the likelihood of the suggested fall-back position occurring or the practical difficulties of implementing a fall-back position may affect the weight to be attached to it.

In this case, all the existing buildings at the Knackers Yard are in use. Therefore, installing the processing plant in an existing building would result in a requirement for an additional building such as the building proposed in this application to accommodate the activities that would be displaced by the processing plant. Consequently, existing operations would be disrupted by installing the plant in an existing building until permission was sought and obtained for a new building and any forthcoming permission had been implemented. This means that implementing the fall-back position could also risk compromising the efficient and effective operation of the existing business by displacing current activities, or some activities may need to be suspended pending planning permission being granted for a replacement building. Nonetheless, the applicant has stated a willingness and ability to install the processing plant in an existing building.

However, the Authority has not yet determined that a new building on the site would be acceptable in planning terms and a final decision on the acceptability of a further extension of the Knackers Yard and whether a further intensification of the size and scale of operations carried out of the site has not yet been made by the Authority. Therefore, it cannot be taken for granted that planning permission would be granted for a replacement building if this application were to be refused, for example, and the fall-back position were to be implemented. Consequently, it is considered that the ability to install the processing plant in an existing building without planning permission is a material planning consideration. Nonetheless, officers would not afford this fall back position so much weight that it would warrant a recommendation of approval unless the building proposed in this application is acceptable in its own right and that the size and scale of the extended site would be acceptable in planning terms. It would also be relevant to take into account the fact that a new building could allow the use on the site to intensify.

### **Discussion**

The original officer report sets out very clearly that the issues are finely balanced in this case and also that the original recommendation of refusal was made having afforded substantial weight to the views of the local community and the Parish Council. Since the meeting of the Planning Committee in August, the Parish Council have confirmed their objections by 3 votes to 2 at their last meeting and a further six letters of objection to the application have been received by the Authority from other local residents at the date of this report. Therefore, it cannot be concluded that the concerns of the local community have been fully addressed.

In this case, whilst the occupants of some of the nearest neighbouring properties have raised concerns about noise, odour and disturbance relating to the processing plant itself, the wider concerns of local residents relate to off-site impacts of additional vehicle movements, odour nuisance from vehicles moving to and from the site, and the increasing size and scale of operations at the site, amongst other things. In summary, there are also a significant number of representations that suggest existing operations already detract from living conditions within the village and the current proposals would make the situation even worse. These concerns are exacerbated by the perception that the installation of the processing plant would lead to a significant intensification of existing operations resulting in unacceptable noise and odour nuisance and an increase in movements of large vehicles through the village.

However, there is still no hard evidence that existing operations at the Knackers Yard do cause any substantial harm to the amenities of the local area and, in principle, the introduction of the processing plant should reduce vehicle movements and reduce the potential for odour nuisance if there were no significant increase in the amount of animal by-products processed at the Knackers Yard and permission were to be granted for the current application. The Environmental Health Officer from the District Council has no objections to the current application and the nature of the processing plant means that there is no realistic likelihood that taking the plant into use in the building, as proposed, would cause noise or odour nuisance or give rise to any other adverse impact on the environmental quality of the local area. The original officer report also sets out clearly that the design and siting of the proposed building would be appropriate, that the building would not in itself be unneighbourly, and that the building would not have an adverse impact on its landscape setting.

Consequently, there are sound planning reasons to approve this application if it were to be considered that Flagg remained an appropriate location to expand the existing business and the size and scale of the associated activities taking place at the Knackers Yard would not harm the amenities of the local area or detract from the living conditions of local residents. However, it is difficult to make this judgement when there is no information clarifying maximum vehicle movements to and from the site, hours of operation, or the maximum amounts of material that would be taken to and from the site if permission were to be granted for the current application. A further problem arises because setting limitations on the use of the processing plant by way of planning conditions could unreasonably impact on the applicant's ability to carry on the existing business. If permission were granted without these controls then the Authority would have to rely on enforcing against a 'material intensification' of the site if an intensive use of the processing plant resulted in a definable change in the character of the use of the site with reference to both off-site and on-site impacts.

The ability to enforce against a material intensification of the site is not necessarily a fail-safe safeguard but it does mean that the Authority would retain some control over the future use of the site if permission were granted for this application without imposing planning conditions on hours of operation or placing other restrictions on the business. From an officer perspective, this consideration does weigh in favour of approving the current application but it is not a determining factor as this approach could lead to unacceptable levels of uncertainty for local residents and the applicant as to when planning permission would be required for a more intensive use of the processing plant. However, if it were to be determined there are no overriding objections to the siting of the building and permission would be granted for the building (if it were not for the installation of the processing plant) then the fall-back position, mentioned above, could be afforded more weight. In this respect, it would be difficult to sustain an objection to the installation of the processing plant in its own right if it could be installed in an existing building without planning permission and the Authority was of the view it could grant approval for a new building as proposed.

However, the planning merits of the new building cannot be taken in isolation when the Authority's policies require consideration of whether the use of the extended site would remain of a scale and type intended to meet local needs and at a fundamental level; the Authority cannot demonstrate that this would be the case or impose planning conditions to ensure this would be the case. In reaching this conclusion, consideration has to be given to local concerns and the views of the Parish Council. If weight is afforded to the concerns that the village cannot accommodate a further expansion of the existing business and the grant of planning permission for the current application would exacerbate the existing adverse impacts of existing operations on the living conditions of local residents and these concerns cannot be properly addressed then it would be appropriate to consider refusing the application on the basis of the original reasons for refusal, as follows:

- 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.

However, it has been accepted that the Knackers Yard provides a service to the local community, that the current proposals would help to maintain the viability of a local employer and the processing plant would help to reduce dependency on non-renewable energy and improve the overall sustainability of the business, amongst other things. Affording more weight to these issues could offset and outweigh the adverse impacts of granting planning permission, as identified in this report and the original report. Equally, attaching more weight to the fall-back position identified above and the Authority's ability to enforce against any material intensification of the use of the site could lead to a similar conclusion. Conversely, affording less weight to the views of Parish Council and local concerns because there is an absence of hard evidence to demonstrate existing operations detract from the amenities of the local area could also lead to a conclusion the development proposals are acceptable in planning terms, also taking into account there is no evidence to demonstrate that the processing plant would result in any harm or that granting permission for this application would actually result in any significant intensification of the existing use of the site.

If Members consider that an approval is appropriate, officers would suggest the following conditions:

Time Limit

1. The development hereby permitted shall be begun within 3 years from the date of this permission.  
Amended Plans
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans, Drawing No.s 041-05 P401 Revision A, 041-05 P404 Revision A, 041-05 P405 Revision A, 041-05 P406 Revision A all received by the National Park Authority on 10 May 2016 subject to the following conditions or modifications:

### Landscaping

3. No development shall take place until there has been submitted to and approved by the National Park Authority a scheme of landscaping, including tree and shrub planting, seeding or turfing, earth mounding, walling, fencing, paving or other surfacing as necessary. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

### Design Details

4. The external profiled sheeting for the building hereby permitted shall be factory colour-coated to BS 5252 Ref. No. 18B29 (Slate Blue) and thereafter the sheets shall not be repainted or replaced other than that colour without the prior written approval of the National Park Authority.
5. Prior to the installation of any storage containers, or the external flue, full details of their external finish, shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.

---

## **Appendix 1: Original Officer Report**

### **FULL: 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 confirms 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.

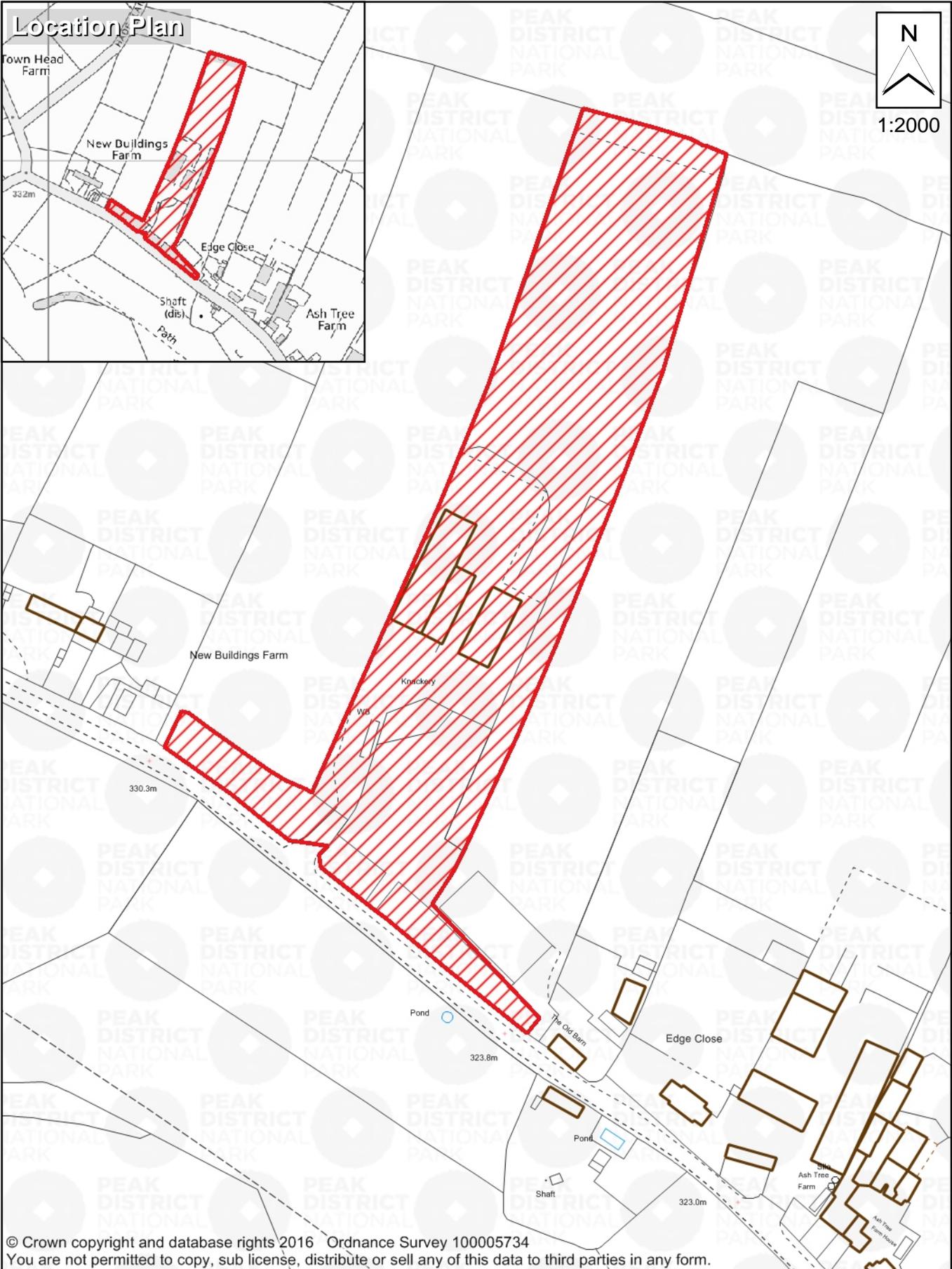
## **Human Rights**

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

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

Nil

This page is intentionally left blank



© Crown copyright and database rights 2016 Ordnance Survey 100005734  
 You are not permitted to copy, sub license, distribute or sell any of this data to third parties in any form.

Committee Date:	14/10/2016	<b>Title:</b> The Knackers Yard Main Road Flagg	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	8		
Application No:	NP/DDD/0216/0084		
Grid Reference:	413189, 368981		

This page is intentionally left blank

**9. 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 27/9/2016/CF)**

**Introduction**

In summary, the application proposes the change of use of a portal framed building previously used for agriculture at Lower Damgate Farm, off Ilam Moor Lane, to allow the building to be used to host events. The application is partially retrospective because the building is already being used to host wedding functions and other events. The application has been recommended for refusal by officers but a decision on this application was deferred at the Authority's Planning Committee in August of this year. A decision was deferred to allow further consideration of possible planning conditions that could be used to make the proposed development acceptable in planning terms.

**Reasons for Refusal**

The original officer's report is attached as Appendix 2. It considers the original proposals 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 in the building at Lower Damgate. The original officer's report concludes that these proposals should be refused planning permission 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 because 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. **Tranquillity is intrinsically linked to the special qualities and appreciation of the character of the surrounding landscape and the use of the building at Lower Damgate at the scale proposed would detract from the tranquillity of its landscape setting. The application therefore also 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.**

**Suggested Conditions**

National Planning Practice Guidance says when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Paragraph 203 of the National Planning Policy Framework ('the

Framework') states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions". Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are: (i) necessary; (ii) relevant to planning and; (iii) to the development to be permitted; (iv) enforceable; (v) precise and; (vi) reasonable in all other respects."

Since the application was deferred, the applicant has submitted a full list of suggested conditions, which has been attached to this report as Appendix I. These conditions would be accepted by the applicant if permission were to be granted and the applicant considers these conditions would be more than sufficient to protect amenity, the environment and the beauty and tranquillity of the National Park if permission were to be granted. This report goes on to discuss the appropriateness of the conditions suggested by the applicant, including whether they would meet the relevant tests for conditions and/or address the reasons for refusal of the current application set out in the original officer report. The report also discusses the list of conditions suggested by the applicant in the context of the conditions suggested by the three statutory consultees that have commented on this application.

### **Statutory Consultees**

County Council (Highway Authority) – no objections to the current application subject to the following conditions:

1. The development hereby approved shall not operate other than in complete accordance with the submitted Travel Plan document dated March 2016 unless otherwise agreed in writing by the Authority.
2. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas, during functions, for the life of the development.

District Council (Environmental Health) - no objections in principle to the proposed development subject to the following conditions:

1. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.
  - 08:00 - 18:00 hours (Monday to Friday);
  - 08:00 - 13:00 hours (Saturday)
  - No working is permitted on Sundays or Bank Holidays.
2. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.
3. Any amplified sound system used in connection with this permission shall be installed

with a suitably calibrated noise limiter so as to prevent the transmission of noise and vibration into any neighbouring premises. The details of the noise limiter should be submitted to and approved by the Local Planning Authority. This noise limiter should be maintained in accordance with manufacturer's instructions.

4. No amplified music shall be played outside the building being proposed in connection with this permission.
5. Noise generated by the operations within the premises by virtue of the granting of this permission shall not cause any increase in the pre-existing background noise levels 32dB LA90 (1hr) between 07.00 hours and 23.00 hours (day time) and 26dB LA90 (15mins) between 23.00 hours and 07:00 hours (night time) when measured at the nearest noise sensitive receptor.
6. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation.

Parish Council - support the application subject to the imposition of the following conditions:

1. At each evening event there should be at least one staff member (excluding catering staff) for every 30 guests.
2. One staff member should have specific responsibility for ensuring that doors are kept closed at all times except when guests are entering and exiting.
3. Another staff member should have specific responsibility for managing parking.
4. All picking up and setting down by coaches should be in the yard and not on the road.
5. All music should finish by 11:30 pm.
6. All non-resident guests should leave the venue by midnight.
7. The maximum number of attendees at any event should not exceed 120.
8. The daytime recreation area should be in a field behind the buildings and not adjacent to the road. Therefore the red line on document 3572-01B (Location Plan, Site Plan and Car Parking) should be extended to include the field to the east of the barn.

Since the Authority's Planning Committee in August, the Parish Clerk has written to highlight the Parish Council's concerns that the daytime recreation area should be behind the buildings and not adjacent to the road. The Parish Clerk goes on to say this is because the Parish Council believe that noise from activities in this area, which is even closer to neighbours than the portal building, could be just as intrusive as that from the building.

### **Representations**

Since the meeting of the Authority's Planning Committee in August, a further representation has been received from the owners of Damgate Farm; this is summarised below.

At the time of the original officer report, 36 letters of support for the current application and seven letters of objection had been received by the Authority. A further representation from the Friends of the Peak District (CPRE) had also been received by the Authority raising firm objections to the application.

However, after the decision was made to defer this application at the meeting of the Planning Committee in August, a complaint was received that some representations are not genuine and that some representations may have, allegedly, been submitted fraudulently. The specific concern that was raised in the letter from a previous owner of Damgate Farm was that the Authority's website contained a representation that purported to be from her and which supported the application; Damgate Farm lies on the opposite side of the road to Lower Damgate. She states in her letter that she did not submit the representation which was on the Authority's web site. The representation concerned has been removed from the Authority's web site and has been replaced by the letter submitted by Damgate Farm's previous owner. The initial representation should now be disregarded. The circumstances behind this matter are currently under investigation so they are not referred to in any more detail in this report.

It should also be noted that the initial representation (subject of the complaint) was not specifically referred to in the original report and the officer's report did not attribute any weight to it. The initial representation was also not afforded any weight in the discussion that Members had before they moved to deferral of this application in August. Therefore, the initial representation neither influenced the original recommendation one way or another nor did it influence the decision made by Members to defer this application.

Furthermore, officers have sought to confirm the authenticity of all other representations on the application and have found no further discrepancies to date. Consequently, officers consider this application can be determined on its planning merits as a distinctly separate matter to the ongoing investigation in to the complaint that some representations on this application are not genuine and that some representations may have, allegedly, been submitted fraudulently.

Turning to the most recent representation made by the owners of Damgate Farm, they have replied in detail to the conditions suggested by the applicant's agent. A full copy is available on the Authority's web site. The key points can be summarised as:

*"Although we have committed a great deal of time to producing these conditions we are, and have always been, vehemently opposed to the proposals for, in brief, the following reasons: The events being run affect hugely the amenity of our property, both of the our own family home and grounds but also enormously that of our holiday accommodation business too. We have suffered years of noise and disruption from events. Despite assurances from the applicant she is still not sticking to noise limits or the travel plan.*

*We have to suffer loud music from the party barn, noise from traffic until after midnight and drunken behaviour in the fields and on the lane.*

*We have frequently had to ask for cars associated with events to be removed from our farmyard.*

*Why should the applicants expansion of her own business to that of an industrial scale party barn be allowed to ruin our own business which, unlike the proposals, IS in keeping with the quiet tranquil nature of the National Park?*

*The applicant has a "thriving, high end holiday accommodation business" which is the largest in the area. The proposals cannot be necessary to fund the upkeep of her buildings and land. Most of her land is rented to a local farmer who maintains it at his own cost.*

*The applicant has proved time and again that she cannot and will not run events in a way that preserves the unspoilt character of the area. The events are totally out of keeping with the locality".*

CONDITIONS (summarised by Officers)

1) All events should be run under an alcohol license.

2) Temporary consent of 3 years.

*This would be the same as the condition used for Brookfield Manor Hathersage, Upper House Hayfield and Beechenhill Farm Ilam despite these properties also having to invest large amounts of money.*

3) The number of events of any type should be limited to 8. The owners/operators shall maintain an up-to-date register of the dates of bookings and the names of all clients who

book this venue, and shall make this information available at all reasonable times to the local planning authority.

There has been a lot of confusion created around event types and their nomenclature. For the avoidance of creating any loopholes that could be exploited we think that weddings, celebrations, charity events and anything similar should simply be called an 'event' and that there should be no more than eight in any rolling calendar year.

4) There should be no more than two events in any one calendar month.

Bearing in mind most of our guests visit the area to enjoy the peace and tranquillity of the National Park we feel it is imperative that they do not have to encounter more than one event during their stay. This condition would serve to limit the effect on our amenity by allowing us to enjoy at least two weekends per calendar month in our garden with family and friends.

5) The number of attendees should be limited to no more than 80.

This is a quiet unspoilt location and events bigger than this are totally out of keeping with the setting. Events have become industrial in their size and a long way from a country celebration.

6) All music to cease by 11.00pm.

The applicant said she was prepared to accept this time at the last committee meeting in August. This would give sufficient time for all noise on site to cease by 11.30.

7) No doors or windows in the party barn to be kept open during events.

All of the noise reports submitted by and commissioned by the applicant have stressed the importance of this. If this does not happen then the specification of the buildings noise insulation becomes irrelevant.

8) Use of outside space.

The agent has stated in his report of 28th July 2016, section 8 that "All the wedding events will take place in the barn". In the same report in the last paragraph it is stated "No wedding activities take place outside the barn and if the applicant would accept a condition stating that if there were to be any activities outside the barn they would be in the field to the east of the barn close to the proposed new entrance." In his report of 15th August 2016 the agent states that "All events would take place in the barn although occasionally a community or charity event might overspill into the field to the east of the barn."

It can be deduced that the applicant is requesting permission to use outside space for events.

We would welcome the Authority's comments on this serious anomaly and ask that this be made aware to committee members in the report.

9) There should be a pre-completion sound test to ensure that proposed mitigation measures have attained the existing and predicted noise impact levels of 23- 26dB.

10) Noise generated by the operations within the premises by virtue of the granting of this permission shall not cause any increase in the pre-existing background noise levels 32dBLA90 (1hr) between 07.00 hours and 23.00 hours (daytime) and 26dB LA90 (15mins) between 23.00 hours and 07:00 hours (night time) when measured at the nearest noise sensitive receptor.

11) The future use of marquees should be prohibited. Permitted development rights should be removed.

12) Noise limiter

A detailed recommendation, with the key point being: The noise limiter shall be used and maintained so as to cut off the power to all the mains sockets within the event building in the event that the set music noise limit is exceeded.

13) Permission be non transferable.

We believe that it is important that should permission be granted for these proposals they should be conditioned such that if the applicant sell her property the permission ceases.

14) Construction & Demolition works: Time of operations

Taken from the Environmental Health Officers recommendations.

15) Plant and Machinery.

Taken from the Environmental Health Officers recommendations.

16) Noise: Sound Insulation.

Taken from the Environmental Health Officers recommendations.

17) Lighting Condition

Taken from the Environmental Health Officers recommendations.

18) *The development hereby approved shall not operate other than in complete accordance with the submitted Travel Plan document dated March 2016 unless otherwise agreed in writing by the Authority.*

19) *The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas, during functions, for the life of the development.*

20) *There shall be no firework, airborne lantern or similar displays associated with the use hereby approved carried out on site or on land within the applicants control.*

21) *No further events to take place until all building works etc required to convert the barn and surrounding site to the specification set out in document 3572-01B, 3572-02E, 3572-03E.*

22) *There should be a minimum of 6 members of staff over the age of 21 on site at all times during events.*

23) *There should be a parking attendant on hand to oversee the event during its entirety.*

24) *The applicant should be on site at all times during events to oversee the running of the events.*

#### 25) *Parking and Turning Area*

*The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas, during functions, for the life of the development.*

*“We believe that every one of the above conditions is reasonable and justifiable. It is clear that the number and complexity of the conditions needed to regulate events at Lower Damgate makes them unenforceable and unworkable however without each of these conditions the amenity of both ourselves and our guests is greatly harmed. We therefore would like to comment that in our opinion the location and the building are unsuitable for the proposed use”.*

## **Discussion**

### **Size and Scale**

The original recommendation of refusal for the application was based on concerns that the proposed use of the barn would harm the valued characteristics of the local area and would be unneighbourly because of the number of events proposed and the capacity of the building, which can accommodate up to 120 guests. The location of Lower Damgate in a remote location in open countryside and within a particularly tranquil and settled pastoral landscape exacerbated these concerns.

It was considered that a ‘trial run’ by way of issuing a temporary consent would not be appropriate in this case because the events have already been taking place and have already resulted in complaints to the Authority. The applicant is also intending to make some alterations to the building used for the events to improve its appearance and provide additional noise insulation. As such, the applicant could need to make a relatively substantial capital investment in the building to be able to implement any permission for the current application and a temporary consent would not be appropriate in these circumstances.

Therefore, a more appropriate way to address concerns about the proposed use of the portal framed building would be to seek to reduce the number of events to reduce the associated impacts of holding events in the building such as noise and disturbance and increased traffic movements. In this respect, the original application sought permission to hold 15 wedding functions, 6 charity events, 6 community events, 6 residential workshops per year, with two short events being held on a weekly basis throughout the year at Lower Damgate. The applicant is now suggesting conditions restricting the number of events to 12 wedding functions (with amplified music); 2 one-off community and charity events, and 1 local school

event; and no more than 2 small events/workshops per week (such as yoga classes and art classes).

However, officers consider the reduced number of events would still result in a relatively large number of events at Lower Damgate. Moreover, the number of wedding events should be limited to twelve in total *with or without* amplified music for the sake of clarity if it were to be considered that 12 wedding events could be accommodated in this location. The applicant also suggests conditions limiting the maximum number of guests (excluding staff) at a wedding celebration or community/charity event in the barn to 120 and limiting the maximum number of participants attending small events/workshops to 30. Whereas it might be relatively easy to monitor the number of events held at Lower Damgate, monitoring the number of guests at these events would rely much more heavily on the applicant properly recording this information and supplying it to the Authority.

In these respects, a restriction on the number of guests in a building that appears to have a capacity of around 120 people in any event does not seem strictly necessary and from an officer perspective restricting the total number of events would be a more effective way of reducing the potential of the events to result in harm to the character and amenities of the local area and protect the tranquillity of Lower Damgate's landscape setting. In this case, officers remain concerned that the reduction in the number of events at Lower Damgate proposed by the applicant is not sufficient to achieve these objectives and would not make the proposals acceptable in planning terms.

#### Noise and Disturbance

One of the reasons that the number of events is a key issue is not just related to noise from amplified music from within the building, as the noise and disturbance from other activities associated with the events also causes concern. This includes the use of outdoor amenity space at Lower Damgate, vehicular movements, and other activities taking place outside of the building when events are taking place. This is why officers consider the total number of events should be limited to a specific number, regardless of whether there would be amplified music or not. Nonetheless, conditions seeking noise attenuation measures to avoid noise breaking out from the building would be reasonable and necessary to prevent the proposed use harming the tranquillity of the local area and in the interests of safeguarding the amenities of the nearest neighbouring property.

To this end, the applicant has suggested a number of conditions related to noise attenuation measures, including the relevant conditions suggested by the District Council's Environmental Health Officer and some supplementary conditions relating to a noise limiter and a requirement for all noise attenuation measures to be carried out prior to the commencement of any events with amplified music. However, the Authority does not have the necessary expertise or equipment to monitor compliance with several of these suggested conditions; there is also a risk that monitoring these suggested conditions would place an unduly onerous burden on the Authority. For example, it would require an on-site presence late at night to ensure compliance with several of the conditions relating to noise attenuation as well as the additional conditions suggested to deal with noise and disturbance from activities taking place outside of the building. Such conditions have been used on a relatively recent planning permission at Brookfield Manor, near Hathersage, but in that case the permission is a temporary one so it is, to some extent, in the applicant's interest to ensure that they are complied with. That site also had a long history of use as a conference centre, with weddings and other events.

The Parish Council and the Environmental Health Officer have also commented on the potential impact of activities taking place outside of the building, and the Parish Council have stated specifically that outdoor activities should take place on the eastern side of the building rather than on land on the western side of the building, which is closer to the nearest neighbouring properties. The applicant's suggested conditions seek to restrict the use of the

land to the west of the building and they would also place a restriction on ‘hours of operation’ to between the hours of 9.00am and midnight. It is considered these types of conditions would be reasonably necessary if permission were to be granted, especially when taking into account representations on this application.

Amended plans submitted to support the applicant’s list of suggested conditions show a fence along the western side of the building to place a physical barrier between the building and this land and the plans show that access to the building for events will be restricted to doors in its east facing elevation. The smoking shelter would also be on the eastern side of the building and the construction of these physical elements of the scheme would be relatively easy to monitor. However, complaints about non-compliance with the restriction on the hours of operation, for example, or complaints about guests spilling out into the amenity space on the western side of the building (despite the fencing) would be much more difficult to monitor and enforce. This potential problem is exacerbated by the relatively remote location of Lower Damgate and the likelihood that monitoring compliance with conditions relating to noise breakout, restrictions on the use of outdoor amenity spaces, and hours of operation would almost certainly rely on the occupants of the nearest neighbouring properties reporting any alleged breaches of planning controls to the Authority after the breach has taken place.

The Parish Council also suggests several conditions relating to the minimum numbers of staff to be present at events and particular actions to be taken by members of staff. However, this type of conditions would normally be considered to fall outside of planning controls and would be measures that would more usually be considered as part of an application for a premises licence. Some of the issues raised by this planning application would normally be addressed by a premises licence but it appears a premises licence is not required to hold the particular type of events taking place at Lower Damgate. This means that the potential for adverse noise impacts or disturbance arising from the behaviour of guests at Lower Damgate would not be addressed through licensing controls or monitored or enforced as part of the licensing regime as they might be at a premises that operated under a premises licence.

Therefore, if permission were to be granted for this application, the Authority would be likely to be expected to take on much more responsibility for monitoring and potentially the enforcement of a wider range of conditions that would relate to the proper management of events at Lower Damgate than might be expected in a more typical situation where a particular premise or event is operated under a premises licence as well as any necessary planning permissions. Consequently, this situation adds to officers’ concerns that planning conditions that might appear to mitigate for the potential adverse impacts of the proposed development are not necessarily conditions the Authority would be practicably able to enforce.

### Traffic Management

The applicant has included the two conditions suggested by the Highway Authority securing parking arrangements and compliance with the submitted traffic plan in the submitted list of suggested conditions. Amended plans submitted with this list of conditions clarifies the off-road turning arrangements for coaches and the original officer report does not raise any further concerns about the proposed parking arrangements or the Travel Plan. The report does suggest that it would be reasonable and necessary to secure both these elements of the proposals if permission were to be granted. However, there is also a strong likelihood that monitoring compliance with these conditions would rely on the occupants of the nearest neighbouring properties reporting any alleged breaches of planning control.

### Landscape and Visual Impact

The potential impact of the proposed use of the building on its landscape relates mostly to the impact of the activities taking place at Lower Damgate on the tranquillity of the local area. Paragraphs 115 and 123 of the Framework set out why it is important to consider whether the

conditions discussed in the above sections of this report would protect an area of particular tranquillity within a National Park that has remained relatively undisturbed and is prized for its recreational and amenity value as well its inherent scenic beauty not least because of the absence of noise and disturbance associated with more developed areas.

This approach is consistent with relevant policies in the Development Plan and underpins why conditions related to noise and disturbance, traffic movements, and hours of operation, for example, are highly relevant to planning and directly related to the proposed development, and why these conditions would be reasonable and necessary. Therefore, in terms of the six tests for conditions, one key issue highlighted in the above sections of the report is the enforceability of a number of conditions suggested by the applicant and statutory consultees commenting on this application. In some cases, there is a problem with the precise wording of some of the conditions suggested by the applicant, which would also undermine the enforceability of those conditions.

In summary, if a condition is found to be unenforceable then it would not meet the six tests for planning conditions set out in the Framework and a condition should not be used if it would not be practicably possible to enforce the condition. If it is not possible to enforce conditions that are intended to mitigate the adverse impact on landscape character and the amenities of the local area, the Authority would be unable to demonstrate that the conditions would be capable of making the proposed development acceptable in planning terms or address the original reasons for refusal of this application.

In terms of the visual impact of the proposed development, the application also proposes operational development and amended plans have been submitted to show the improvements to the mostly blockwork building that would be clad with timber boarding and provided with a new, insulated roof if permission were to be granted for the current application. The amended plans also clarify the additional noise insulation that would be provided to the walls of the building to help prevent noise breakout and the plans clarify the amendments to openings, which have been made to try to further reduce the possibility of noise spilling out of the building and affecting the nearest neighbouring property. In addition to these proposals, the amended plans show additional planting to help further soften the visual impact of the building within its landscape setting and the addition of the fence, mentioned above, to restrict access to land to the west of the building. A condition suggested by the Environmental Health Officer restricting external lighting has also been included by the applicant in the list of suggested conditions.

The physical nature of these works means that it is much easier to enforce. Monitoring compliance with conditions relating to the development being carried out in accordance with the amended plans or a condition relating to landscaping can be checked at any time with reference to physical works on the ground. However, it is not clear whether the condition suggested by the applicant relating to noise mitigation measures being completed prior to any events with amplified music take place in the building includes the noise insulation proposed for the building, which means it is not clear when the applicant intends to undertake the proposed improvements to the existing building. The timing of the submission of the landscaping scheme prior to the commencement of the proposed development as suggested by the applicant is also problematic insofar as this application seeks retrospective planning permission i.e. the proposed development has already commenced. This condition should instead require submission and implementation of a scheme within a specific timescale

It can therefore be considered the suggested conditions relating to building works, external lighting and landscaping would be related to planning matters and would be directly related to the proposed development but may need to be more precise before they were properly enforceable. These conditions are also reasonable and necessary in the interests of minimising the impact of the proposed development on its landscape setting and conserving and enhancing the setting of the adjacent Grade II listed farm house and associated outbuildings. However, the original officer's report does state that these measures would not

achieve such a significant enhancement to the site and its setting that would justify a large number of events at Lower Damgate or properly offset or outweigh the potential adverse impacts of these events.

Equally, officers remain of the view that the events at Lower Damgate may provide some socio-economic benefits to the local area but these benefits would be significantly and demonstrably outweighed if the potential harmful impacts of the development cannot be properly mitigated. Moreover, the Sandford Principle as set out in policy GSP1 may also have to be taken into account in this case. GSP1 says where there is an irreconcilable conflict between the statutory purposes, the conservation and enhancement of the National Park will be given priority. Consequently, in light of the reasons for deferring a decision on this application and the issues raised in this report, the key issues are now considered to whether the proposed works to the building and appropriate planning conditions would be able to mitigate the potential adverse effects of the proposed development to the extent officers could recommend conditional approval of the current application.

## **Conclusions**

In conclusion, Lower Damgate lies in a sensitive location in open countryside where it is considered particularly difficult to accommodate the numbers of events now proposed by the applicant when taking into account the number of people that might attend those events. In particular, the events would take place in a part of the National Park that is valued for its tranquillity and scenic beauty and in a location where the potential adverse impacts of the events would be demonstrably harmful to the character and amenities of the local area.

Although planning conditions have been suggested by the applicant and statutory consultees, the above report sets out the difficulty of securing compliance with conditions that relate to the operation and management of events at Lower Damgate and noise attenuation measures, for example. Consequently, there remains the potential for these proposals to harm the tranquillity of the local area and the potential for these proposals to be unneighbourly in a manner that cannot be properly mitigated by planning conditions if the Authority would not be practicably able to enforce those conditions. Moreover, the Authority would have to place responsibility for monitoring compliance with many of the suggested conditions in the hands of third parties or through expertise and equipment the Authority does not have.

In this case, officers consider the most effective way to make the proposed development acceptable in planning terms and address the original reasons for refusal of this application would be to reduce the total number of events to reduce the potential adverse impacts of those events. The applicant has suggested a reduction in the total number of events to 12 wedding functions (with amplified music); 2 one-off community and charity events, and 1 local school event; and no more than 2 small events/workshops per week (such as yoga classes and art classes. However, officers still consider the number and size of the events would amount to a substantially more intensive use of the building than can be accommodated at Lower Damgate. Accordingly, officers would continue to recommend this application is refused planning permission for the reasons set out in the original report, and as set out on the first page of this report.

Notwithstanding an officer recommendation of refusal, and without prejudice to this officer recommendation, should Members consider there are sound planning reasons to approve this application officers would recommend that the following conditions should be attached to any permission.

### **Operations**

1. Subject to the provisions of Condition 9 (below), there shall be no more than eight events in any one calendar year at Lower Damgate with more than 30 guests in

attendance and no more than one event with more than 30 guests shall take place at Lower Damgate in any five day period.

2. Events at Lower Damgate with more than 30 guests in attendance shall not take place outside the following hours: 11:00 – 23:00, Mondays – Fridays; 11:00 Saturdays – 00:00 Sunday morning; and 11:00 – 2300 Sundays.
3. There shall be no amplified music played at the premises unless there is an expressly consented event being held that day and no amplified music shall be played at the premises after 23:30.
4. No amplified music shall be played outside the building subject of this permission at any time during the lifetime of the development hereby permitted.
5. No acoustic music shall be played at the premises after 18:00 or before 11:00 on any day.
6. There shall be no more than two events (including workshops or community events) with 30 or less guests in attendance at Lower Damgate in any one week and any event with 30 or less guests shall not take place other than between the hours of 10:00 and 18:00.
7. The land to the west of the building subject of this permission and between this building and the public highway shall not be used for any purpose other than for agriculture as described by section 336 of the Town and County Planning Act 1990, as amended.
8. The owner of the premises shall maintain a register of all event and workshop bookings (including the planned date, start time and estimated number of guests) for each calendar year which shall be made available for inspection by the Authority on request.

#### **Alterations to existing Building**

9. No additional events of any type shall take place at Lower Damgate after the date of this permission until the alterations to the existing building, including the erection of a smoking shelter and all noise attenuation measures, and until the construction of a new fence on the western side of the building have been carried out in complete accordance with the details shown on the amended plans, Drawing No.s 3572-03E (Elevations) and 3572-02E (General Arrangement), received by the National Park Authority on 20 September 2016.

#### **Construction Phase**

10. Unless prior permission has been obtained in writing from the National Park Authority, all noisy activities shall be restricted to the following times of operations:
  - 08:00 - 18:00 hours (Monday to Friday);
  - 08:00 - 13:00 hours (Saturday)
  - No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise during the construction phase of the proposed development that is audible at the site boundary.

### **Machinery including Air Conditioning and Ventilation Systems**

11. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

### **Noise Attenuation**

12. Any amplified sound system used in connection with this permission shall be installed with a suitably calibrated noise limiter so as to reduce the transmission of noise and vibrations. The details of the noise limiter, including the specifications of maximum noise and vibration levels that would trigger the noise limiter to cut out the sound system on the premises, shall be submitted to and approved by the National Park Authority prior to any further events taking place at Lower Damgate after the date of this permission. Thereafter, the noise limiter shall be maintained in accordance with manufacturer's instructions and the specifications approved by the National Park Authority.
13. Noise generated by the operations within the premises by virtue of the granting of this permission shall not cause any increase in the pre-existing background noise levels 32dB LA90 (1hr) between 07.00 hours and 23.00 hours (day time) and 26dB LA90 (15mins) between 23.00 hours and 07:00 hours (night time) when measured at the nearest noise sensitive receptor.

### **External Lighting**

14. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation.

### **Travel Plan**

15. The development hereby approved shall not operate other than in complete accordance with the submitted Travel Plan document dated March 2016 unless otherwise agreed in writing by the National Park Authority in liaison with the local highway authority.

### **Parking and Access**

16. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the details show on Drawing no. 3572-01B (Location Plan, Site Plan and Car Parking) received by the National Park Authority on 20 September 2016. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas, during functions, for the life of the development.

---

## Landscaping

17. Unless within 3 months of the date of this decision<sup>1</sup>, the details of the landscaping scheme shown on Drawing no. 3572-01B (Location Plan, Site Plan and Car Parking), including details of species mix, is submitted in writing to the National Park Authority for approval, and unless the approved scheme is implemented within the first available planning season following the National Park Authority's approval, the use of Lower Damgate for events shall cease until such time as a scheme is approved and implemented.
18. If no scheme in accordance with Condition 17 (above) is approved within 6 months of the date of this decision, the use of Lower Damgate for events shall cease until such time as a scheme approved by the National Park Authority is implemented.
19. Any plants which subsequently die or are lost within the first 5 years of being planted in accordance with the scheme subject of Condition 17 (above) shall be re-placed with plants of the same species.

---

<sup>1</sup> The planting season is normally between October of one year and the end of March the following year; the timing of condition 17 and 18 anticipates submission and approval of scheme before the end of the next available planting season so that the proposed planting would be carried out prior to April 2017.

This page is intentionally left blank

---

## **Appendix I: Conditions suggested by Applicant**

### 1. Approved Plans

The development hereby approved shall be carried out in accordance with the submitted details and plans numbered Drawing No.s 3572-03E (Elevations), 3572-01B Location Plan, Site Plan and Car Parking) and 3572-02E (General Arrangement), all received by the National Park Authority on 20 September 2016, and the following conditions below:

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interest of good planning, for clarity and avoidance of doubt.

### 2. Events: Hours of Operation

The 'event venue' change of use hereby approved shall be operational for customers (for the avoidance of doubt customers does not include event staff, suppliers or other staff) only between the hours of 09:00 to 24.00 hours.

Reason: In the interests of residential amenity and tranquility.

### 3. Events: Number of Wedding Celebration Events

No more than 12 wedding celebrations/events with amplified music per calendar year are permitted in the barn. The owners/operators shall maintain an up-to-date register of the dates of bookings and the names of all clients who book this venue, and shall make this information available at all reasonable times to the local planning authority.

Reason: In the interests of residential amenity and tranquility.

### 4. Events: Community and Charity Events

No more than 2 one-off community and charity events, and 1 local school event are permitted in the barn. The residential/community workshops to be limited to the hours 0:900 to 21:00 hours and the number of guests at these workshops not to exceed 30. The owners/operators shall maintain an up-to-date register of the dates of bookings and the names of all clients who book this venue, and shall make this information available at all reasonable times to the local planning authority.

Reason: Having regard to the location of the site and in the interests of residential amenity and tranquility.

### 5. Events: Small-scale Weekly Community Events

No more than 2 small events/workshops per week (such as yoga classes and art classes) are permitted in the barn. No amplified music shall be played at these events. (Small events are those with 30 or less people; excluding staff). The

owners/operators shall maintain an up-to-date register of the dates of bookings and the names of all clients who book this venue, and shall make this information available at all reasonable times to the local planning authority.

Reason: Having regard to the location of the site and in the interests of residential amenity and tranquility.

6. Events: Restriction in Use of Field to the West.

No events to take place or amplified music or sound to be played in the field to the west of the barn

Reason: In the interests of residential amenity and tranquility.

7. Construction & Demolition works: Time of operations

Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday); and
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

8. Plant and Machinery

The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 minutes] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. (This condition does not apply to all plant and machinery used in operating and maintaining the farm and to other farming operations)

Reason: To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

9. Noise: Noise Mitigation Measures

All the proposed noise mitigation measures shall be implemented in full as part of the proposed works before any events involving amplified music or sound take place.

Reason: To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

10. Noise: Noise Limiter

The existing noise limiter (a GA904 Electronic Orange) suitably calibrated and maintained or, in the event of its replacement, a noise limiter), suitably calibrated and maintained, which shall control the maximum audible levels of music played at the premises at a set level shall be used to control sound levels and vibration at all events where amplified music is played or where amplified sound is used. The noise limiter shall be used and maintained so as to cut off the power to all the mains sockets within the event building in the event that the set music noise limit is exceeded.

The noise limiter shall be subject to the following provisions:

- a) The existing noise limiter on the site shall continue to be used at the site subject to the Authority approving the specification. In the event it is replaced the new system or device shall be of a specification approved by the Authority;
- b) The system or device shall be installed at the premises and set to a level agreed with the Authority (see Condition No. 11), and this level shall be adjusted thereafter at the Authority's direction where it considers it is necessary in the interests of amenity;
- c) All music played at the premises shall be played through this system or device;
- d) The system or device shall not be adjusted or altered without the prior written approval of an authorised officer of the Authority;
- e) The system or device shall be maintained in a secure state as approved by an authorised officer of the Licensing Authority, so that it is not able to be tampered with easily; and
- f) The system or device shall be monitored and be maintained in effective working order so that the maximum levels of music played at the premises do not exceed the level that has been set.

Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

11. Noise: Setting of Noise Limiter

No events where amplified music is played or amplified sound is used shall take place until the proposed noise limiter is in operation and a sound test has taken place to establish the setting for the noise limiter which should be to the satisfaction of the Local Planning Authority and Staffordshire Moorlands Council.

Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

12. Noise: Amplified Music

No amplified music to be played in the barn after 23:30 hours.

Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

13. Noise: Sound Insulation.

Noise generated by the operations within the premises by virtue of the granting of this permission shall not cause any increase in the pre-existing background noise levels 32dB LA90 (1hr) between 07.00 hours and 23.00 hours (daytime) and 26dB LA90 (15mins) between 23.00 hours and 07:00 hours (night time) when measured at the nearest noise sensitive receptor.

Reason:-To protect the local amenities from noise.

14. External Lighting

The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation without the prior written approval of the Authority.

Reason: To protect the local amenities of the local residents by reason of excess of illuminance.

15. Transport Plan

The development hereby approved shall not operate other than in complete accordance with the submitted Travel Plan document dated March 2016 unless otherwise agreed in writing by the Authority.

Reason: In the interests of highway safety and management and to reduce disturbance from vehicle movements.

16. Parking and Turning Area

The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be

retained unobstructed as parking, turning and servicing areas, during functions, for the life of the development.

Reason: In the interests of highway safety and management and to reduce disturbance from vehicle movements.

17. Maximum number of guests at wedding celebrations

The maximum number of guests (excluding staff) at a wedding celebration or community/charity event in the barn shall not exceed 120.

Reason: In the interests of amenity and tranquility.

18. Toilets and Smoking Area

The area to the south of the building shall no longer be used to site the mobile toilets nor be used as a smoking area. Until the permanent toilets and the permanent smoking area are built on the eastern side of the building - as shown on Drawing No. XXX - the mobile toilets used and the smoking area at events shall be sited on the eastern side of the building.

Reason: To ensure that the reasonable residential amenities of adjoining properties, particularly Damgate Farm, are adequately protected from noise pollution.

19. Tree Planting

Prior to the commencement of development a scheme of tree planting, including planting details and specifications, shall first be submitted to the Local Planning Authority for its written approval and shall be implemented as approved in the first available planting season (November to March) following the completion of the development. Any plants which subsequently die or are lost within the first 5 years of being planted shall be re-placed with plants of the same species.

Reason: In the interests of public amenity to achieve suitable landscape and design of the completed development.

This page is intentionally left blank

## **Appendix 2: Officer Report**

### **FULL: 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 FAR, 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.280m<sup>2</sup>) 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 90m<sup>2</sup> 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 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 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, 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 its 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**

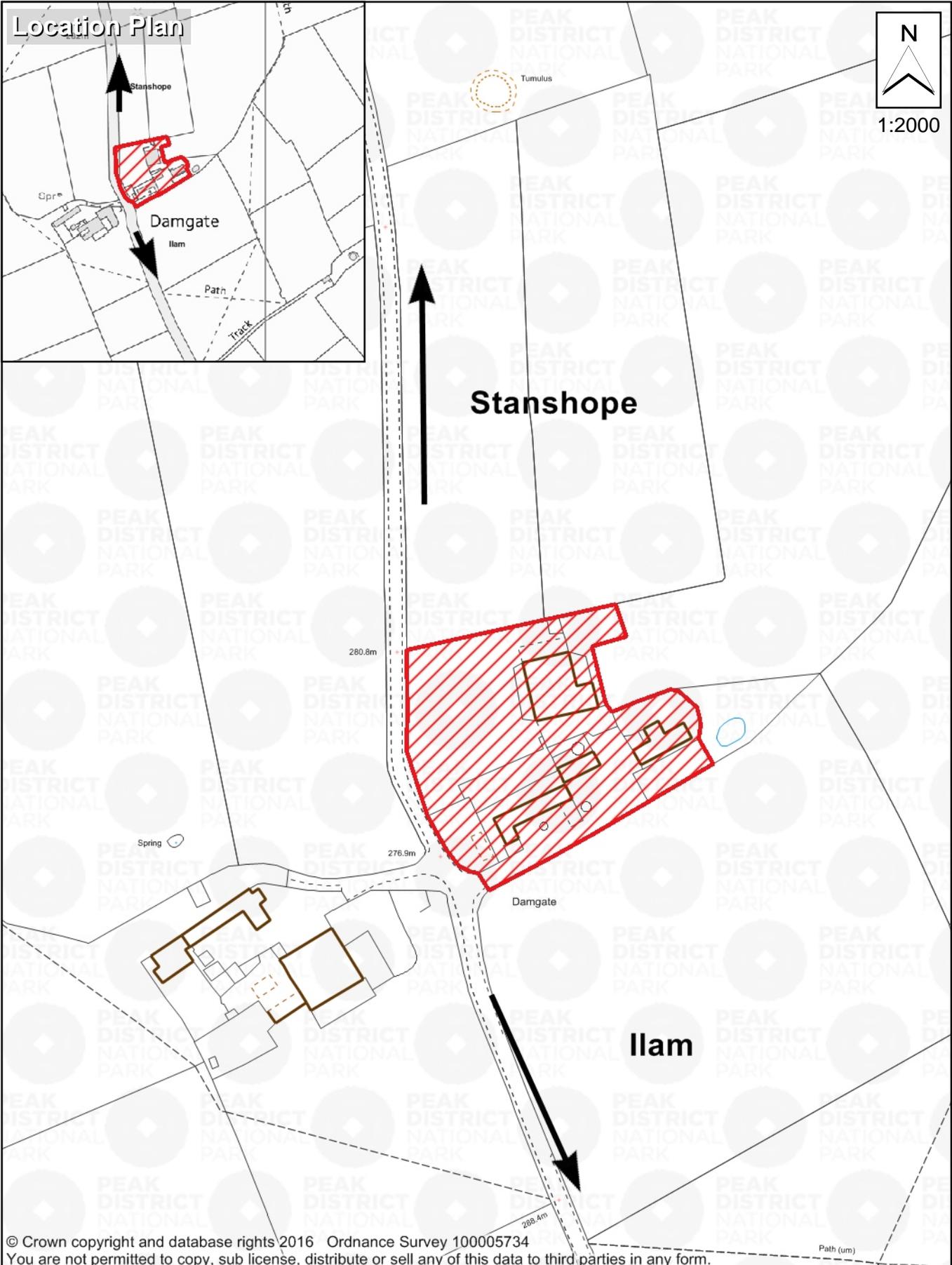
In conclusion, for the reasons set out in the above report, Lower Damgate is not an appropriate location for the numbers of events proposed in this application when taking into account the number of people that might attend those events and taking into account the potential adverse impacts of these proposals 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



© Crown copyright and database rights 2016 Ordnance Survey 100005734  
 You are not permitted to copy, sub license, distribute or sell any of this data to third parties in any form.

Committee Date:	14/10/2016	<b>Title:</b> Lower Damgate Farm	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	9	Ilam Moor Lane	
Application No:	NP/SM/0915/0895	Ilam	
Grid Reference:	412682, 353335		

This page is intentionally left blank

**10. OUTLINE APPLICATION – PROPOSED 12 NO. ONE BEDROOM FLATS, ENDCLIFFE COURT, ASHFORD ROAD, BAKEWELL (NP/DDD/0716/0678 P.11903 420931/368985 19/9/2016/BJT)**

**APPLICANT: COUNTY ESTATES (BAKEWELL) LTD**

**Site and Surroundings**

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

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

Planning permission has been granted at appeal for a further block of six residential apartments on Endcliffe Court, which will be made available on the open market to meet general demand. These are close to completion.

**Proposals**

The current application seeks outline permission for the erection of two new buildings within part of the Business Park to the rear of Endcliffe Court, which would accommodate a total of twelve one-bedroom flats. All matters have been reserved, which means that the precise details of the appearance of the building, means of access from the A6, landscaping, layout and scale, are reserved for further approval at "reserved matters" stage. Consequently they are not material to the decision required on the principle of an outline application.

**RECOMMENDATION:**

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

- 1. Core Strategy policy E1D requires safeguarding of the existing land and buildings for business use where they are in high quality suitable locations such as Deepdale Business Park. As the location is considered to be appropriate for business use, the proposal is contrary to policy E1D.**
- 2. Policy HC1 does not permit new open market housing other than as an enhancement to a previously developed site. As this proposal offers no enhancement it is contrary to policy HC1.**

**Key Issues**

- The loss of high quality employment space in a sustainable location;
- Whether the applicant has demonstrated that there is no potential for sustainable business use on the site;
- Whether the site requires enhancement in order to justify open market development;
- Whether there is any other exceptional justification for the proposed development.

## **History**

- 2000 Full planning permission granted conditionally for Media House (NP/DDD/0499/187).
- 2002 Full planning permission granted conditionally for Endcliffe House (NP/DDD/0901/406).
- 2013 Planning permission refused for the change of use of Media House and Endcliffe House from offices to apartments (NP/DDD/0612/0616).
- 2013 Notification of the change of use of Endcliffe House to residential use accepted (NP/GDO/0613/0452)
- 2013 Notification of the change of use of Media House to residential use not accepted because of condition 12 attached to NP/DDD/0499/187 limiting the use of the building to offices (NP/GDO/0913/0771).
- 2013 Planning permission refused for variation of condition 12 - office use only on NP/DDD/0499/187 – the subsequent appeal was allowed in 2014 and condition 12 has been deleted (NP/DDD/0613/0451).
- 2014 Notification of the change of use of Media House to residential use accepted (NP/GDO/0514/0562).
- 2014 Notifications of the change of use of Units 1-6 and 8-12 at Arden House on Deepdale Business Park not accepted (NP/GDO/0214/0110-0119)
- 2014 Outline planning permission refused for erection of building to accommodate 6 No. One bedroom flats (NP/DDD/0914/0997). The subsequent appeal was allowed and the reserved matters application was consented in 2015 subject to a planning obligation securing a commuted sum of £55,000.
- 2016 Outline planning permission refused for 12 one bedroom flats on Plot 3 and 11A on Deepdale Business Park (NP/DDD/1215/1135). This is now subject to an appeal, with a Hearing scheduled for 1 November. The current application is a resubmission of this previous application and is running parallel to the appeal.

## **Consultations**

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

District Council (Economic Development) - The application is not supported for the following reasons:

*The plots proposed for development form part of the remaining Business Park and, unlike the current residential area, are not subdivided from business activities. The District Council is of the view that residential uses should be limited to the frontage area of the site and not encroach on the remainder of the business park. The site is allocated for business use and should be retained for this purpose.*

*The application also refers to the plots being empty for circa 15 years with no interest for business use. However, no evidence is provided regarding the level of proactive marketing undertaken to properly test the market.*

Town Council - Recommend approval and welcome the financial contribution to the community.

## **Representations**

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

## **Main Policies**

The site is a Business park and the application proposes new housing. The most relevant policies in the Development Plan are therefore E1 and policy HC1 of the Core Strategy. E1 of the Core Strategy says that the National Park Authority will safeguard existing business land and buildings particularly those which are of high quality and in a sustainable location. Where the location, premises, activities, or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement should be sought, which can include re-development to provide affordable housing or community uses. HC1 says provision will not be made for housing solely to meet open market demand and HC1(A) goes on to say that exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it addresses eligible local needs.

Officers consider that these policies are consistent with policies in the National Planning Policy Framework ('the Framework') which say in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Moreover, the footnote to paragraph 115 of the Framework cross refers to: English National Parks and the Broads: UK Government Vision and Circular 2010 ("the Vision Circular"), which sets out very clearly that the role of the National Park is to support the delivery of affordable housing.

This approach to housing is consistent with the overarching landscape conservation objectives of Paragraph 115 of the Framework, which says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Local Plan policy LB6 of the Local Plan is also relevant to this application because it clarifies that general industry or business development (Use Classes B1 and B2) will be permitted on Deepdale Business Park, and that development which would prejudice the development of this site for general industry or business development will not be permitted.

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

## **Wider Policy Context**

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

As this is an outline application, with all matters reserved, policies on detailed design and layout are not relevant at this stage.

## **Assessment**

### **Previous Appeal Decision**

Planning permission has previously been granted at appeal for a block of six residential apartments on Endcliffe Court, which will be made available on the open market to meet general

demand. An offer of a commuted sum of £55,000 to facilitate affordable housing to meet local needs elsewhere in Bakewell was afforded significant weight by the Planning Inspector when granting permission for these apartments. The apartments are now nearing completion and the commuted sum is due to be paid to the Authority prior to them being taken into use.

In his decision letter on this appeal the Inspector referred to Paragraph 54 of the Framework which concerns housing in rural areas, and states that local planning authorities should “in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs”. This is not a provision allowed for within either Policy HC1 or LH1. In this respect the Inspector found that these policies are not consistent with the Framework. In coming to this view the Inspector did not give consideration of the different expectation placed on housing delivery in National Parks by virtue of the National Parks Vision and Circular 2010, which in itself is referenced in the Framework. Officers are aware of the statement in Paragraph 54 but consider that it should not outweigh the protection of National Parks elsewhere in the Framework or the provisions of the Core Strategy.

In his decision letter the Inspector did point to paragraph 14 of the Framework which states that where the development plan is “*silent or out of date*” that permission should be granted for sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted. Paragraph 14 states that unless material considerations indicate otherwise:

*“For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*<sup>9</sup>

The Inspector was clear that he was dealing with the appeal site on its own merits and explained that the **site was an exceptional one** in terms of its location, the possibility to construct a building to match the existing units in terms of scale and design, and utilising brownfield land with minimal impacts on the landscape and the scenic beauty of the National Park.

He also went on to place weight on the views of the District Council Housing Enabler in suggesting that the offer of £55,000 as a commuted sum would be “very helpful” in facilitating the scheme proposed at Lady Manners School in Bakewell that could ultimately provide 40 affordable homes.

In considering the new proposal officers have to assume that an Inspector would approach the statements in the Framework in a similar way. Officers consider that it important to restate the principles behind adopted policies which aim to deliver National Park purposes and duty through the delivery of the spatial strategy. In taking this case on its own merits officers believe there are key material differences that lead to a recommendation to refuse planning permission. Unlike the previous application this is not a rounding off of a part of the site which had become residential in character by virtue of the permitted development approval for the 12 units on the front of the site. The design and layout of the 6 flats allowed on appeal fitted well with the layout of the existing residential blocks.

The current application site is in the area of the business park to the rear of the existing flats and a residential development here would be a clear encroachment into allocated and safeguarded employment land. With all detailed matters being reserved it is therefore reasonable to reconsider the principles of losing such strategically important space.

Moreover the response from the District Council in this case focusses on the loss of employment space as distinct from any benefit that may accrue to the delivery of affordable housing elsewhere in the town.

As such officers believe this proposal to be materially different to that which was allowed on appeal and it is clear that any potential benefits are outweighed by the harm to core objectives of the development plan and to sustainable development goals of the National Park as a whole.

### Loss of Employment Land

In terms of the sustainability of the proposals, representations by the District Council note that the site is allocated for business use and should be retained for this purpose. They point out that Core Strategy policy E1(D) says the National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location such as Deepdale Business Park. Local Plan policy LB6 says general industry or business development (Use Classes B1 and B2) will be permitted on Deepdale Business Park, and that development which would prejudice the development of this site for general industry or business development will not be permitted. The District Council also point out that there is no evidence that the land has been marketed for business use.

In this case, the new buildings would be located within the allocated employment site, some of which (although not the land subject of this application) has permission for additional employment buildings. Nevertheless, the proposals would directly result in the loss of potential employment land within the site (policy E1D applies to business land i.e. land within the site and not just existing business premises and those with permission for such use). Recent evidence commissioned by the Authority to assess strategic need for employment space in Bakewell and the rest of the National Park concluded that there is an additional need for 1.3ha of employment space. For Deepdale it concluded that this *“recent development provides high quality employment accommodation with good strategic road access. There is some vacant land with development potential to the rear of the site. The vacant site will provide 0.4Ha of employment land.”* Consequently, it is considered that up to date evidence confirms the site to be a key part of the strategically available employment space in the National Park. The development of this site would continue the gradual material change of land use, eroding the overall land use mix in the town and representing a loss in one of the few core employment sites of high quality in the National Park.

### Impact on Housing Policy

The application is also contrary to HC1 because the current application proposes 12 one bedroom flats that are intended to meet general demand. There are no provision in the Core Strategy for open market housing in the National Park to meet general demand unless the proposed housing would be required to conserve or enhance a valued vernacular or listed building (HC1(C)I) or, within settlements, the proposed housing would be required to achieve enhancement objectives or the relocation of a non-conforming use in accordance with policy HC1(C)II of the Core Strategy.

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

Paragraph 215 of the Framework does state that, in the case of plans adopted prior to the publication of the Framework, due weight should be given to the degree of consistency of

policies with the Framework. Paragraph 54 of the Framework concerns housing in rural areas. The Authority's policies prioritise affordable housing in accordance with national policy, paragraph 55 of the Framework, however paragraph 54 does require local planning authorities to "*consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs*". The applicant has sought to justify the application through the offer of a commuted sum to build affordable houses on elsewhere in Bakewell.

Despite being an outline application the applicant has submitted a financial development appraisal. This demonstrates that in itself the development would not be expected to generate sufficient profit to pay a commuted sum, by that by removing the plot value from the appraisal this would generate a realistic and achievable sum of £110,000. The developer is offering this sum for off-site provision of affordable housing to meet local needs. However, HC1 allows for commuted sums to be levied only in the event that there is no evidenced need for affordable housing in a Parish subject of an application (HC1Civ). This is to ensure that the conservation objectives of the National Park are not consistently outweighed by financial incentives, and that commuted sums are only used in cases where a scheme would provide more affordable homes than are needed in the parish. In this case the scheme is not proposing any affordable housing, therefore the scheme is not seeking to address policy objectives on site. The development of land in the National Park for land uses other than those supported in the development plan represents a strategic loss and an adverse impact on the long term sustainability of the area. The long term need to safeguard employment space is clearly set out in the emerging Development Management Policies DPD. The rationale for this is that if employment sites are developed and then replacement space is required in future this would need to be found by development on the edges of Bakewell, with this having an impact on the conservation of Bakewell as a valued market town and a key visitor destination in the National Park.

The Deepdale site is considered of high quality employment land and is safeguarded accordingly. If the Authority considers that the site is not appropriate for additional employment use, and that it offers no enhancement opportunity, any new build housing must, under adopted policies, be affordable housing. Whilst the proposed housing would be little landscape impact, permitting market housing on this site would unnecessarily increase the pressure to deliver affordable housing on other greenfield sites. Site search work carried out for the emerging Neighbourhood Plan has shown that Bakewell has only limited capacity to meet all its affordable housing need through this and future plan periods. Approving open market housing on the Deepdale site would therefore represent a lost opportunity to deliver 12 affordable units.

The Authority has previously questioned whether a financial contribution could facilitate the provision of significant additional affordable housing, as required by Framework. The sum proposed on a previous scheme on this site (approved on appeal) was considered to be insufficient to pay for the construction of one house. The District Council Rural Housing Enabler Officer stated in relation to the earlier application that this type of contribution would be "very helpful" not just in supporting capital funding, but also as a method of showing partnership support and assisting with bids for funding from national agencies. Therefore, the proposed commuted sum being offered with the current application could also be used to facilitate a scheme elsewhere in Bakewell, such as that proposed near Lady Manners School for 35-40 affordable homes. However it is doubtful that this commuted sum in itself would result in '*the provision of significant additional affordable housing*' as required by paragraph 54 of the Framework. Consequently it is considered that the proposed commuted sum does not provide a strong justification for an approval as an exception to adopted policy and guidance.

Moreover, in response to this application the District Council seeks to prioritise the protection of employment land and makes no mention of the value of commuted sums for affordable housing.

The Town Council has supported the application, but the emerging Neighbourhood Plan, whilst supporting affordable housing provision, seeks to protect employment space in line with strategic

need. In this case the support of the Town Council may indicate support to facilitate additional affordable housing, but this would be at the expense of supporting retention of employment space.

### **Conclusions**

The proposal seeks to extend the principle of residential development on this safeguarded employment site. In the context of the National Planning Policy Framework, an earlier appeal at the front of the site was allowed, with the Inspector considering the relationship to the two adjacent blocks and the offer of a commuted sum towards affordable housing represented compelling reasons to allow the appeal.

However, officers consider that the proposals in this case would also be contrary to the Development Plan policies E1 and HC1, notwithstanding an offer of a commuted sum equivalent to that offered on the previous development. Officers consider that the scheme on this part of the site is materially different and as such it is reasonable to strongly restate the objectives of the development plan. Moreover the cumulative impact and encroachment of residential use into the safeguarded employment land only serves to reduce the long term sustainability of town.

The benefits that the commuted sum might provide by way of facilitating the delivery of affordable housing elsewhere in Bakewell is questionable and of itself does not guarantee the delivery of significant additional amounts of affordable housing. The proposal due to come forward at the Lady Manners site is anticipated regardless of this application and is not reliant upon it. As such the use of a commuted sum does not meet the requirements of paragraph 54 of the Framework.

Officers conclude therefore that this application represents unsustainable development in the context of National Park purposes and duty; the adopted Development Plan, and in particular E1 HC1 and LB6; the National Planning Policy Framework paragraphs 14 and footnote 9 (which state a requirement to meet objectively assessed unless specific policies in the Framework indicate that development should be restricted, for example those relating to land within a national park); and paragraph 115 and footnote 25 (the English National Parks and the Broads Government Vision and Circular which states that great weight should be given to protecting national parks and that housing delivery should concentrate on addressing affordable housing needs).

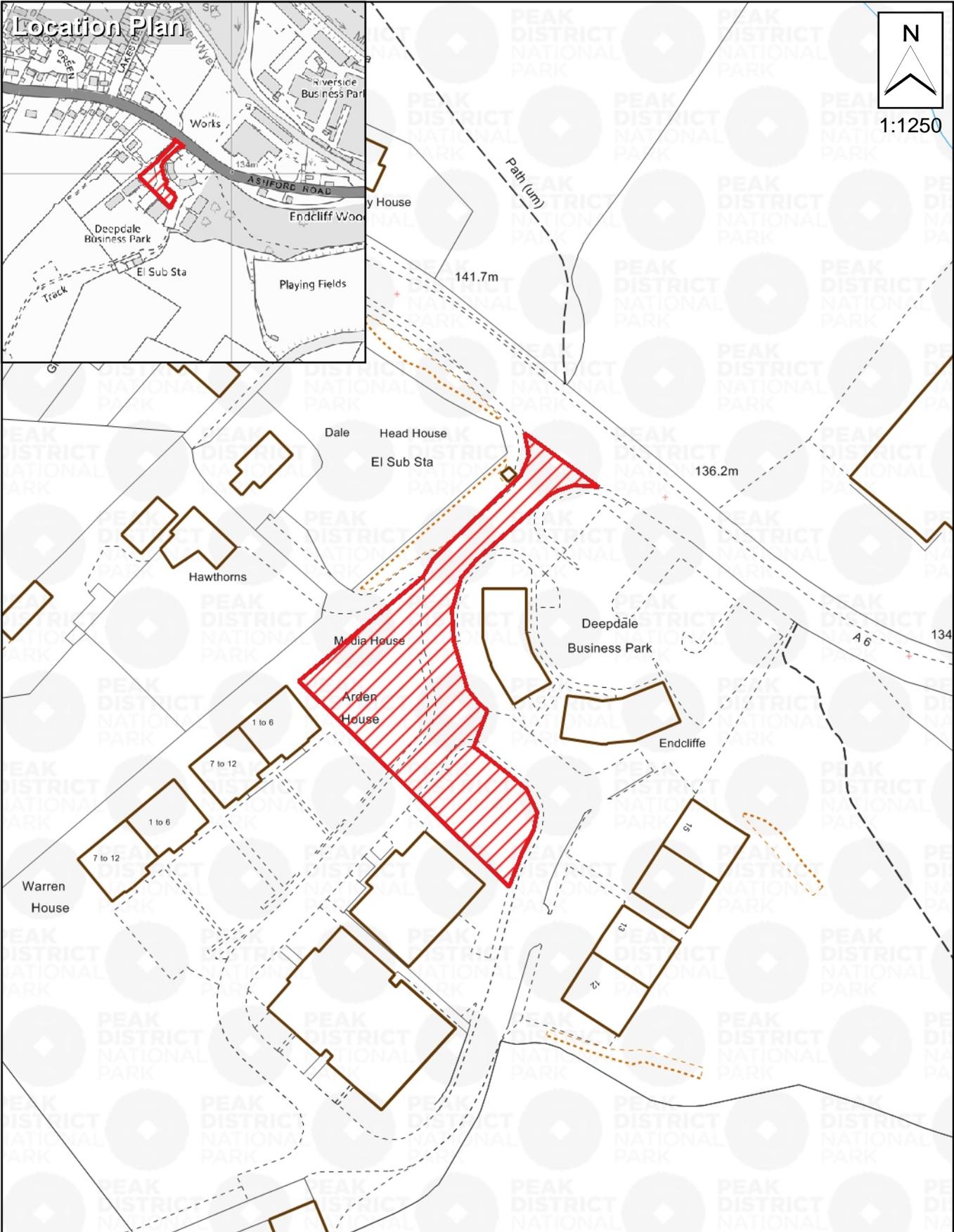
### **Human Rights**

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

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

Nil

This page is intentionally left blank



© Crown copyright and database rights 2016 Ordnance Survey 100005734  
 You are not permitted to copy, sub license, distribute or sell any of this data to third parties in any form.

Committee Date:	14/10/2016	<b>Title:</b> Plot 3 and 11A	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	10	Deepdale	
Application No:	NP/DDD/0716/0678	Ashford Road	
Grid Reference:	420887, 368937	Bakewell	

This page is intentionally left blank

**11. FULL APPLICATION - ERECTION OF SMALL STORE, HORSESHOE COTTAGE, BACK LANE, ALSTONEFIELD (NP/SM/0716/0731 P2561, 413126 / 355395 1/8/2016/SC)**

**APPLICANT: MS MANDY TURLEY**

**Site and Surroundings**

The application site contains a stone-built barn, previously referred to as the Blacksmith's Cottage or former Blacksmith's Workshop, which has recently had approval for conversion to an open market dwelling. The property is situated in a relatively isolated position adjacent to Back Lane approximately 200m to the south-west of the main group of residential properties in Alstonefield. The single-storey building is simple and robust in its form and detailing and is constructed from limestone and set within a small garden curtilage.

**Proposal**

Planning permission is being sought to erect a single storey detached outbuilding to accommodate battery storage space to power the array of solar panels on the roof slope of the cottage, a back-up generator and storage for maintenance equipment to power the water supply and sewage treatment plant in connection with the overall functioning of the cottage.

The outbuilding would be sited around 6.5m to the east of the cottage and close to the rear boundary wall of the garden. It would measure approximately 5m x 3m x 2.6m to the ridge. The main structure would be constructed of horizontal tongue and grooved timber under a grey roof (roofing materials not specified on plans). The plans also show a window and door in the east gable elevation and three windows on the south elevation. The agent has stated that the roof is pitched south in order to gain maximum sunlight on the south-facing slope should further solar thermal energy be required in the future.

**RECOMMENDATION:**

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

- 1. By virtue of the outbuilding's size, siting and use of materials, it would fail to reflect the local building vernacular, and thereby detract from the valued characteristics of the traditional cottage and its setting. Moreover, the outbuilding would be seen from public vantage points, exacerbating the harmful impact on the cottage, its immediate surroundings and the wider landscape impact, therefore failing to conserve the character of the landscape and scenic beauty of the National Park more widely. As such, the development is contrary to policies in the National Planning Policy Framework (NPPF), Core Strategy Policies GSP1, GSP2, GSP3, DS1, L1 and Local Plan Policies LC4, and LH4.**

**Key Issues**

1. Whether the proposed outbuilding by virtue of its size and design detailing, detracts from the character and appearance of the existing dwelling and its setting
2. Whether the development detracts from the open and undeveloped character and appearance of the immediate and surrounding landscape.

**History**

In 1986 permission was refused to convert the barn to holiday accommodation on the grounds that it would be isolated and sporadic development in open countryside. In 1987 a subsequent appeal was dismissed on landscape grounds and highway safety.

In 2015 an application for a change of use from barn/former blacksmith's workshop to a dwelling-house was approved, contrary to the officer recommendation, by the Authority's Planning Committee which considered that the proposal was a sustainable form of development that would support the viability and vitality of the village and that it would conserve and enhance a locally distinctive building on the edge of the settlement. Permitted development rights for alterations, extensions, and outbuildings were withdrawn, but the current proposal would, in any case, have required planning permission by virtue of its siting.

In 2016 a non-material amendment was accepted for the insertion of an 'in roof' solar panel arrangement on the south facing roof slope of the dwelling, with a further application approved to discharge conditions relating to details of the sewage treatment plant and a sample of appropriate surfacing materials for the parking and manoeuvring areas within the site.

### **Consultations**

Highway Authority (HA) - No response to date.

District Council - No Comment to Date.

Parish Council (PC) - Object on the grounds of not being in keeping with the local vernacular and over-development of the site.

### **Representations**

One letter of objection has been received from the resident of Beech Cottage Alstonefield, (sited approx. 175m north of the development site). The objection is essentially on private loss of view, due to the size and position of the proposed outbuilding.

### **Main Policies**

#### **Core Strategy**

GSP1, GSP2 and GSP3, requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.

DS1 and L1, supports development in the open countryside, provided that development respects, conserves and enhances the valued characteristics of the site paying particular attention to impact upon the character and setting of buildings and siting, landscaping and building materials.

CC2, states, that proposals for renewable energy development will be encouraged, provided they can be accommodated without adversely affecting landscape character and other valued characteristics of the National Park.

#### **Saved Local Plan**

Local Plan LC4 & LH4 state, that development will not normally be permitted where it would not respect, would adversely affect, or would lead to undesirable changes in the landscape or any other valued characteristic of the area. Further stating, that an appropriate scale, siting, landscaping, use of materials and a high standard of design will all be required if consent is to be granted.

Design Guidance is provided in the Authority's Supplementary Planning Documents - 1987, 2007 & 2014.

#### **Relevant Guidance**

The Authority's Landscape Strategy and Action Plan offers further guidance on the application of landscape conservation policies in the Development Plan. In this case, the landscape around the development site is characterised as limestone village farmland, which consists of limestone villages and clusters of stone dwellings within a pastoral farmland enclosed by limestone walls, with a repeating pattern of narrow strip fields and scattered boundary trees and tree groups around buildings

### National Planning Policy Framework

Paragraphs 56 - 66 require good design whilst paragraphs 109 -116 promote the protection of sensitive landscapes. It is considered that in this case, there is no significant conflict between the above policies in the Development Plan and more recent Government guidance in the NPPF, with regard to the issues that are raised.

### Assessment

#### Design and materials of the proposed outbuilding

The outbuilding would not be constructed from traditional building materials, so would not reflect the style and traditions of local vernacular buildings which are evident throughout the surrounding village and landscape and is reflected in the style and appearance of the existing cottage, which is built of natural limestone under a tiled roof.

In this case, the outbuilding measures 5m x 3m x 2.6m to the ridge and the cottage 8.5m x 4.5m x 4.5m to the ridge. Therefore when comparing the outbuilding in relation to the cottage (in size and closeness) it would dominate the existing cottage to such an extent that the outbuilding does not appear subordinate enough in its size and massing, therefore detrimentally harming the simple character and appearance of the cottage and its setting.

In this case, the outbuilding by virtue of its size, design and materials, is considered to have an adverse impact on the character and appearance of the cottage and its wider setting in the open countryside. Consequently, the proposal is considered contrary to GSP3, LC4 and LH4.

#### Landscape and visual impact of the proposed outbuilding

It is considered the cottage itself has limited impact on the setting and the surrounding landscape. However, one of the key characteristics of this local landscape character is the cluster of stone buildings within a pastoral farmland enclosed by limestone walls, with a repeating pattern of narrow strip fields and scattered boundary trees and tree groups around buildings (as stated in the Authority's Landscape Strategy and Action Plan). From this aspect, the siting/position of the proposed outbuilding would be clearly visible from surrounding public vantage points, particularly when seen from the Public Right of Ways (PRoW's) to the east and south of the application site.

It is therefore considered that the detached timber outbuilding would occupy a particularly prominent position and with the open characteristic of the locality and would appear unduly intrusive within the surrounding countryside, having a harmful visual impact on the cottage and its wider setting in this sensitive landscape location, contrary to policies GSP1, GSP3, L1, LH4 & LC4.

#### Neighbourliness

The nearest residential properties are sited over 120m away and due to this level of separation are not considered to be adversely affected by the development.

#### Other issues

The applicant has stated her commitment to reducing dependency on non-renewable energies which, in principle, the Authority encourages, provided they can be accommodated without adversely affecting landscape character and other valued characteristics of the National Park. Indeed, this is made clear in Planning Practice Guidance where it says that it is important to be clear that the need for renewable or low carbon energy does not automatically override environmental protections and proposals in National Parks.

Whilst it is recognised that the applicant wishes to go 'off-grid', it is considered this would not necessarily deliver sustainable development in respect of the conservation and enhancement of the site and the National Park more widely. Officers had suggested to the agent a solution in the form of a smaller scale extension with matching materials and attached to the east gable elevation of the cottage. Alternatively, a low key building within the curtilage, such as a lean-to off a wall, may be a suitable option which conserves the character and appearance of the building and its setting. This would have a less harmful effect on the character of the dwelling and consequently the impact on the wider landscape setting. Unfortunately, the applicant was unwilling to accept this, as the size would not be of a significant scale to house the key items required for the functional operation of the dwelling. In this case, Officers had stated they are open to further discussion on a revised scheme that could be supported with a recommendation of approval.

### **Conclusion**

In conclusion, it is considered that by virtue of the outbuilding's size and use of materials, it would fail to reflect the local building tradition, and thereby detract from the valued characteristics of the cottage and its setting. In addition, the timber outbuilding would be seen from public vantage points, exacerbating the harmful impact on the cottage, its immediate surroundings and the wider landscape impact. 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



1:1250

# Alstonefield



© Crown copyright and database rights 2016 Ordnance Survey 100005734  
 You are not permitted to copy, sub license, distribute or sell any of this data to third parties in any form.

Committee Date:	14/10/2016	<b>Title:</b> Horseshoe Cottage Back Lane Alstonefield	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	11		
Application No:	NP/SM/0716/0731		
Grid Reference:	413126, 355395		

This page is intentionally left blank

**12. FULL APPLICATION - EXTENSION/RE-MODELLING OF LOWER GROUND FLOOR AND RENDERED REAR EXTENSION AT GROUND FLOOR, SPITAL HOUSE, HOW LANE, CASTLETON (NP/HPK/0716/0595 P.8579 415271/ 383091 12/07/2016 DH)**

**APPLICANT: ALAN BASKERVILLE**

**Site and Surroundings**

Spital House is a mid-terrace red brick Victorian dwelling on How Lane (the A6187), opposite the junction with Weaving Avenue, at the eastern end of the village of Castleton. It lies approximately 20m outside the nearest boundary of Castleton Conservation Area. The property is currently in use as guest house providing 4 rooms for bed and breakfast accommodation. The living quarters for the applicant's family lies to the rear of the property and comprises a kitchen and breakfast room (used for storage) on the ground floor and two bedrooms, a small kitchen and wet room on the lower ground floor. At the rear of the premises there is a yard used for parking at the lower ground floor level. This yard gives access to the two garage spaces contained within a single storey flat roofed extension on the rear of the property, the roof of which forms a terrace for the owner accessed from the kitchen and breakfast room (the breakfast room being a later lean-to extension over the terrace)

The adjacent property known as Talbot House is sited to the immediate south-west of Spital House. It is in the same ownership as Spital House and is also included within the application site area along with Spital House. Talbot house is a four bedroom property that the owner lets out as an 8 person holiday rental property. Both properties front onto How Lane. A water course known as Peaks Hole Water runs to the rear (north) of the properties and access to the rear parking area is via a shared access to the south-west of the property between Talbot House and Swiss House. There are six parking spaces to the rear, comprising a double garage (one is shorter space at 3.8m), a double car port and room for two other vehicles in the yard area tandem parked outside the garage spaces.

Other than Talbot House, the nearest neighbouring properties are Mount View, which is the adjacent end terrace property to the immediate north-east of Spital House, Swiss House, which lies 10m to the south-west of the property, and The Old Police House and 2 Weaving Avenue, which lie on the opposite side of How Lane, to the south-east and south of Spital House respectively.

**Proposal**

The erection of a single-storey lean-to extension on the terrace to the rear of the property. This extension would be constructed from white rendered walls under a blue slate roof and would extend the existing single-storey lean-to breakfast room sited on the raised terrace, across the rear of Spital House. Plans show the revised accommodation would comprise a dining area and 'snug' with the lean-to form matching the profile of the lean-to across the rear of Talbot house. The extension across Talbot house which is currently in matching red brick would also be rendered to match.

The submitted plans also show proposals to convert part of the existing garage to allow the two existing bedrooms on the lower ground floor to be made slightly larger and to create a new entrance hall. The garage and terrace would be extended out by a further 2m to accommodate the 2 garage spaces, now both full size, which would be pushed out by the lower ground floor bedroom and bathroom extension.

**RECOMMENDATION:**

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

1. **The development hereby permitted shall be begun within three years of the date of the permission.**
2. **The development shall not be carried out other than in accordance with the submitted plans, drawing numbers BHC\_PL007 (proposed lower ground floor plan), BHC\_PL008 (proposed ground floor plan), BHC\_PL009 (proposed roof plan), and BHC\_PL010 (proposed elevations), received by the National Park Authority on 29<sup>th</sup> June 2016 and subject to the following amendments;**
  - i) **The walls of the lean-to extension shall be clad with red brick to match the main house.**
  - ii) **Rooflights to be conservation type and fitted flush with the roof slope.**
3. **The development shall not be carried out other than in complete accordance with specifications for minor design details including specifications for construction materials, external doors and windows, and rainwater goods.**
4. **The existing garaging shown on the approved plans shall be retained for the garaging of domestic vehicles throughout the lifetime of the development hereby permitted.**

### **Key Issues**

- Whether the proposed development would detract from the character, appearance or amenity of Spital House, its setting or neighbouring properties.
- Whether the parking arrangements are acceptable

### **History**

Spital House and Talbot House were originally one house known as Spital House.

1992/3 - The original house received planning permission for the construction of a garage in (NP/HPK/0003/2056) and later, a double garage to the rear of the property (NP/HPK/0003/2971).

2005 - Planning permission granted to subdivide the original house into two dwellings (NP/HPK/0105/0100).

2007 – permission granted to sub-divide Spital House into one dwelling and one guest house (NP/HPK/0407/0321). Spital House was subsequently divided into Talbot House and Spital House.

### **Consultations**

Highway Authority - Notes the shared access and the current 6 parking spaces, including that the 2 garage spaces are blocked by the 2 vehicles parking in the yard. Recognise that the proposal results in a reduced area for parking and turning and whilst the parking arrangements are not ideal in either the existing or proposed layout it is considered that an objection based on this would not be sustainable at appeal. On this basis do not wish to raise objections.

District Council – No response to date

Parish Council – Object on the grounds of layout and density of buildings, the overshadowing and overbearing presence near a common boundary that is to the detriment of the neighbours and the loss of privacy and loss of light.

## **Representations**

One letter of objection has been received which considers the development will result in loss of light to the neighbouring property to the north-east and be overbearing.

## **Main Policies**

The property is currently used as a guest house providing bed and breakfast accommodation for visiting guests so it does not benefit from householder permitted development rights but Policy RT2(B) of the Authority's Core Strategy is permissive of appropriate minor developments which extend or make quality improvements to existing holiday accommodation.

By virtue of a condition attached to the permission (NP/HPK/0407/0321), the guest house use has to cease in the event the applicant sells the adjacent Talbot House, Spital House would then revert back to use as an ordinary dwelling house (.). Aside from the current use of the property, Spital House retains the character and appearance of a dwelling house in all other respects. Therefore, it is also appropriate to consider the current application with due regard to the provisions of Local Plan policy LH4 – Alterations and extensions to dwellings and LC4 – Design, layout and landscaping considerations.

In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing extensions to extensions to house including outbuildings. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

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

The Authority has adopted three supplementary planning documents (SPD) that offer design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties.

## **Wider Policy Context**

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD 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 policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

As the proposed development would be close to the boundary of the Conservation Area, policy L3 of the Core Strategy and Local Plan policy LC5 also have some relevance. These policies seek to ensure the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced, including its setting and important views into or out of the area. Local Plan policy LT18 otherwise says safe access and adequate parking provision are a pre-requisite of any new development in the National Park.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

## **Assessment**

### **Single-Storey Extension**

The proposed ground floor extension replaces an existing red brick and blue slate lean-to at the rear of Spital House, following the same form and linking as before to the lean-to across the back of Talbot House. The outer walls would now be constructed in block finished with a white render under a blue slate roof. The existing brick lean-to across the rear of Talbot house would also be rendered to match. The new extension would have two large openings in the rear wall, one fitted with three folding doors with full length glazing opening and one further pair of double doors with full length glazing both opening out onto the terrace. The roof would be fitted with three rooflights.

The proposed extension would not provide any additional bedroom accommodation and would accommodate a single dining table for guests. Consequently, the proposals would not give rise to any significant intensification of the current uses of the property because they would not be increasing the amount of visitor accommodation or ancillary living accommodation. Therefore, there are no overriding objections to the principle of the extension which can be considered to be a minor development which would extend or make quality improvements to existing holiday accommodation permitted by policy RT2(B) of the Core Strategy. Nonetheless, any approval for the current application would be subject to normal planning considerations such as design of the extension and its potential impact on the character, appearance and amenities of the property and the local area.

Whilst there are no objections to the form or massing of the design the proposed use of white render would not be in keeping with the red brick walls of the Spital House. Although the extension would be a relatively modest addition to the existing building it should still harmonise with its existing character and appearance and to ensure this, a condition specifying the use of a matching red brick is suggested. Subject to this amendment the extension would simply extend the length of the existing lean-to and would be constructed from materials to match the existing. The full length glazed doors would also look more in keeping with the property than the existing windows in the rear of the building. The rooflights would be reasonably well related to the doors in the lean-to below and to the existing windows above, however, given their location on a traditional property close to the edge of the conservation area it is considered important that they are fitted flush with the roofline and are of a conservation type. A condition to secure this detail is recommended.

By virtue of the siting of the proposed development at the rear of the building, and its relatively modest size and scale, the extension and associated alterations to the existing lean-to would have a limited impact on the setting of the property and would not have any impact on the special qualities of the nearby Conservation Area. Similarly, the siting and the size and scale of the extension means that the extension would not block any significant amount of natural light to the neighbouring properties. The extension would be sited on the north facing elevation of Spital House and therefore the extension would not block light from the sun that is not already blocked by the existing building already.

Although it is acknowledged the extension would be sited on a raised terrace, it would only extend out from the existing building by three metres to match the depth of the existing lean-to, it would be single-storey in height and would have a mono-pitch roof with a low eaves height.

Taking these factors into account, and taking into account the orientation of the extension relative to the nearest neighbouring properties, the absence of any windows facing directly towards the proposed extension and the intervening distances between any other windows, the extension would not be unduly overbearing. In these respects, it is not considered that the proposals would impact on the quiet enjoyment of any other property so substantially by virtue of the size and scale of the extension or constitute over development of the property to such an extent that planning permission should be refused on amenity grounds for these reasons.

Taking into account there is an existing raised terrace and a range of windows at ground floor level and above in Spital House that are already north facing, it is not considered that the introduction of glazed doors or the rooflights could result in a loss of privacy as there is already a high degree of overlooking experienced by any property broadly to the north of Spital House. The gable end of the extension would be a blank wall so any properties beyond the end of the extension, including the immediately adjacent Mount View, would not experience any loss of privacy because there would be no additional windows facing out of the extension in a north easterly direction.

It is concluded that the proposed extension meets the requirements of the relevant policies in the Development Plan because it would not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings and in all other respects; the proposed extension would be of an appropriate design that would harmonise with the existing property.

#### Alterations to Lower Ground Floor

The submitted plans show proposals to extend the guest house into part of the existing double garage at lower ground floor level, with the consequent extension of the garage and terrace out by 2m in the yard using matching materials. The plans show that the two existing bedrooms at lower ground floor would be re-modelled by converting part of the existing garage and an entrance hall would be provided. The yard provides off-road parking for two cars. The proposals would result in the loss of some yard space that could be used by the two cars but essentially no change in circumstances as the existing arrangement is not ideal and the outside yard parking spaces would block the garage spaces with or without the proposed development.

The proposed extension to the flat roof is modest addition to the existing extension and considered acceptable in scale, design and its impact on neighbouring properties. The alterations to the bedrooms would take place within the existing building so there is no likelihood that these would have any visual impact or any direct impact on any neighbouring property. Although the two bedrooms on the lower ground floor would be slightly larger than the existing bedrooms, the proposals would not give rise to any significant intensification of the current uses of the property because they would not be increasing the amount of visitor accommodation or ancillary living accommodation. Therefore, the main issue with regard to these proposals is whether the rearranged layout of the existing off-road parking spaces means that there would no longer be adequate off-road parking provision for the guest house, and as such, whether these proposals could be considered to be over development of the property.

In the first instance, the Highway Authority has no objection to these proposals but has stated very clearly that the parking arrangements are not ideal in either the existing or proposed layouts. This is because in the existing situation, two of the six spaces available at the property would be 'blocked in', as noted above, and there is also a limited amount of space at the rear of the property to manoeuvre cars off the public highway. In the proposed situation, two of the six spaces proposed would block in the four spaces that would be retained in the existing garaging and car port because they would be sited within the limited amount of manoeuvring space for vehicles at the rear of the property.

The current proposals would be difficult to refuse on the grounds of inadequate parking provision because they would not provide additional accommodation or a loss of parking spaces and in

these terms, the proposed parking arrangements are not materially different from the existing arrangement in terms of how they would generate demand for additional off-site parking or how they would affect other highway users.

In summary, although parking on-street does occur to the front of the property, there are Traffic Regulation Orders restricting parking in the vicinity and the proposals would not result in any additional on-street parking compared to the current situation. Moreover, there are a number of guest houses and properties offering bed and breakfast accommodation that do not have adequate on-site parking provision for guests in Castleton and the National Park more generally. It is therefore not uncommon for visitors to park elsewhere in the local area and in some settlements and villages, this does cause a problem. However, there is a significant amount of public parking in Castleton within walking distance of Spital House that would mitigate concerns about where guests will park overnight.

To a lesser extent, concerns about demand for parking at the property is mitigated by the fact that Castleton also has reasonable public transport connections, which means that visitors to Spital House would not be totally dependent on a car. Therefore, because the proposals would not lead to additional demand for parking spaces, they would not create any significant amount additional accommodation, there is public parking available in the settlement, and not every guest would be dependent on a car, it is difficult to sustain an objection to the current application because it would lead to additional on-street parking or that it would make the current situation any worse through over development of the property, for example.

In terms of highway safety concerns, the Highway Authority has made no further comments on the suitability of the access to the property and even though the Highway Authority considers the parking arrangements to be less than ideal; there is no suggestion that these arrangements would lead to any road safety hazards. Therefore, granting planning permission for the proposals would not conflict with the specific provisions of Local Plan policy LT18, which requires safe access and adequate parking provision for all new development in the National Park.

In all other respects, the proposed alterations to the property are considered to be appropriate minor developments which would extend and make quality improvements to the existing accommodation at Spital House that is permitted by policy RT2(B) of the Core Strategy.

### **Conclusion**

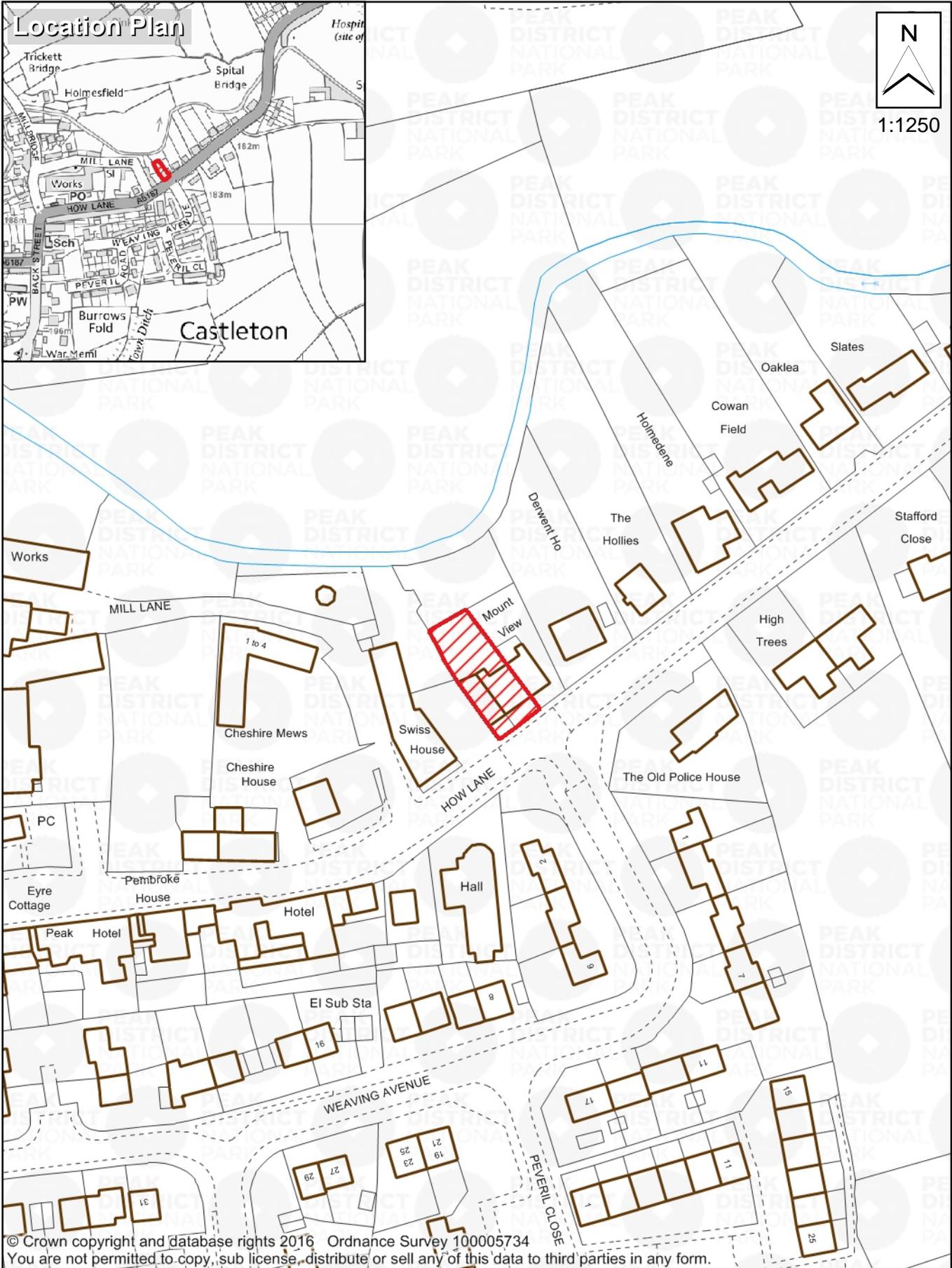
It is therefore concluded that the application meets the requirements of policies in the Development Plan and national planning policies in the Framework because the proposed extensions and associated alterations constitute appropriate minor developments which would make quality improvements to the existing guest house that would not harm the valued characteristics of the local area through over development or a substantially more intensive use of the existing property. Subject to the above mentioned conditions covering the detailed design of the rooflights and specifying the walling to be matching red brick in the lean-to, the proposals would also meet the specific requirements of LC4 and LH4 dealing with design matters and extensions to houses because they would not detract from the character, appearance or amenity of the existing house, its setting or neighbouring properties. Accordingly, the revised application is recommended for conditional 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



© Crown copyright and database rights 2016 Ordnance Survey 100005734  
 You are not permitted to copy, sub license, distribute or sell any of this data to third parties in any form.

Committee Date:	14/10/2016	<b>Title:</b> Spital House How Lane Castleton	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	12		
Application No:	NP/HPK/0716/0595		
Grid Reference:	415271, 383091		

This page is intentionally left blank

### **13. PROPOSED WAITING RESTRICTIONS AND ON-STREET CHARGES ORDER 2016 HOW LANE, BACK STREET, BARGATE, MILLBRIDGE, CASTLE STREET AND BUXTON ROAD, CASTLETON (TN)**

#### **PROPONENT: DERBYSHIRE COUNTY COUNCIL**

Derbyshire County Council consulted the National Park Authority regarding these proposals in August 2016, with a deadline for responses of 2 September 2016.

Because of Officer concerns regarding the potential impact of the proposals on the historic centre of Castleton, the setting of St Edmunds Church (a Grade II\* Listed building) and the wider Conservation Area, a holding response was submitted to the proposals on 2 September 2016. This holding response was submitted to allow time for the proposal to be reported to the Planning Committee to seek a Member view prior to submitting a formal response to the consultation.

The proposed scheme does not require planning permission, as the works would be undertaken under the Road Traffic Regulation Act (1984) and the General Permitted Development Order (2015). However, if the proposals are seen to be detrimental to the special qualities of the National Park, there are grounds to object to these proposals on that basis. The matter is being referred to Planning Committee rather than Authority or Audit Resources and Performance because the issues raised are those which the Planning Committee deal with on applications for planning permission.

#### **Key Issues**

- Whether the proposed scheme, and in particular the On-Street Pay & Display elements are essential for traffic management in Castleton.
- If so, whether any potential traffic management benefits outweigh the negative impact of the proposals on the Conservation Area and in particular, the historic centre of Castleton.

#### **Location and summary of proposals**

Castleton is a very popular visitor destination within the Hope Valley area of the National Park, with visitors attracted by a range of attractions. Castleton Conservation Area encompasses the historic centre of the village. With the exception of Buxton Road, all of the proposed restrictions and On-Street parking bays and associated new or replacement signage, lining and payment machines fall within the conservation area.

The proposal is for a combination of Waiting Restrictions and On-Street Pay and Display Charges in Castleton village centre and on the outskirts of the village on Buxton Road. The following comprises a written description of the scheme, whilst the Map at Annex 1 provides a geographical representation of the proposals. In all cases where new On-Street parking bays are proposed, the charges will apply from 9am-5pm, every day, with a maximum stay of 2 hours. Where there are existing on-street Pay and Display parking bays, charges will apply from 9am-5pm, every day, with a maximum stay of 4 hours.

How Lane (A6187) enters Castleton from the east. The proposed scheme lies between its junction with Weaving Avenue and the ninety degree corner into Back Street (A6187). The southern edge of How Lane is a mixture of private houses and businesses, including the Peak Hotel, Ye Olde Cheshire Cheese Inn and the Peveril Stores. The road is covered by a mix of no waiting and limited waiting restrictions. The limited waiting restrictions prohibit parking on weekend days and Bank Holidays between 8am and 8pm. **The introduction of the proposals would permit on-street parking within the current limited waiting areas, although it would be subject to Pay and Display charges.** The pavement on the southern edge of How Lane is

fairly narrow and would be required to accommodate a Pay & Display Ticket Machine.

The northern edge of How Lane also has a mix of private houses and businesses, along with car parking associated with the Peak Hotel and the Bus Station. **The proposed scheme imposes a limited waiting order on the existing parking bay of 30 minutes.**

Back Street (Unclassified) leads south from the junction with Back Street (A6187) past St Edmunds Church towards the Market Place. The eastern edge of Back Street is lined with private houses and has a narrow pavement. Currently the road has a limited waiting order which prohibits parking on weekend days and Bank Holidays between 8am and 8pm. **Under the proposals, this would be replaced by a no waiting order with accompanying double yellow lines and signage.**

The western side of Back Street (Unclassified) is bounded by the wall of St Edmunds Churchyard. There is no pavement on this side of the road, and there are no parking restrictions along most of its length, however, there is one marked disabled parking bay. As a result it is used for parking by a range of people including workers within the village, visitors to the village, those attending Church, and residents. **The proposed scheme would retain the disabled parking bay, but introduce additional on-road marked parking bays, which would be subject to charging. The scheme would also require the installation of a ticket machine and additional signing adjacent to the Churchyard Wall.**

Bargate (Unclassified) runs from the Market Place towards Pindale. The street is lined on both sides with residential properties, and with some narrow areas of pavement interspersed with areas with no pavement. Currently both sides of the road have some limited waiting restrictions which prohibits parking on weekend days and Bank Holidays between 8am and 8pm. **Under the proposals, this would be replaced by a no waiting order with accompanying double yellow lines and signage.**

Castle Street (Unclassified) leads south from its junction with Cross Street (A6187) to the Market Place. The eastern edge of Castle Street is bounded by St Edmunds Churchyard Wall for much of its length, with the remainder of the road being bounded by residential properties and some associated garages. There are some shops / cafes at the near to the Cross Street junction. There is no pavement on this side of the road, and there are no parking restrictions along most of its length, however, there is one marked disabled parking bay. As a result it is used for parking by a range of people including workers within the village, visitors to the village, those attending Church, and residents. **The proposed scheme would retain the disabled parking bay, but introduce additional on-road marked parking bays, which would be subject to charging. The scheme would also require the installation of a ticket machine and additional signing adjacent to the Churchyard Wall.**

The western edge of Castle Street (Unclassified) is bounded by The Castle public house and the entrance to its car park in the north. Beyond the Castle is a mix of residential properties and The George public house, which also has a car park accessed from castle Street. There is no pavement on this side of the road, and there are no parking restrictions along most of its length. As a result it is used for parking by a range of people including workers within the village, visitors to the village, those attending Church, and residents. **The proposed scheme would introduce additional on-road marked parking bays, which would be subject to charging. The scheme would also require the installation of additional signing. Payment for parking would be via the ticket machine adjacent to the Churchyard Wall on the eastern side of the road.**

Millbridge leads northwards from its junction with Back Street (A6187) towards Hollowford. The road is narrow and bounded on both sides by a mix of residential and business properties. The road has some short intermittent sections of footway, and is not subject to parking restrictions for much of its length. **The proposed scheme will introduce a no waiting order with**

---

**accompanying double yellow lines and signage on the western side of the road in the area adjacent to Trickett Close.**

Buxton Road (A6187) leads from Castleton Visitor Centre to the junction with Arthur's Way and onwards along the old Mam Tor Road. The road is initially bounded on its northern side by businesses, residential properties and the Methodist Church, before leading out into open countryside. The southern side of the road is initially bounded by commercial properties and a private car park before leading out into open countryside. There are a number of existing Pay and Display parking bays which are in operation from 9am to 5pm, with a maximum stay of four hours. West of the entrance to Dunscair Farm there are a number of Pay & Display Parking Bays that are chargeable on weekends and Bank Holidays only. Most, if not all, of the associated Ticket Machines have been vandalised or in other ways damaged, and none appear to be currently in operation.

Under the proposed scheme changes will be made to allow for use of the parking facilities by resident permit holders. This will require an update to signage and possibly payment machines. West of Arthurs Way, two Pay and Display On-Road Parking Bays will be retained and serviced by one Ticket Machine. It is anticipated that all remaining vandalised or damaged ticket machines west of Dunscair Farm entrance will be removed as part of a tidy-up following the introduction of the scheme.

**RECOMMENDATION:**

**1. That Planning Committee supports a formal objection to the proposed scheme on the following basis:**

**i) The proposed introduction of Pay and Display Parking Bays and associated signage and ticket machines on Back Street and Castle Street will extend the urbanising effect of existing lining and signing on the historic setting of Castleton village centre. In particular the proposal will have a negative impact on the setting of the Grade II\* Listed St Edmunds Church.**

**ii) The proposed introduction of Pay and Display Parking Bays and associated signage and ticket machines on How Lane will encourage parking in a location where it is currently prohibited between 9am and 5pm on weekend days and Bank Holidays. The proposed scheme is likely to restrict the flow of traffic at this location when the village is at its busiest i.e. weekend days and Bank Holidays. There are also potential safety concerns in relation to pedestrians crossing How Lane to and from the Bus Station and to access shops / businesses on both sides of the road. In addition, the introduction of a ticket machine may also restrict pedestrian and disabled access on the narrow pavement on the south of How Lane.**

**iii) The 'No Waiting at Any Time' proposals on How Lane, Back Street and Bargate in the main replace existing Limited Waiting orders, with their associated lining and signing. However, these proposals are a traffic management measure to mitigate against the displacement of parked vehicles as a result of the introduction of new On-Street Pay and Display Bays. Their need would be negated if the proposed On-Street Pay and Display Bays are not introduced.**

**iv) The introduction of 'No Waiting at Any Time' proposals on Millbridge with any associated lining and signing will have an urbanising effect on the relatively rural character of the location. It is unclear from the proposals what the driver is for them. Under the circumstances it is difficult to assess the need against the impact on the Conservation Area and the passage from village to open countryside at this location.**

2. **That Planning Committee supports the proposed retention of existing Pay and Display Parking Bays on Buxton Road, on the basis that the machines are maintained in an operating condition; and that the redundant machines associated with the Parking Bays west of the entrance to Dunscair Farm and not covered by the proposed Order are removed.**

### **History**

Castleton is a very popular visitor destination within the Hope Valley area of the National Park, with visitors attracted by a range of attractions including Peveril Castle, various show caves, shops, cafes and public houses. Visitors using the village as a base from which to access various outdoor attractions such as Cave Dale, Winnatts Pass, Mam Tor and Losehill. Whilst the Castleton has good public transport links to Sheffield, Bakewell and Buxton, the majority of visitors arrive by car.

On busy days, such as summer weekends, Bank Holidays, and during special events such as the Garland ceremony and the Christmas Illuminations, demand for parking can outstrip supply, within the village centre; this can lead to overspill into residential areas. Similarly, the cost of parking can also lead to employees of businesses within the town spilling over into residential streets.

Civil Parking Enforcement has taken place in Derbyshire for a number of years, covering both on and off-street parking facilities, operated by the County Council and the District and Borough Councils. Under this regime, an outside contractor delivers the enforcement, with the cost recouped from a combination of parking income and any fines resulting from the enforcement of parking orders.

Derbyshire County Council's Strategic Director for Economy, Transport & Environment tabled a Report for the Cabinet Member for Jobs, Economy and Transport on 11 February 2014. This report highlighted the usefulness of the Civil Parking Enforcement Regime, but also highlighted that it was operating at a loss. The report identified the introduction of On-Street parking charges as a means of offsetting that loss, where they could be introduced without any detrimental effect on the local economy. The report identified three locations where changes to on-street parking regimes may be appropriate, with a recommendation at paragraph 7.1 that:

*“Investigations be carried out into whether it would be feasible to extend the times that the existing on-street pay and display restrictions apply in Castleton”.*

Derbyshire County Council undertook preliminary discussions with Castleton Parish Council on Pay & Display options in 2015. The National Park Authority was not directly approached by the County Council, although we did receive some contact from Castleton residents concerned about the proposals at this time. These concerns centred on personal impact on residents and on visitors to the village. Discussions with Derbyshire County Council at the time indicated that the Authority would be formally consulted once the proposals were finalised.

The Authority was formally consulted on the proposed measures on 10 August 2016; a holding response was submitted on 2 September 2016.

### **Internal Consultations**

Conservation Officer: provided a detailed assessment which is summarised below. If the Committee endorses the officer recommendation, this assessment would be submitted to DCC to demonstrate the specific concerns about the scheme.

#### Summary

*“In order to assess the acceptability of the proposed scheme a summary of the pressures that*

have necessitated its requirement would be useful. The proposals are modern highway interventions in the middle of a settlement with a layout that has medieval origins and a wealth of historic buildings and structures. Care is therefore needed to ensure the interventions do not adversely impact on the setting of listed buildings and the character and appearance of the Conservation Area and its setting.

I would also encourage the following:

- *Where new road (double yellow) lines are considered acceptable, these should be kept to the minimum; as thin as possible; and primrose in colour (not bright yellow).*
- *I would expect that every new sign, associated with this proposed scheme, has an environmental audit sheet, in line with the County's Environmental Code of Practice on highway signage (1997). The information submitted with this consultation does not indicate whether any existing signage will be removed as part of the proposed works. It would be helpful if this information was provided.*
- *Pay and Display Parking – details should be provided on the type and exact location of the proposed parking meters."*

Planning - No Planning Issues, other than care needs to be taken with siting of meters to avoid sensitive buildings and clutter in the streetscene. The assumption is that pale yellow would be used for lining.

Landscape – No landscape issues

Archaeology – No archaeological concerns or considerations

### **Representations**

The National Park Authority has received representations expressing concerns about and / or opposing the proposals from the following, although it should be noted that the Authority is itself a consultee and has not consulted any other external bodies:

One Castleton resident, one Castleton business, and the Vicar of Castleton, Bradwell & Hope and Castleton Parish Council.

The concerns include the availability of parking near to residential properties; the impact on workers and visitors to the area; the impact on businesses concerned about loss of trade; concerns about the displacement of parking into residential areas; concerns about churchgoers having to pay parking charges.

### **Main Policies**

Relevant Core Strategy policies: L3, T1, T3, T7

Policy L3: Cultural Heritage assets of archaeological, architectural, artistic or historic Significance; makes an assumption against development that has an adverse impact on any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting that has statutory designation or is of other international, national, regional or local significance. Whilst in this case the proposals are dealt with under the General Permitted Development Order (2015), Officers are concerned about the impact of the proposals on Castleton Conservation Area and on the historic centre of the village and in particular the setting of St Edmunds Church, a Grade II\* Listed Building.

Policy T1: Reducing the general need to travel and encouraging sustainable transport; states “*Conserving and enhancing the National Park’s valued characteristics will be the primary criterion in the planning and design of transport systems, and the management of traffic, subject always to safety considerations.*” Because of the potential impact on the Castleton Conservation Area and the historic centre of the village, in this case, the proposals are contrary to this Policy.

Policy T3: Design of transport infrastructure; this Policy advocates the careful design and maintenance of transport infrastructure to take full account of the valued characteristics of the National Park. There are ways in which transport infrastructure for traffic management, such as those proposed can be designed in a minimalistic way to reduce their impacts. This includes the use of more the more recessive primrose yellow for double yellow lines and using a narrower diameter. However, the need for compliance with enforcement regulations in this case, reduces the scope for designing out the impacts in this case.

Policy T7: Minimising the adverse impact of motor vehicles and managing the demand for car and coach parks; States that “*Within environmentally sensitive locations, additional traffic management schemes will be undertaken where there is a demonstrable need.*” Whilst this Policy might be appropriate in enabling traffic management schemes such as those proposed, in this instance no traffic management need has been demonstrated that will be met by these proposals.

Relevant Local Plan policies: LC5, LC6, LT14, LT18

Policy LC5: Conservation Areas; advocates that applications for development within or affecting the setting of a Conservation Area should “*assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.*” Whilst the work is covered under the General Permitted Development Order (2015) and the scale of works proposed is minor, there is still a requirement to have regard to the setting of the Conservation Area.

Policy LC6: Listed Buildings; states Planning applications for development affecting a listed building and/or its setting should clearly demonstrate; how these will be preserved and where possible enhanced; and, why the proposed development and related works are desirable or necessary. Again, whilst the work is covered under the General Permitted Development Order (2015) and the scale of works proposed is minor, there is still a requirement to have regard to the setting of the Listed Building, in this case St Edmunds Church, and to demonstrate the need for the proposals.

Policy LT14: Parking strategy and parking charges; states that “*in considering proposals for new or enlarged car parks..... in Conservation Areas, the National Park Authority will expect the developer to have assessed alternative sites located in a less environmentally sensitive location*”. Whilst the proposal is not for a new or enlarged car park, it does formalise on-street parking, with the associated signing, lining and ticket machines. Therefore, in this respect, Policy LT14 does carry some weight. The Policy also makes an assumption in favour of off-street parking as opposed to on-street parking, due to the visual and amenity impact of on-street parking. However, in this case the current informal parking arrangements on Back Lane and Castle Street have a lesser impact, both visually and on the setting of the historic centre of the village and the Conservation Area, than the impact of the proposed formal arrangements.

Policy LT18: Design criteria for transport infrastructure; states that “*The highest standards of environmental design and materials should be used in transport infrastructure to conserve and enhance the valued characteristics of the area.*” There are ways in which transport infrastructure for traffic management, such as those proposed can be designed in a minimalistic way to reduce their impacts. This includes the use of more the more recessive primrose yellow for double yellow lines and using a narrower diameter. However, the need for compliance with enforcement regulations in this case reduces the scope for designing out the impacts in this case.

## **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'

## **Assessment**

The use of parking restrictions and on-street charging with limited waiting periods can be a useful tool in ensuring that town and village centres remain vibrant, with a through-put of visitors to the centre. The importance of this is alluded to in the report by Derbyshire County Council's Strategic Director for Economy, Transport & Environment to the Cabinet Member for Jobs, Economy and Transport on 11 February 2014.

However, the report does not refer to the need for such a requirement in Castleton. Instead, the justification for undertaking a review of how On-Street Pay & Display operates in Castleton (and other locations), appears to relate to the need to maintain the financial viability of the County's Civil Enforcement Regime. It might be that the aforementioned benefits do result from the proposals, but there has been no evidence provided to support this supposition.

The Traffic Regulation Order proposes various works within the historic core of Castleton. These works include:

- 'Proposed No Waiting At Any Time' - double yellow lines
- Disabled Parking Spaces - road markings and signage
- Pay and Display Parking Places - road markings, pay meters and signage

The majority of the proposed works are located within the Castleton Conservation Area. This Conservation Area was designated in January 1976. A character appraisal for the Conservation Area was adopted in January 2010. The Conservation Area contains a number of listed buildings with St. Edmund's Church, a Grade II\* listed building, situated at its centre. There are also a number of historic buildings and structures within the Conservation Area that are not listed but would be considered non-designated heritage assets and/or make an important contribution, individually and/or in groups, to the character and appearance of the Conservation Area.

Pockets of green open space also make an important contribution to the character of the Conservation area, particularly the churchyard to St. Edmund's in the village centre. 7.32 of the Conservation Area Appraisal describes the church and churchyard as *'a peaceful and tranquil oasis in the centre of a busy tourist town'*. The Conservation Area Appraisal (paragraph 11.15) further states, *'The open public spaces within the Conservation Area contribute significantly to the village's character. Demand for parking may put pressure on these spaces, but their removal would be detrimental to the character of the Conservation Area.'*

### **(a) Back Street**

Proposal - Replace the single yellow line (No waiting at specific times) to double yellow lines (no waiting at any time) for 100 metres on the east side of the road; disabled parking bay (6 metres) on the west side; two areas of pay and display parking places along the west side by the church).

The proposed works include the replacement of the single yellow line, along the eastern edge of the road, with double yellow lines (no waiting at any time). Increasing the road markings in this

area will have a negative impact on the character of the Conservation Area. If additional road markings are deemed necessary, then officers would recommend that (i) the existing road markings are removed; (ii) the new road lines (double or single) should be kept to the minimum; as thin as possible; and primrose in colour (not bright yellow); and (iii) there shall no road markings on the historic / traditional street surfaces.

#### **(b) Bargate**

Proposal - Replace single yellow line (No waiting at specific times) to double yellow lines (no waiting at any time) on the north-east side of the road (to the lower/west end) and south side (of the upper/east end).

If the proposed works are carried out in line with the following, then this aspect of the proposed works is unlikely to visually harm the character and appearance of the Conservation Area:

1. The existing road line(s) are removed before the introduction of the new;
2. The new road lines should be kept to the minimum; as thin as possible; and primrose in colour (not bright yellow).

#### **(c) Buxton Road**

Proposal – Five sections of pay and display parking places along the south side of this route. This part of the proposal is not within the Conservation Area. However, the works will impact on the setting and views in and out of the Conservation Area. There is also likely to be impacts on the important landscape setting immediately west of Castleton. The settlement's setting is part of the special interest of Castleton (see paragraph 7.1 of the Castleton Conservation Area Appraisal). The western end of Buxton Road has a predominantly rural character, with ancient enclosures clearly visible within the landscape.

The parking bays, signage and parking meters are already in-situ, but the road markings for the parking bays on the south side of the western stretch of road beyond Winnats Pass have faded and some of the parking meters have been vandalised and/or are out of use. Whilst it would be preferable if there was no parking along this important approach to Castleton it is acknowledged that there is demand for car parking throughout the settlement, particularly during weekends and holidays, and if this parking is allowed it should take some of the pressure away from the centre of Castleton. The infrastructure for this aspect of the proposed works is already in-situ and that these parking bays are likely to be used primarily at peak times, e.g. weekend and bank holidays, rather than every day.

Some of the parking meters along the western end of Buxton Road (beyond the Winnats Pass junction) have a negative impact on the landscape because of their urban appearance (discordant with the rural setting) and their location. It is recommended that the DCC investigate parking meters that are less intrusive, re-assess the siting of some of the existing units, and integrate some of the signage with the payment machines

#### **(d) Castle Street**

Proposal – Disabled parking bay (6 metres) on the east side; and pay and display along the east side for 39 metres and two sections along the west side (19 metres and 18 metres).

Castle Street is laid out on a north-south axis to the west of St. Edmund's Church and churchyard, within the centre of the village. This street has the largest concentration of listed buildings in the settlement.

The proposed works will result in additional road markings, signage and a parking meter. This will increase clutter within the streetscape and therefore have a negative impact in this sensitive location. In addition, the parking meter is to be sited by the south-west entrance to the churchyard to St. Edmund's Church. A bay of pay and display parking places (19 metres) is proposed directly in front of the front boundary wall to Cryer House, a Grade II listed building (LEN 1087872.), on the west side of Castle Street. Further south, another bay of pay and display

parking spaces (18 metres) is proposed. This work will involve the introduction of road markings to an area where there is currently none and new signage. This aspect of the proposed works will therefore introduce clutter into this sensitive location.

#### **(e) How Lane**

Proposal – Replace single yellow line (No waiting at specific times) to double yellow lines (3 short sections) on the south side of the road; and introduction of 2 sections of pay and display parking spaces.

This north-eastern part of the settlement has a predominantly urban character. The replacement of three short sections of single yellow lines (No parking at specified times) with yellow double lines (No waiting at any time) along the south side of the road, is unlikely to harm the character of the Conservation Area if the proposed works are in line with the following:

1. The existing road line(s) are removed before the introduction of the new;
2. The new road lines (double or single) should be kept to the minimum; as thin as possible; and primrose in colour (not bright yellow).

Double yellow lines are proposed in front of the access to the Village Hall and neighbouring property. Two sections of 'pay and display parking spaces' are proposed along the south side of How Lane. This work will result in (i) a mix of different road markings; (ii) parking meters; and (iii) signage associated with the pay and display places / meters. One of the pay and display parking bays is proposed in front of Looe Cottage, a Grade II listed building (LEN 1096607).

A traffic plan has not been provided with the consultation document setting out the highway issues in this area and whether the proposed works will improve the existing situation, or have a neutral impact or exacerbate an existing traffic problem.

The introduction of a different road marking type, the introduction of parking meters and associated signage will increase street clutter. No information has been submitted on the type of parking meter proposed and associated signage, therefore the impact of the proposed scheme cannot be fully assessed.

#### **(f) Millbridge**

Proposal - Double yellow lines are to be extended north along the western edge of the road for 85 metres, up to the bridge.

This northern end of the settlement and Conservation Area is characterised by a narrow winding lane with one and two single storey buildings addressing the street, some with their gable-ends. The buildings are connected by a network of stone boundary walls. The top end of the road, where it meets a narrow bridge, is the northern approach into the settlement. The land beyond (Hollowford Road) is relatively rural in character with the narrow route continuing north, flanked by stone boundary walls, trees and fields. There are currently no road markings in this area and this approach helps blend with the urban character of the settlement with its rural setting.

The introduction of double yellow lines in this area will introduce an urban feature that will not preserve or enhance the character of this part of the Conservation Area. No justification has been provided on why the double lines are being implemented. We are therefore unable to balance the harm that would result from of the new road markings against other benefits e.g. health and safety, reducing highway congestion etc.

#### **Conclusion**

In light of the above assessment, the need for the proposed scheme as one based on traffic management does not appear to have been demonstrated, although some of the measures may have this effect.

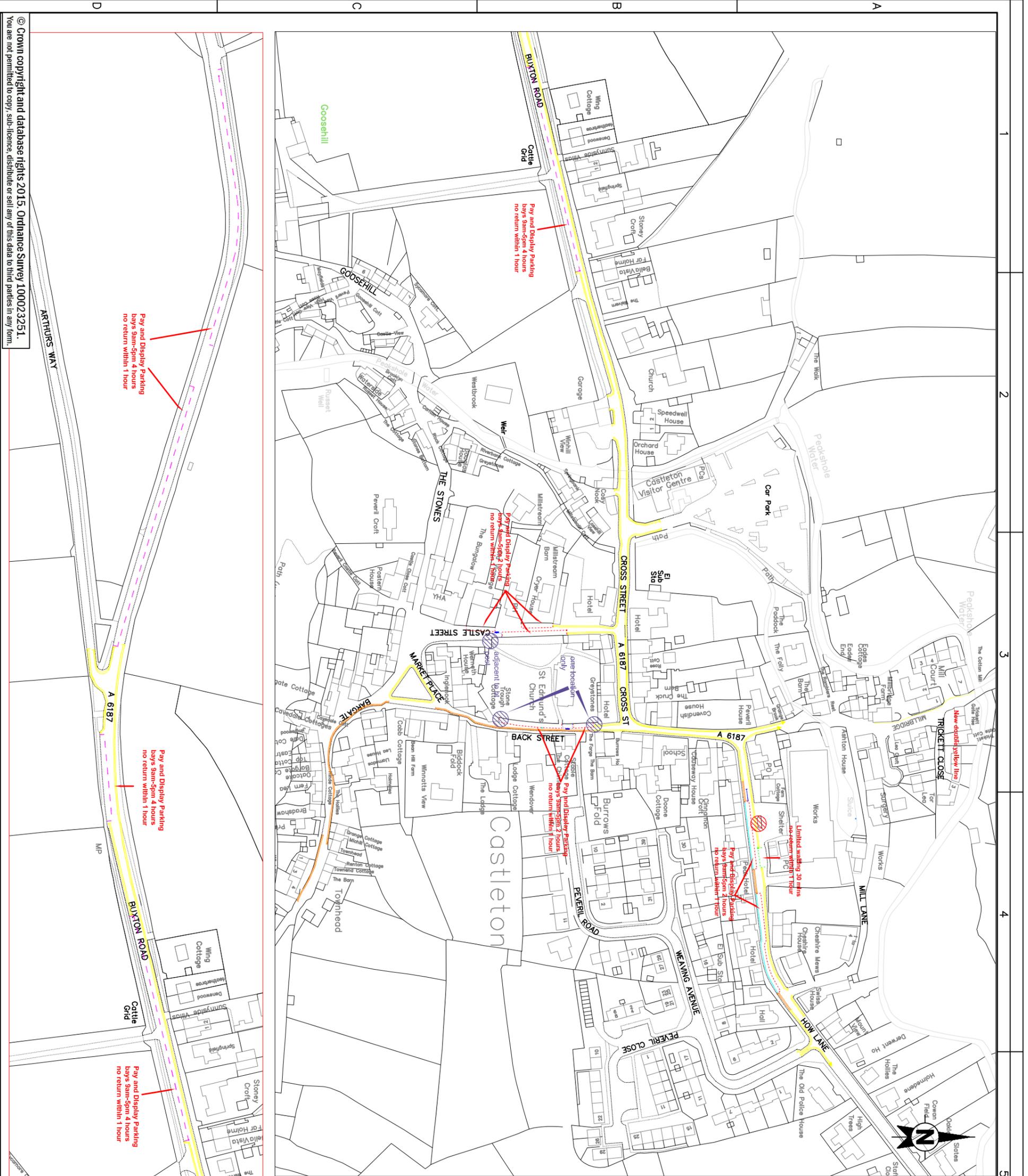
Because of the lack of evidence that the proposals are driven by a traffic management need, and the impact that they will have on Castleton Conservation Area, the historic centre of the village, and in particular, the setting of St Edmunds Church (a Grade II\* Listed Building), it is difficult to reach any other conclusion other than to recommend objecting to the proposed scheme.

### **Human Rights**

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

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

Annex 1 – Plan of proposals



© Crown copyright and database rights 2015. Ordnance Survey 100023251.  
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

**KEY**

- Existing 'No Waiting At Any time' restrictions to remain
- Existing 'No Waiting Sat-Sun 8am-6pm & Bank holidays' to become 'No Waiting At Any time'
- Proposed on street Pay and Display 9am-5pm 2 hrs no return within 1 hr
- Existing advisory parking bay to become 30 min limited waiting
- Existing long stay parking now 9am-5pm everyday 4 hours Pay and Display
- Existing 'No Waiting Sat-Sun 8am-6pm & Bank holidays' restriction to become pay and display
- Existing Protective Entrance Marking to be removed
- Existing Disabled Parking Bay
- Markings to remain

Final Digs for consultation IM 11-7-16 F  
 Changes following initial consultation IM 30-7-15 A

AMENDMENT DETAILS		By	Date	No.
DRAWN BY	IM			
DATE	26-05-15			
SCALE	NTS			

ORIGINAL DRAWING SIZE 297 x 420 (A3)

**DERBYSHIRE**  
 COUNTY COUNCIL  
 Mike Ashworth

STATIGIC DIRECTOR OF ENVIRONMENTAL SERVICES

PROJECT TITLE  
**CASTLETON**  
**AREA**

DRAWING TITLE  
**PROPOSED**  
**PAY AND DISPLAY**  
**RESTRICTIONS**

DRAWING NO.  
**HMT/IM/274/15**

This page is intentionally left blank

**14. 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/DDD/0216/0116 3157101	Section 73 application for the variation of condition 8 - hours of delivery on NP/DDD/0115/0040 at the Rutland Arms, Calver Road, Baslow, DE45 1RP	Written Representations	Delegated

**2. APPEALS WITHDRAWN**

There following appeals were withdrawn during this month.

15/0021 3155939 & 3155934	Material change of use of the land for a mixed use of storage and use as a haulage yard at Backdale Quarry, Hassop Avenue, Hassop	Public Inquiry	Delegated
---------------------------------	---	----------------	-----------

**3. APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0216/0087 3153429	Conversion of workshop to residential, demolition of outbuildings, construction of extension and conservatory and construction of garage with ancillary accommodation at Warren Lodge, Bar Road, Curbar	Householder	Allowed with Conditions	Committee

The Inspector considered that the modest scale, mass and design of the proposed additions and the simple, traditional and sensitive design would sit comfortably within the site and would not detract from the character of the main property. The Inspector also felt that the proposal would not be materially harmful to the character and appearance of Warren Lodge, the surrounding landscape and the valued characteristics of the Peak District National Park. The appeal proposal would therefore conserve and enhance the area's natural beauty, wildlife and cultural heritage which are a statutory purpose of the National Park. The proposal was also in accordance with Policy L1 of the Core Strategy as well as LC4 and LH4 of the Local Plan and was in accord with the National Planning Policy Framework throughout. Taking this into account and the conditions suggested by the Authority in light of the advice given in the Planning Practice Guidance, the Inspector allowed the appeal.

NP/DDD/0915/0913 3151518	Conversion of house to form accessible holiday let accommodation at	Written Representations	Allowed with Conditions	Committee
-----------------------------	---	-------------------------	-------------------------	-----------

---

Smelters Cottage,  
Hathersage

The Inspector felt that the proposed development would enhance the character and appearance of this part of the National Park by removing the dereliction that the current site exhibits, and restoring a building to its former form that is consistent with the vernacular of the locality. In the Inspectors view, the rebuilding of the appeal property in a design that reflects the original cottage would enhance its appearance, retain original constructional elements and put the building to a viable use that would be entirely consistent with its conservation. The proposed development would retain, rather than cause harm to, any archaeological or historic interests and these benefits outweigh the inevitable loss of the building. The Inspector did agree with the NPA that passing places on Callow Bank would be beneficial for user safety and added this as one of the planning conditions prior to the commencement of the development. The Inspector allowed the appeal with a suggested number of conditions.

---

NP/DDD/0715/0636 3138412	Retrospective application for extension, alteration and a garage which 'as built' differs from the approved design ref: NP/DDD/0512/0551 at Braeside, Mill Lane, Stoney Middleton	Written Representations	Dismissed	Delegated
-----------------------------	---	-------------------------	-----------	-----------

The Inspector agreed with the Authority that the extensions were not acceptable in terms of their scale and mass. The property was not a traditional National Park building and did not reflect the cultural heritage of the locality. The Inspector also concluded that the proposal conflicted with Core Strategy GSP3 which requires new developments to respect, conserve and enhance all valued characteristics of the site and buildings, and be appropriate to the character and appearance of the National Park. It also conflicted with Local Plan LC4 and LH4 and the National Planning Policy Framework as the proposal would have had an unacceptable overlook of the neighbouring rear garden from an elevated position therefore resulting in a loss of privacy. The Inspector therefore dismissed the appeal.

---

15/0083 3137597	Unauthorised two-storey extension to the northwest side of Maynestone Farm, Hayfield Road, Chinley	Public Inquiry	Dismissed	Delegated
--------------------	--	----------------	-----------	-----------

The Inspector considered that the appellant had not discharged the burden of proof to show, on the balance of probabilities, that the extension was substantially completed more than 4 years before enforcement action was taken, therefore it was not immune from the enforcement action. Although there was a significant body of evidence supporting the appellant's position, the limited extent of supporting documentary evidence did not add much to the appellant's case, and that what evidence was supplied appeared to have some deficiencies or inconsistencies which could not be tested. The Inspector upheld the enforcement notice and dismissed the appeal.

The Authority had made an application for an award of costs against the appellant, but the Inspector felt that there had been no unreasonable behaviour by the appellant in that they had not pursued the appeal with no reasonable hope of success; therefore the award of costs against the appellant was not made.

---

NP/DDD/0715/0658 3137597	Proposed agricultural unit at Town End Farm, Main Street, Chelmorton	Written Representations	Allowed with Conditions	Committee
-----------------------------	--	-------------------------	-------------------------	-----------

The Inspector felt that the position of the proposed building would relate reasonably well to the existing field boundaries and considered its position to be the least visually damaging and would not appear as being overly dominant when viewed in the context of the nearby dwellings. The Inspector did agree with the Authority that the building should be timber clad and that the use of such materials would be more in keeping with the character of agricultural buildings particularly within the Conservation Area and stipulated this within the conditions. The appeal was allowed.

---

NP/S/1015/1008 3148333	Proposed single subterranean eco house, self-build dwelling for existing local residents at The Old Vicarage, Heads Lane, Bolsterstone	Written Representations	Dismissed	Committee
---------------------------	--	-------------------------	-----------	-----------

The Inspector considered that the proposal would cause harm to the character and appearance of the Conservation Area. It conflicted with Policies GSP1, GSP3 and L3 of the Core Strategy and LC4 and LC5 of the Local Plan, which all seek to secure the conservation and enhancement of the National Park and its cultural heritage. The proposals also failed to accord with the National Planning Policy Framework. The Inspector felt that the appeal site formed part of the transition from domestic and suburban form of development within Bolsterstone, into the rural National Park landscape beyond, and so therefore the appeal site made a positive contribution to the rural character of the area and to the significance of the Conservation Area in terms of its landscaping setting, and even with additional planting, the Inspector was not persuaded that coverage would be so dense as to negate seasonal impacts. The appeal was therefore dismissed.

---

NP/HPK/0216/0134 3153511	Removal of Conditions 2 & 3 on NP/HPK/1215/1180 for a proposed garage and home office at The Hermitage, Edale. S33 7ZA	Written Representations	Allowed	Delegated
-----------------------------	--	-------------------------	---------	-----------

The Inspector felt that as the property was positioned discreetly in the corner of the site and enclosed on all sides by established trees, the use of timber cladding would not in this instance be inappropriate, and that the character and appearance of the Edale Conservation Area and Peak National Park would be preserved. The proposal was also in accord with GSP3 and L3 of the Core Strategy and LC4, LC5 and LH4 of the Local Plan. The appeal was therefore allowed.

---

4. **RECOMMENDATION:**

**That the report be received.**

This page is intentionally left blank