

Public Document Pack

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Our Ref: A.1142/1582

Date: 2 February 2017



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 10 February 2017**

Time: **10.00 am**

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

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

1. Apologies for Absence

2. Urgent Business

3. 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.

4. 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.

5. Full Application - Proposed erection of local need affordable dwelling on land to south of Horse Lane, Monyash (NP/DDD/1116/1099, P11034, 03/11/2016, 415050/366840/ALN) (Pages 1 - 14)

Site Plan

6. Full Application - Proposed agricultural building to serve sheep enterprise at Wellcroft Farm, Oldfields Lane, Grindon (NP/SM/1116/1156, P7786, 21/11/2016, 408571/353842/ALN) (Pages 15 - 22)

Site Plan

7. Full Application - Replacement dwelling - Gate Close, The Fold, Stoney Middleton (NP/DDD/1116/1164, P9841, 23/11/2016, 422986/375584, MN) (Pages 23 - 32)

Site Plan

8. **Stanton Moor Mineral Liaison Group - Minutes and Progress Report (JEN) Stanton Moor Mineral Liaison Group - Minutes and Progress Report (JEN)** (Pages 33 - 48)
Appendix 1

Appendix 2

Appendix 3
9. **Monitoring & Enforcement Quarterly Review - January 2017 (A.1533/AJC)** (Pages 49 - 54)
10. **Head of Law Report - Planning Appeals December 2016 - January 2017 (A.1536/AMC)** (Pages 55 - 60)

Duration of Meeting

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

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

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

Agendas and reports

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

Background Papers

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports.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

Public Participation and Other Representations from third parties

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

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

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5. FULL APPLICATION - PROPOSED ERECTION OF LOCAL NEED AFFORDABLE DWELLING ON LAND TO SOUTH OF HORSE LANE, MONYASH (NP/DDD/1116/1099, P11034, 03/11/2016, 415050/366840/ALN)

APPLICANT: MR J HOWARD

Site and Surroundings

The application site is located on the northern edge of the village of Monyash, close to the junction of Chapel Street and Horse Lane. The site is triangular in shape and occupies the western corner of a larger (2.25 acre) field parcel. The site abuts Horse Lane to the north and to the east and south is open agricultural land. To the west are residential properties that currently form the edge of the built up part of the village, namely Dale View Cottages and Tollbar Cottage.

The site lies just outside the Monyash Conservation Area, the northern boundary of which runs along the southern boundary of the application site area. The site sits at the north western end of a shallow valley known as Bagshaw Dale. A public right of way runs along the southern boundary of the site area edged red before continuing south eastwards along Bagshaw Dale and on to Lathkill Dale. The land within the application site slopes gently downwards from north to south towards the public rights of way.

The southern half of the application site falls within the Environment Agency's Flood Risk Zone 3 – i.e. those areas which are most at risk of flooding.

There are currently some sheds and enclosures on the site used in association with the keeping of goats and poultry. The remainder of the land is used for grazing. There is a mature tree in the western corner of the site and other smaller self set trees along the roadside boundary.

Proposal

Planning permission is sought for the erection of a single, detached, local needs affordable dwelling.

The dwelling would be located in the north eastern corner of the site with its principle elevation facing east over open fields and its north facing gable end abutting the roadside boundary. It would have a traditional double fronted design with a two storey rear off-shot at right angles to the main part of the house. There would a single garage attached to the south facing gable end of the house.

The dwelling would have a lounge, kitchen/diner on the ground floor and three bedrooms and a bathroom on the first floor. It would be constructed in natural limestone under a natural blue slate roof. Two parking spaces would be provided to the south of the property and the residential curtilage surrounding the property would be defined on the eastern side by a new limestone drystone wall.

An existing gated access into the field off Horse Lane would be closed with a drystone boundary wall and a new access created to the west.

RECOMMENDATION:

That the application be APPROVED subject to a section 106 agreement limiting occupancy to the applicant as first occupier and to local need thereafter and requiring the removal of the existing buildings, hardstanding and fencing on Horse Lane and the reinstatement of the land to agricultural use and the following conditions:

1. **2 year implementation time limit.**
2. **Adopt amended plans.**
3. **Prior to commencement of the development submit and agree details of the final finished levels of the dwelling hereby approved. Thereafter the dwelling to be constructed in accordance with agreed details.**
4. **Remove permitted development rights for alterations, extensions, outbuildings and boundaries.**
5. **Before any other operations are commenced a new vehicular access shall be created to Horse Lane in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.**
6. **The premises, the subject of the application, shall not be occupied until 2 on-site parking spaces (each measuring a minimum of 2.4m x 4.8m) have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.**
7. **Prior to occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the application drawings clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.**
8. **The mitigation measures contained within the Flood Risk Assessment by Oldfield Design (ref 15103f dated 25 October 2016) shall be fully implement prior to occupation of the dwelling hereby approved and shall be maintained throughout the life of the development.**
9. **Hard and soft landscaping scheme to be submitted and agreed including details siting and appearance of any proposed oil/lpg tank.**
10. **Mature tree in western corner of site to be protected during development.**
11. **Sample panel of stonework prior to erection of stonework and sample of roof slate to be agreed prior to commencement of roof.**
12. **Details of disposal of any spoil resulting from the development to be submitted to and agreed in writing by the National Park Authority.**
13. **Foul sewage shall be dealt with by means of a package sewage treatment plant unless otherwise agreed by the National Park Authority. Full details of the position and design of the plant shall be submitted to an agreed in writing and the plants shall be installed in accordance with the agreed details prior to occupation of the dwelling.**
14. **Any new power supply to the property to be located completely underground.**

15. Minor architectural and design details.

Key Issues

1. Whether the applicant is in housing need and whether the need can be met by the existing housing stock
2. The acceptability of the location just beyond the built edge of the village.
3. The acceptability of the design of the proposed house, and its landscape and visual impact.
4. Whether the size and type of the proposed house means it would be affordable in perpetuity to local people on a low or moderate income.
5. Flood risk issues.

History

Pre-application advice was sought by the applicant in January 2016. Officers advised that Mr Howard appeared to be in housing need based on the information provided (i.e. he lived at home with his parents) and that although the site was just beyond the edge of the village the offer to remove the unsightly buildings further along Horse Lane to the north east might help to offset and outweigh the policy concerns.

Consultations

Highway Authority - The plot is situated on Horse Lane and the proposals are to use the existing access location which is just within the national speed limit i.e. 60mph. The existing access is substandard, however, it is accepted that as a result of the limitations of Horse Lane, i.e. narrow width and reduced forward visibility, the majority of drivers drive at an appropriately lower speeds.

Additionally the applicant is showing control of land either side of the access point and could reasonably maximise exit visibility splays from a 2.4m set-back distance to the extremities of controlled land in both directions which would be acceptable on the basis of perceived approaching vehicle speeds. This would also require all vegetation including all self-set trees etc. being removed from within the highway verge either side of the access.

There are no recorded injury accidents in the vicinity of the site that would justify the Highway Authority raising objection to the application proposals presented on highway safety grounds.

The applicant is showing a cattle grid on the access, no gates, 2 parking spaces and nominal turning provision which are all acceptable. The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days.

On that basis, no objections subject to conditions regarding provision of site compound, provision of new access and sightlines, provision and retention of off street parking spaces and provision of bin store and bin dwell areas.

District Council – no response

Parish Council – objects on the grounds that:

1. The position of the proposed house is too far outside the village curtilage.
2. With No.1 in mind, a gap would be created between the existing end house and the proposed new build, which would set a precedent for infill houses to be built between the two properties.
3. The dwelling would be too near to the existing footpath which is very well used by villagers and visitors alike.
4. The development would spoil the view which looks down the Dale which leads towards the very popular Lathkill.
5. We feel the need, in this instance, to question the need for 'local housing' for this specific case.

Suggest that a dwelling attached to the end of the applicant's parent's house at Dale View Cottages (with the removal of the existing conservatory) would be more appropriate. This would be more in keeping with the village as visually there would simply be a longer row of cottages and the village curtilage would not be interfered with.

Environment Agency – no objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment and the mitigations measures contained therein.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, L1, CC5

Relevant Local Plan policies: LC4, LH1, LH2, LT18

National Planning Policy Framework

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

Paragraph 55 of the Framework says that housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight. Paragraph 115 refers to the National Parks and the Broads Circular which states that Government Policy is that the National Park should encourage affordable housing to meet local need and that the Parks are not suitable locations for unrestricted housing and therefore does not provide general housing targets.

Development Plan

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly That new residential development should normally be built within existing settlements within the National Park. Core Strategy policy DS1 B states that the majority of new development (including about 80% to 90% of new homes) will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

Affordable Housing Policy

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements.

(i) there is a proven need for the dwelling(s). In the case of proposals for more than one dwelling, this will be judged by reference to an up to date housing needs survey prepared by or in consultation with the district council as housing authority. In the case of individual dwellings, need will be judged by reference to the circumstances of the applicant including his or her present accommodation;

(ii) the need cannot be met within the existing housing stock. Individuals may be asked to provide evidence of a search for suitable property which they can afford to purchase within both their own and adjoining parishes;

(iii) the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2). In the case of proposals for more than one dwelling, where the intended occupants are not specified, a satisfactory mechanism to ensure compliance with the local occupancy restriction will be required - normally a planning obligation;

(iv) the dwelling(s) will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity;

(v) the requirements of Policy LC4 are complied with.

Policy LH2 of the Local Plan sets out criteria to assess local qualification for affordable housing whilst the supporting text to LH1 and the Authority's supplementary planning guidance (SPG) offers further details on size guidelines, need and local qualifications to support the assessment of applications for local needs housing against the criteria set out in LH1.

Assessment

Issue 1: whether the applicant is in housing need and whether the need can be met by the existing housing stock

Policies DS1 and HC1 of the Core Strategy and LH1 of the Local Plan policy state that housing that addresses *eligible local needs* can be accepted in or on the edge of named settlements.

Of these five criteria, LH1(i) states that applications must demonstrate that there is a proven need for the dwelling, and in the case of an individual dwelling, need will be judged by reference to the circumstances of the applicants including his or her present accommodation. LH1(ii) also states that the applicant must demonstrate that the need cannot be met within the existing housing stock. LH1(iii) says that the intended first occupants of newly-built affordable dwelling shall meet the Authority's local occupancy criteria as set out in saved Local Plan policy LH2.

The submitted Design and Access Statement explains that Mr Howard currently lives with his parents in a 2-bedroomed house at Dale View Cottages, (to the south of the application site) and has done since his birth in 1979. He wishes to set up a household for the first time. On the basis of that information it would appear that Mr Howard has 10 years residency in the parish and is in housing needs in terms of policy LH1(i).

However, following concerns raised by the Parish Council during the course of the application with regard to the applicant's need, further information was requested by officers and a detailed 'timeline' of the applicant's living arrangements has now been submitted.

The information confirms that from his birth until 2007, Mr Howard lived solely in Monyash with his parents. Since then his working/living arrangements have been as follows:

‘2007 – Worked in Hampshire staying 4 nights per week in a Bed & Breakfast and the other 3 nights per week with his parents in Monyash.

2008 & 09 - Worked in Holland staying in a hotel. He returned home to his parents for a ‘long weekend’ once a month.

2010 – Worked locally and lived permanently with his parents in Monyash.

2011-13 – Worked in Spain living in rented accommodation, shared with some work colleagues. His work in Spain was somewhat intermittent, and he returned home to Monyash for several weeks at a time during this period when he had no work. When he was working, he returned home to his parents’ for one weekend every six weeks.

2013 – Returned to live at Monyash for several weeks having finished his job in Spain.

2013 – Worked in San Francisco for 6 months.

2013-14 – Lived at home in Monyash with his parents for 5 months.

2014 - 15 – Worked in Italy living in a rented apartment. He returned home to Monyash for the weekend every 4 or 5 weeks as well as spending other holidays, Christmas etc...living with his parents in Monyash.

Apr 2015 – Christmas 2016 – Working in Southampton returning to home to his parents for a weekend every 5 or 6 weeks.

Mr Howard has a contract in Portsmouth from January until March 2017, after which he will be returning home, hopefully, to work on the building of this house, if planning permission is granted.’

The information submitted emphasises that Mr Howard has never owned a property. He is a self-employed boat builder and has to procure work by securing contracts. It states that he is less inclined to return home to Monyash while he is working away as he has no home of his own there. It states that if planning permission were to be granted he would seek to secure work locally and thus no longer have to work away from the area. It states that he is registered on the electoral roll at his parent’s house in Monyash and that all his correspondence is sent to this address.

Setting aside the issues of Mr Howard’s living arrangements over the last 10 years, it is clear that he has a strong local connection with the area, having lived in the Parish for 10 years in the last 20 (i.e. permanently with his parents until 2007) and therefore he has a local qualification in respect of policy LH2.

The main issue is whether Mr Howard can be considered to be in housing need as required by LH1 and LH2 in respect of the fact that despite retaining his parents’ house as his postal address, in the last 10 years he has in fact spent the majority of his time living in rented accommodation elsewhere in the country and abroad.

It could be argued that Mr Howard’s housing need is being met by the short term accommodation that is necessitated by the nature of his job as a boat builder. It is possible that if the applicant continues in his current working pattern, in fact he would spend little time occupying the house for which approval is being sought rendering the property as essentially a ‘second home’. On the

other hand Mr Howard could be considered to be no different to any other ‘returner’ – so if, for example he had been living in Buxton for the last 10 years in rented accommodation and wished to return to Monyash, he might be considered to be in housing need.

Assessments of need are never ‘black and white’ and LH1 makes it clear that in the case of individual dwellings need will be judged by reference to the circumstances of the applicant. The supporting text to policy LC1 states that new housing can ‘help people who move away from the National Park to return within a reasonable period’. On balance, on the basis that the applicant has never owned his own home; his parent’s house is unsuitable for the periods that he is living there; and on the basis of the applicant’s stated intentions to remain more permanently in the village should permission be granted, officers consider that the applicant can be considered to be in housing need.

In these respects it is considered that policies LH1(i) and (iii) and LH2(iii) are complied with.

With regard to policy LH1 (ii) details of other properties for sale within the parish and adjoining parishes have been submitted. Sixteen properties were identified, the lowest price being £200,000 for a 2-bed semi-detached property in Youlgreave. The submitted details state that even if the applicant could afford a £50,000 deposit, the repayments on a mortgage of £150,000 would be in the region of £800 per month which would be beyond his means.

It is considered that the details submitted adequately demonstrate that the identified need cannot be met within the existing housing stock.

Issue 2: The acceptability of the location just beyond the built edge of the village.

Core Strategy policy DS1 states that in or on the edge of named settlements new build development will be acceptable for affordable housing. Monyash is one such named settlement.

The main issue with the current proposals is that the application site, whilst in the general vicinity of the northern edge of the village, is in fact slightly divorced from its outside edge. The existing built edge on the southern side of Horse Lane can be defined by the drystone boundary wall that forms the boundary between the domestic curtilage of no.4 Dale View Cottages and the fields to the north east and east. At that point the character of the area changes from the domestic character of the dwellings and their gardens to the open agricultural land beyond.

The western edge of the application site is separated from this boundary by a narrow field of about 15m in width. The dwelling itself would be located around 30m away from the boundary. This has been necessitated by a need to avoid the mature tree at the western end of the site and to ensure that the habitable part of the dwelling is sited outside of Flood Risk Zone 3.

This would result in a gap between the proposed dwelling and the edge of the village and as such the proposed siting does not directly comply with policy DS1. However there are other material considerations that must be taken into account on reaching a decision on the acceptability of the site.

Core Strategy policy L1 states that Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics. The site falls within the Limestone Plateau Pastures landscape character type within the Landscape Strategy. In these areas protecting the strongly nucleated settlement pattern of villages and scattered farms is highlighted as a priority in some parts of the landscape type and the protection of historic field patterns, drystone walls and field barns are prioritised throughout.

Firstly, on approaching the edge of the village from the north east along Horse Lane, because the dwelling would be located in a dip in the landform it would not be visible until a point around

45m away from the site. From there the dwelling would be seen against the backdrop of the other dwellings in the body of the village to the west, which are on higher ground. The gap would not therefore be particularly evident from these viewpoints. When leaving the village heading north east along Horse Lane the gap would be more evident although the presence of the mature tree adjacent to the road and existing planting on the roadside boundary of the garden to no.4 Dale View Cottages would help to foil views of the building. Because of the prevailing ground levels and the presence on intervening trees and buildings, views of the site are not available on approaching the village along Chapel Street from the north.

The proposed dwelling would be visible at close quarters from the public right of way to the south and would appear somewhat detached from the edge of the village. It would not be visible from the public right of way where it leads northwards from the northern side of Horse Lane because of the presence of a copse of trees on the roadside.

In conclusion the proposed dwelling would, from some nearby vantage points, appear to be detached from the built edge of the settlement to a certain extent. However whilst the buildings along the majority of Chapel Street are close grained in their layout, at the northernmost end of the street around its junction with Horse Lane the buildings are more loosely arranged and as such it is not considered that the proposed dwelling would appear unduly prominent or out of keeping with its surroundings or contrary to the priorities in the Landscape Strategy, especially given that the property would be constructed in a traditional style with local, natural materials.

In order to offset and outweigh the fact that the application site is slightly beyond the edge of the village the applicant is offering to remove a range of existing buildings in his ownership approximately 300m further along Horse Lane to the north east. The buildings date largely from the late 1960s and consist of a significantly sized portal framed agricultural building clad in grey painted sheeting and a range of smaller timber sheds and former railway carriages. The buildings are redundant for agricultural purposes and are now largely used for general storage. The submitted plans show that the buildings and all hardstanding and fencing would be removed and the land restored to pasture.

The removal of existing farm buildings would not normally be sufficient to justify a new dwelling outside of a settlement. However in this case the site is only marginally beyond the built edge of the village and the former farm buildings in question are redundant, dilapidated and are prominently located adjacent to the road into the village. They are harmful to the character and appearance of the area and the landscape would be enhanced by their removal. On balance it is considered that this planning gain can be given some limited weight in the current decision.

In conclusion officers consider that whilst there would be a gap between the proposed dwelling and the built edge of the village, the gap would not be visually significant and would not be generally harmful to the character of the area. This, taken with the enhancement proposed to the approach to the village in the form of the removal of the existing unsightly buildings, means that material considerations outweigh the policy in this case, sufficient to warrant an exception.

Issue 3: The acceptability of the design of the proposed house, and its landscape and visual impact.

As stated previously the siting of the dwelling is not considered to be harmful in terms of its relationship with the main body of the village.

In terms of the detailed design of the dwelling, the submitted plans show a traditional design in local materials and as such the form, detailing and materials are considered to be acceptable. The parking spaces would be located fairly discreetly to the rear (south) of the dwelling and the modest garden would be contained by a new drystone wall along the new eastern boundary

The Parish Council have commented that they consider the dwelling would spoil views looking down Bagshaw Dale.

Officers have walked along the public right of way to that runs to the south of the site along the dale and can confirm that the proposed dwelling would not interrupt views down the dale from the path. From Horse Lane itself, the dwelling would be visible in views of the dale along an approx. 30m stretch of the highway. However it would not interrupt views completely and beyond the site to the north east, as the land level rise, views of the dale would open up again.

In conclusion it is considered that the design and landscape and visual impact of the proposed dwelling would accord with policies GSP3, L1 and LC4.

Issue 4: Whether the size and type of the proposed house means it would be affordable in perpetuity to local people on a low or moderate income.

Saved Local Plan policy LH1 (iv) states that in meeting local need for affordable housing, the dwelling in question must be affordable by size and type to people of low or moderate incomes.

The Authority's Adopted Supplementary Planning Guidance on Meeting the Need for Affordable Housing states that dwellings with a floorspace of up to 87 sqm are likely to remain more affordable. More recently, the consultation version of the new Development Management policies sets a lightly higher maximum, based on the Government's 2015 nationally described space standards of 97 sqm for a five person dwelling.

The net floor area of the proposed dwelling (excluding the garage) is 97 sqm which is within the maximum size limit in the emerging policies. As such the size of the dwelling is likely to mean that it would remain more affordable to people on low to moderate incomes.

The supporting text within the emerging Development Management policies also explains that the smaller the area of land taken up by each house, the lower the value of the house will be on completion and in perpetuity. The overall plot size of the current site is approximately 420 sqm (including the footprint of the dwelling) which is considered to be modest and means that the value of the plot is likely to remain affordable.

Build costs are estimated at £1200 per sqm equating to a total cost of £116,400. There are no higher than normal maintenance costs or expensive drainage arrangements anticipated and the value on completion is estimated at £130,000.

Issue 5: Flood risk issues.

Core Strategy policy CC5 states that development proposals that would unacceptably increase flood risk will not normally be permitted.

In this case the southern half of the application site falls within the Environment Agency's Flood Risk Zone 3, which is land assessed as having a 1% or greater annual probability of fluvial flooding with a further small area within Flood Risk Zone 2.

A Flood Risk Assessment (FRA) has been submitted which explains that the flood risk at this location come from surface water run-off in times of heavy rain rather than flooding from any watercourse being overloaded.

In order to avoid the possibility of flooding the dwelling has been positioned towards the north eastern corner of the site such that the footprint of the habitable part of the dwelling is wholly outside both flood zones 2 and 3. Around 40% of the footprint of the garage would be located within flood zone 3. Following pre-application discussions with the Environment Agency the FRA

proposes mitigation including openings in the side and rear elevations of the garage at flood level to allow any water to flow out of the garage, meaning that the building would not cause an obstruction to flood water. The floor level of the house would be at least 100mm above the floor level of the garage and the two would not be connected by an internal doorway.

The Environment Agency has raised no objections to the proposals subject to the proposed mitigation measures being implemented.

On that basis it is considered that the proposals meet the requirements of policy CC5 with respect to flood risk.

Other Issues

Alternative Sites

Alternative sites were discussed with the applicant and the pre-application stage. The applicant initially wished to site a new dwelling on the site of the existing farm buildings further along Horse Lane. However this site was deemed unsuitable as it is too remote from the village.

A site immediately to the south west of the current site was identified (i.e. the field that forms the 'gap' between the edge of the village and the current application site). However this field is not within the applicant's ownership and in any case is wholly within Flood Zone 3 which would preclude residential development.

Following comments from the Parish Council officers have also discussed the possibility of extending the applicant's parents' house at 4 Dale View Cottages, but the applicant's parents do not wish to forgo their conservatory which would be a requirement of such a scheme and therefore the applicant does not wish to pursue this option.

Notwithstanding that a new dwelling as an extension to 4 Dale View Cottages may be otherwise acceptable in planning terms, officers consider that for the reasons given above the submitted scheme is acceptable on its own merits.

Access and Parking

Saved Local Plan policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development.

The existing gateway in the roadside wall onto Horse Lane would be blocked off by a new drystone wall and a new access point created immediately to the west. The Highway Authority have commented that the access would be just within the national speed limit i.e. 60mph and that despite visibility being below standard, vehicle speeds on Horse Lane are likely to be low due its narrow width and reduced forward visibility. It is therefore considered that subject to a condition that requires available visibility splays to be maximised by the removal of self-set roadside trees the proposals would be served with a safe and suitable access in accordance with LT18 and the NPPF.

The proposed provision of two off street parking spaces together with the garage space would be within adopted standards.

Impact on Residential Amenity

Core Strategy policy GSP3 and Saved Local Plan policy LC4 seek to ensure that the impacts of development on residential amenity are carefully considered.

The nearest residential property to the application site is the applicant's parents' house at 4 Dale View which is approximately 50m away to the south east. Toll Bar Cottage is around 55m away to the west. Because of the intervening distances it is not considered that there would be any significant levels of overlooking or overshadowing that might give rise to concerns with regard to impact on residential amenity. The proposals therefore comply with GSP3 and LC4 in these respects.

Foul sewage disposal

The application form states that foul sewage will be disposed of via a septic tank. However the National Planning Policy Guidance (NPPG) states that septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability). No information has been provided to justify why a package treatment plant cannot be used in this case and therefore a condition is considered to be necessary and reasonable to agree the siting of a package plant.

Conclusion

In conclusion the applicant has a strong local connection with Monyash having 10 years occupancy within the last 20 years and on balance he can be considered to be in housing need in accordance with policies HC1 and LH1 and LH2. It has been demonstrated that the identified need cannot be met within the existing housing stock and that the dwelling is of a size and type that will remain more affordable in perpetuity. The site for the proposed dwelling would be separated from the edge of the village by a strip of agricultural land leading to some visual separation from specific vantage points. Nevertheless the visual impact of the dwelling would not be harmful to the established character of the settlement at this point nor would it be harmful to the landscape character of area, specifically to views along Bagshaw Dale, in accordance with policies GS3P, L1 and LC4. When taken with the offer to remove the unsightly buildings further along Horse Lane these considerations indicate that an exception to DS1 is appropriate in this case.

Conditions

The National Planning Policy Guidance (NPPG) states that the pre-commencements conditions (conditions precedent) should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission. In this case, the submitted plans do not show the finished floor level for the proposed development. Given the sensitive and sloping nature of the site it is considered that the setting of appropriate levels is fundamental in ensuring that the dwelling does not cause harm to the established character of the area. Consequently a condition that requires levels to be submitted and agreed prior to commencement is considered to be necessary and reasonable.

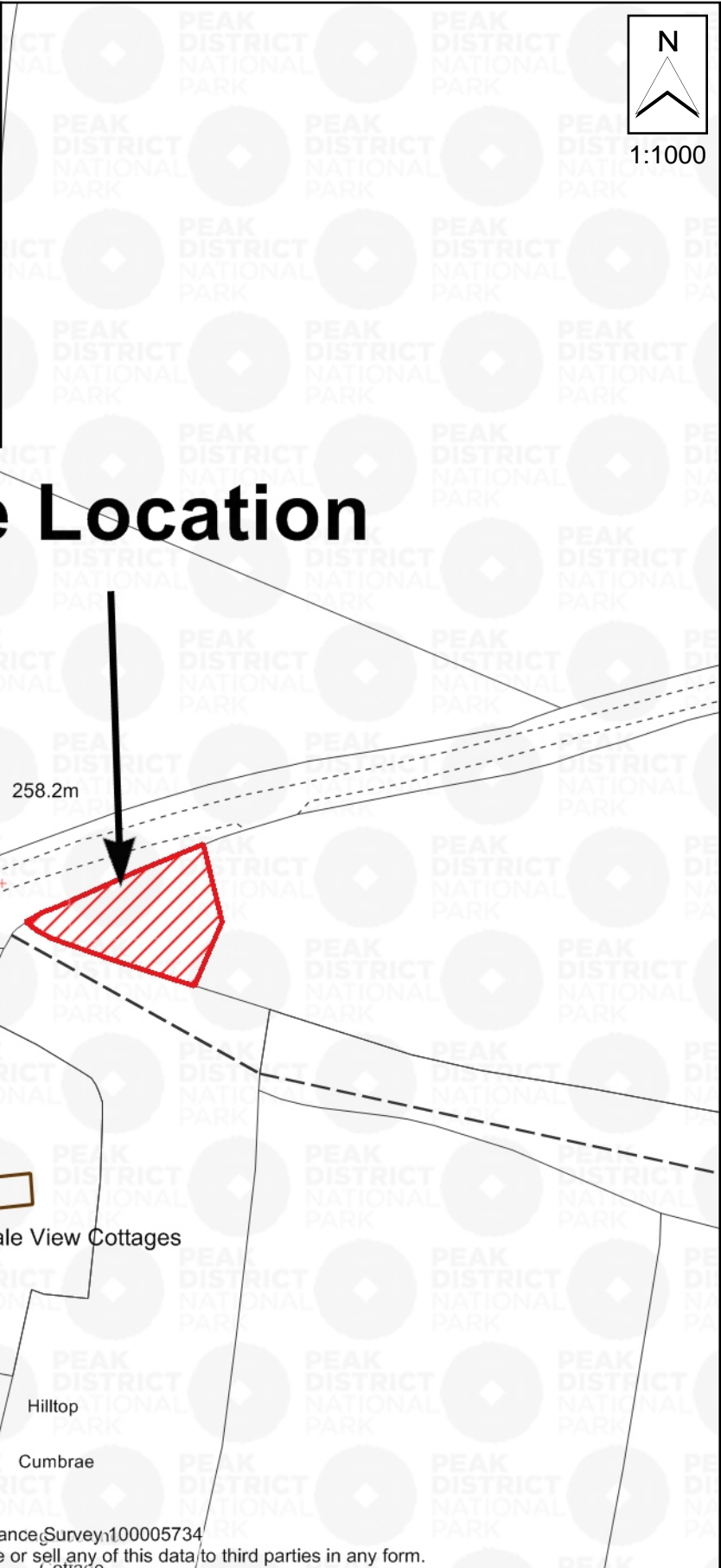
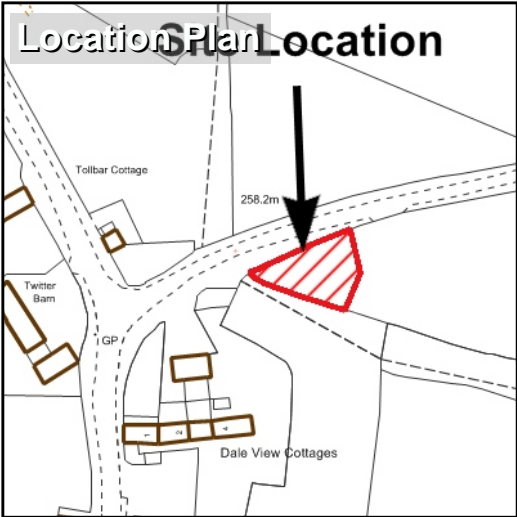
The NPPG also states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. It is considered that exceptional circumstances exist to warrant the removal of permitted development rights for alterations, extensions and outbuildings because the proposed dwelling is at the maximum threshold (97sqm) for an affordable dwelling and uncontrolled extensions and outbuildings erected under permitted development could render the dwelling unaffordable. Similarly the dwelling is recommended for approval just beyond the edge of the village partly on the basis that its detailed design is in keeping with existing built environment and uncontrolled alterations and extensions could cause harm established character of the area.

Human Rights

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

List of Background Papers (not previously published)

Nil



1:1000

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Committee Date:	10/02/2017
Item Number:	5
Application No:	NP/DDD/1116/1099
Grid Reference:	415050, 366840

Title: Land to South of Horse Lane Monyash



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6. FULL APPLICATION – PROPOSED AGRICULTURAL BUILDING TO SERVE SHEEP ENTERPRISE AT WELLCROFT FARM OLDFIELDS LANE, GRINDON (NP/SM/1116/1156, P7786 , 21/11/2016, 408571/353842/ALN)

APPLICANT: MR LEE MACHIN

Site and Surroundings

Wellcroft Farm is situated in open countryside approximately 220m to the south of the edge of Grindon village. The property abuts the eastern side of an unclassified road (Oldfields Farm Lane) that leads south from the village towards an area known as Deepdale. Wellcroft Farm is an agricultural holding which also has its own abattoir, meat processing facility and butchery, following a series of permissions granted since 2010. The building group currently consists of a farmhouse, stone outbuildings and a number of modern portal framed sheds.

Approximately 140m to the south of the main group of buildings at Wellcroft Farm is a further group of buildings known as Mayfurlong, the farmhouse of which is grade II listed. These are mainly in separate ownership but the applicant owns the north-easternmost building in the group, which is in the process of being converted into an open market dwelling following a grant of planning permission in December 2013.

The application site edged red is an area of land is a 500 sqm rectangular shaped area of land located midway between the group of buildings at Wellcroft and the group of buildings at May Furlong. Approximately 140m to the east of the application site and running in a north-south direction is a public right of way know as Fleets Lane.

The site lies outside of the Grindon Conservation Area. A further grade II listed building (Manor Farm) lies directly to the north of Wellcroft Farm.

Proposal

Planning permission is sought for the erection of a new portal framed agricultural building on the application site. The building would measure 36.6m long by 13.7m wide with a height of 3m to the eaves and 4.6m to the ridge. It would be orientated with its ridge running in an east-west direction with doors placed in the south and west elevations. The sides of the building would be constructed in vertical timber boarding above concrete panels and the roof clad in dark blue pre-coated fibre cement sheeting.

A supporting statement submitted with the application explains that the building is required for the housing of store lambs brought in in connection with the abattoir business and also for housing in connection with the applicant's separate flock of breeding ewes. The application details state that the building would be served by an existing secondary access to Wellcroft Farm, which runs directly to the west of the site.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. By virtue of its siting and design the building appear as an isolated and intrusive feature in the landscape and would harm the valued character of the area contrary to paragraph 115 of the NPPF, Core Strategy policies GSP and L1, Local Plan policies LC4 and LC13 and advice in the Adopted SPD on Agricultural Developments in the National Park.**
- 2. The building does not make use of the least obtrusive or otherwise damaging location contrary to Development Plan policy LC13.**

Key Issues

1. Whether the proposed building is agriculturally justified.
2. Landscape impact

History

2010: Demolition of brick-built outbuilding and erection of farm building, granted.

October 2010: Extensions and alterations to dwelling house, granted.

April 2011: Erection of lean to adjacent to existing agricultural building, granted.

June 2011: Formation of new vehicular access and driveway, granted.

April 2011: Change of use of redundant outbuilding to form meat cutting room, withdrawn.

October 2011: Erection of agricultural building, granted conditionally.

October 2011: Erection of a lean to in 2 parts. Single bay lean to and single bay end elevation and lean to, granted conditionally.

February 2012: Erection of a stone barn to house meat cutting room and ancillary fridges / work area, granted conditionally.

February 2013: Erection of mono pitched lean-to building to house piggery, granted conditionally.

March 2013: Replacement of a lean to building with a dual pitch steel portal framed abattoir building behind the existing barn, granted conditionally.

May 2013: GDO for the covering of a yard area, accepted conditionally

December 2013: Permission granted to convert barn to open market dwelling at Mayfurlong.

May 2015: Permission granted for a change of use of existing farm building for meat processing.

August 2016: Permission granted for erection of garage, plant room and alterations to domestic curtilage at Mayfurlong

Consultations

Highway Authority – no response

District Council – no response

Parish Council – recommends approval. Queries potential increases in traffic and where rainwater run-off would go.

Representations

One letter of support has been received from a member of the Authority on the basis that there is a legitimate need for the building.

Main Policies

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

Relevant Local Plan policies: LC4, LC13.

Core Strategy policy GSP3 explains that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Amongst other things particular attention will be paid to: Impact on the character and setting of buildings; scale of development appropriate to the character and appearance of the National Park; siting, landscaping and building materials; design in accordance with the National Park Authority Design Guide; impact on living conditions of communities. Policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.

Saved Local Plan policy LC13 deals specifically with agricultural developments and it is permissive provided they are close to the main group of buildings wherever possible and it relates well to them. It must avoid harm to the areas valued characteristics including local views, making use of the least obtrusive or otherwise damaging location and must not require obtrusive access tracks, roads or services. These need to be designed with particular respect for the landscape and its historic patterns of land use and movement, and any landscape change likely to result from agricultural or forestry practices.

Further advice is given in the Authority's Adopted Supplementary Planning Guidance on Agricultural Developments (SPD). It states that if inadequate information to justify proposals is supplied then applications may be refused. It also advises at paragraph 3.4.5 that it is best to keep new buildings close to existing ones where possible. Isolated buildings in the open landscape are the most difficult to accommodate. Skyline sites or sites prominent from public vantage points should be avoided.

The relationship between the Core Strategy and the National Planning Framework has also been considered and it is concluded that they are consistent because the NPPF recognises the special status of National Parks and promotes sustainable rural development sensitive to the locally distinctive character of its setting.

Assessment

Whether the proposed building is agriculturally justified

Authority's Adopted Supplementary Planning Guidance on Agricultural Developments (SPD) states that if inadequate information to justify proposals is supplied then applications may be refused. The submitted justification statement explains that in 2015, 4000 lambs passed through the abattoir. These lambs are purchased as stores and fattened to finished condition. At present there is no adequate sheep housing at Wellcroft Farm – the existing farm buildings are used for cattle housing and a pig unit. In addition to the sheep that go through the abattoir the applicant also has a flock of approximately 80 breeding ewes (run on a separate holding number based at Mayfurlong) and the statement explains that the housing is also required for lambing these sheep. It is intended that on completion the business will have a separate sheep housing and finishing unit which can be used to house up to 700 lambs at any one time.

During the course of the application officers have requested a plan and details of the existing buildings and their uses so that a proper assessment can be made with regard to the need for another new building, especially in the light of the fact that permission was granted to convert one of the existing livestock buildings at Wellcroft Farm for meat processing in May 2015. This has not been forthcoming.

However, on the basis of the information submitted the proposed housing does appear to be justified in accordance with the requirements of the SPD.

Landscape Impact

The proposed building would be located roughly midway between the group of buildings at Wellcroft and the buildings at Mayfurlong. It would be some 75m to the south of the Wellcroft group and 50m to the north of the dwelling currently being converted at Mayfurlong.

The land where the building would be sited has been levelled by raising ground levels towards the eastern end of the site. It is currently being used for the storage of rubble and farming equipment. There is a belt of immature tree planting along the northern boundary of the site.

Within the Authority's Landscape Strategy the site falls within the Upland Pastures landscape character type in the South West Peak area. This is an upland pastoral landscape with a traditional dispersed pattern of gritstone farmsteads. Trees are scattered along incised cloughs and around dispersed gritstone farmsteads. One of the priorities in this landscape is to manage the dispersed and historic settlement patterns of development.

From Fleets Lane, a public right of way that runs to the east of the site, the land rises to the west and consequently the proposed building would stand up above the skyline. There are some mature trees to the west of the site which would be seen as a backdrop to the building but nevertheless the building would be a prominent, elevated feature that would appear isolated from other buildings in the vicinity. The field parcel between Fleets Lane and the application site is not within the applicant's ownership so it would not be feasible to provide screen planting in this area.

From Oldfields Farm Lane to the west, whilst there are intervening trees, in the winter months the building would skyline, due to the elevated nature of the site. This would draw the eye and accentuate its physical isolation.

The introduction of a building in this location would blur the physical distinction between the two existing groups of building and thus dilute the distinctive settlement pattern in the area, contrary to the priorities in the Landscape Strategy. The existing planting to the north of the site would not mitigate the impact of the building in views from the east and west. As a result the proposed building would be harmful to the established landscape character of the area contrary to policies GSP3, L1 and LC13.

Officers have investigated with the applicant and agent whether an alternative site closer to either group of buildings would be feasible. The most obvious site is the field parcel immediately to the north of the current application site. It is stated that the applicant does not wish the building to be located adjacent to the buildings at Wellcroft as this could cause issues with the fact that on completion of the slaughter house, the yard, buildings and abattoir will operate under a 'red holding' where more stringent movement regulations are imposed. He does not want his farm business operations (which are operated under a separate holding number at Mayfurlong) to be restricted. However, given that the new building would be served from a separate access to the main group buildings at Wellcroft, it is not clear why it could not operate separately from the other buildings. The agent also points to the location of a well in this field which, as a private water supply, he states requires a 10m buffer zone to meet Environmental Regulations. It is understood that the well is capped off and no longer used and consequently this issue would require further discussion and clarification with the Environment Agency and Environmental Health.

Alternatively a position to the south of the current site, closer to the buildings at Mayfurlong would be more appropriate in landscape terms subject to considerations with regard to the impact on the setting of the listed building.

In conclusion, the proposals do not make use of the least obtrusive or otherwise damaging location available contrary to Local Plan policy LC13 and it has not been convincingly demonstrated that alternative locations would not be practical or otherwise suitable.

Other Considerations

Amenity

Due to its isolated position the proposal is not considered to affect the amenity of any nearby property in accordance with policies GSP3 and LC4.

Highways and Parking Issues

The NPPF and Local Plan policy LT18 require that development is served by a safe a suitable access. In this case there are two accesses that serve Wellcroft Farm and which could serve the proposed development. The secondary access, which it is stated would serve the current proposals, was approved following planning permission in 2011. Access to the highway is therefore considered to be adequate and it is not considered that the proposals would be likely to have such a significant impact on the local highway network that would justify a refusal on that basis. This conclusion is also reached in the light of the fact that the Highway Authority has raised no objections. There is adequate space for parking and manoeuvring in association with the proposed use within the application site.

Conclusion

On balance it is considered that an agricultural need has been demonstrated for the building proposed. However, this does not outweigh the fact that by virtue of the isolated siting of the building and its prominence from public vantage points the building would be harmful to the valued character of the area as identified in the Landscape Strategy. It has not been adequately demonstrated that an alternative less harmful site is not available. The proposals would not represent sustainable rural development as supported by paragraph 28 of the Framework, and would harm the valued character and appearance of the area contrary to policies GSP1, GSP3, L1, LC4, and LC13, the Adopted SPD and to paragraph 115 of the Framework.

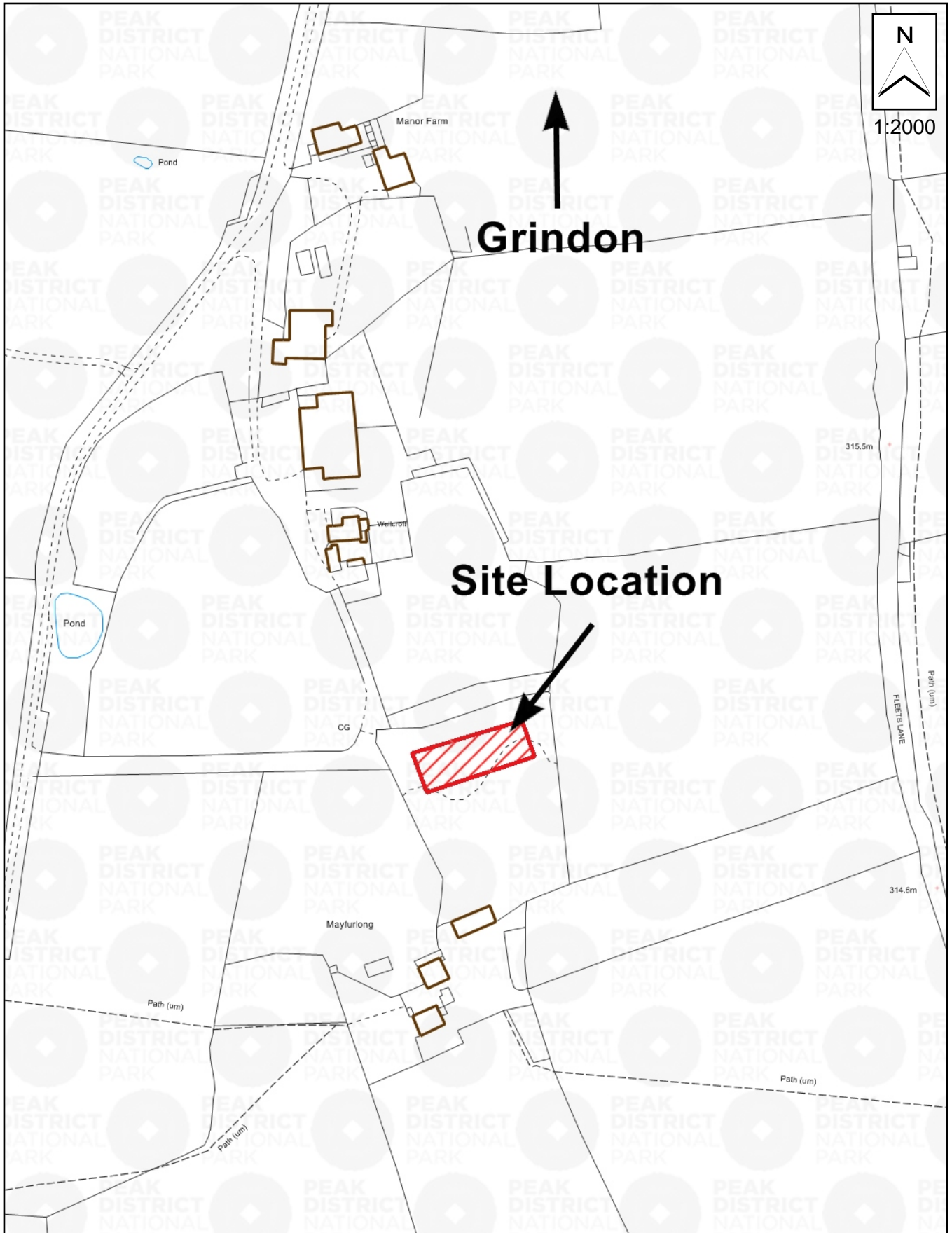
Human Rights

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

List of Background Papers (not previously published)

Nil

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Committee Date: 10/02/2017
 Item Number: 6
 Application No: NP/SM/1116/1156
 Grid Reference: 408571, 353842

Title: Wellcroft Farm
 Oldfields Lane
 Monyash



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7. FULL APPLICATION – REPLACEMENT DWELLING – GATE CLOSE, THE FOLD, STONEY MIDDLETON (NP/DDD/1116/1164, P.9841, 23/11/2016, 422986 / 375584, MN)

APPLICANT: MRS JOY MASON

Site and Surroundings

Gate Close is a bungalow located on the Fold in Stoney Middleton. The property is constructed from natural stone under a concrete tiled roof and has a rectangular plan form with two small front facing gables.

The property has garden to all sides. Beyond the northern edge of the garden is additional land in the applicant's ownership that has for many years been given over to the growing of plants and produce and is populated by a number of polytunnel structures and a large dilapidated greenhouse.

The property is set down slightly from the highway due to the sloping ground, and is separated from it by a strip of garden and a boundary hedgerow. Across the lane to the west the land continues to rise with the rear of properties along Mill Lane above looking down toward those along the Fold.

The site is outside the Stoney Middleton Conservation Area, but bounds it to the eastern side of the garden and partially bounds it to the western side of the garden. The development within the conservation area to the south of the site is characterised by two storey traditional limestone buildings. On Mill Lane to the west the properties are of a greater range of age and type, some being modern bungalows and some being two storey houses.

There are neighbouring residential properties to the south – Fold House and Fold Barn being the closest – and further residential dwellings line Mill Lane to the west. Undercliffe and Stoney Croft are the closest of those on Mill Lane with their gardens extending down to the Fold.

The highway terminates a short distance north of the site, and continues as a public footpath in to the countryside up to Eyam.

Proposal

This application seeks planning permission for the demolition of the existing bungalow and the construction of a replacement house.

Specifically, the application proposes a detached two storey five bedroom dwelling built from natural gritstone under a pitched blue slate roof. It would have aluminium windows and door frames with stone surrounds. A projecting two storey gable is proposed to the front of the building, with a single storey gable projection to the northern end.

Access to the site would remain unchanged.

A number of energy management measures have been tentatively proposed and include a biomass boiler, equipment for grey water re-use, and ground and air source heat pumps. However, further details and plans showing which of these would be taken forward have not been included with the application.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposed replacement dwelling fails to accord with Local Plan policies LH5, LC4 and LC5. The replacement dwelling is not a similar size to the existing dwelling and, both on its own merits and in the context of the appearance of the existing building, the proposed massing and design are considered to harm the character and appearance of the built environment and conservation area, and would be more intrusive in the landscape than the existing building.**

Key Issues

1. Whether the principle of the replacement dwelling meets the requirements of saved Local Policy LH5.
2. Whether the proposed development would conserve or enhance the valued characteristics of the National Park.

Planning History

1978 – Planning permission granted for kitchen extension

Consultations

Derbyshire County Council – Highways – No objections subject to the dwelling not being taken into use until replacement parking provided.

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

Stoney Middleton Parish Council – Object to the proposal on grounds that it fails to comply with Local Plan policy LH5; by virtue of its design and size it would not fit in with the character of nearby dwellings and would be more obtrusive in the landscape.

Representations

8 letters of representation have been received in relation to the proposal. Four support the proposal, three object, and one makes general comments.

The grounds for objection are summarised as:

- The size would be overbearing on neighbouring properties;
- First floor windows would overlook neighbouring properties;
- The size of the building would be intrusive and harmful to the appearance of the area;
- The taller building would impact on the character and appearance of the conservation area.

The grounds for support are summarised as:

- It would represent a more traditional form of building, providing an enhancement over the non-traditional bungalow;
- It would be better suited to a family, helping sustain the village community
- The large plot is suited to a large property;
- The sloping site would ensure the property remains unobtrusive;
- The natural materials proposed are sympathetic to the appearance of the building;
- The distance from neighbours would ensure neighbouring amenity was maintained despite the introduction of first floor windows.

It was also noted that the access road to the site is narrow and so deliveries and construction traffic would need to be controlled in order to ensure highway amenity was unaffected during any building works.

Main Policies

Core Strategy

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

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

Policy CC1 requires development to take account of the energy hierarchy, to achieve the highest possible standards of carbon reductions and water efficiency, whilst CC2 encourages low carbon and renewable energy development where they can be acceptably accommodated.

Local Plan

Policy LC4 of the Local Plan states that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area.

Local Plan policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the Conservation Area will be preserved and, where possible, enhanced.

Local Plan policy LH5 Replacement Dwellings states that the replacement of unlisted dwellings will be permitted provided that:

- i. the replacement contributes to the character or appearance of the area, and
- ii. it is not preferable to repair the existing dwelling, and
- iii. the proposed dwelling will be a similar size to the dwelling it will replace, and
- iv. it will not have an adverse effect on neighbouring properties, and
- v. it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

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

Wider Policy Context

Relevant Core Strategy (CS) policies: DS1, GSP1, GSP2, GSP4 and L1

Relevant Local Plan (LP) policies: LT11

National Planning Policy Framework

In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the

determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Assessment

Whether the proposed dwelling is of a similar size to the dwelling it will replace (Local Plan policy LH5 criteria (iii))

This aspect of the policy uses the phrase ‘similar size’ as a means to control the size of replacement dwellings to protect the landscape, instead of insisting upon a simple like-for-like floor space or volume calculation. This enables a degree of flexibility to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate in the context of different sites and their setting.

The table below shows the difference in size between the existing dwelling and the proposed dwelling. Figures have been provided for both footprint and volume. However, members will be aware from officer advice in previous replacement dwelling applications that volume is considered to be a more reliable indicator of ‘similar size’ in relation to the key issue of a building’s landscape impact than either floorspace or footprint.

	Existing house	Proposed replacement house (percentage increase/decrease)
Footprint (m ²)	130m ²	160m ² (23%)
Volume (m ³)	507m ³	961m ³ (89%)

As can be seen, the proposed two storey dwelling would have a larger footprint than the existing bungalow, but in terms of volume it would be significantly larger.

In allowing the principle of replacement dwellings the supporting text to Policy LH5 states that account will be taken of Policy LH4 – Alterations and extensions to dwellings. The preamble to policy LH4 notes that extensions to existing houses up to 25% are more likely to be acceptable than larger extensions. In this case the proposed dwelling would be 89% larger so would therefore result in a dwelling that is considerably larger than what the Authority would normally be likely to consider acceptable were the existing house to be extended.

It is therefore considered that the proposed building would not be a similar size to the existing dwelling it would replace, contrary to adopted policy.

Notwithstanding this view, the relative size of the proposed dwelling is only one criterion of the policy. Whilst all five provisions of policy LH5 need to be met to be policy compliant, equally size should not be looked at in isolation from the context of the site or its setting within the landscape. In these respects criteria (i), (iv) and (v) of Local Plan policy LH5 are particularly relevant. These are discussed in detail below, and have led to the Officer conclusion that the increased scale is not acceptable in this context.

Whether the proposed dwelling meets the requirements of Local Plan policies LC4, LC5, and LH5 (i), (iv) and (v)

This application follows the withdrawal of a previous proposal to increase the roof height of the existing bungalow to provide addition living space within. Officers advised that the bungalow was never planned to be a two storey property and hence simply taking this plan up to two storeys would result in an untraditional and top-heavy appearance that would not conserve the

appearance of the building or the locality. Consequently officers advised that a two storey dwellinghouse would be more likely to be appropriate.

The existing dwelling does not reflect the building traditions of the area in terms of its form given that bungalows do not form part of the local vernacular. The proposed replacement building is more traditional in so much that it is a two storey dwelling. However, there a number of factors that mean it would not be considered to contribute to the character or appearance of the area.

The main issue is the scale and massing of the building. The proposal takes the footprint of the existing building and builds directly up from it. This means that the property takes on the untraditional and unfortunate design elements of wide gables and long front and rear elevations present in the existing bungalow.

The effect of this on a two storey building is a wider, longer, and taller building than is traditional in the area. The issue of the property appearing overly long is exacerbated by the addition of a single storey extension to the northern end of the building. It does not reflect or compliment the surrounding built environment either, which consists of two storey buildings of more traditional scale and massing, and bungalows.

During the course of the application revised plans have been received that introduce a break in the building line of the house, stepping the southern end of the building in at the front and rear. The break proposed is only very slight however, and whilst it does help to break up the uninterrupted frontage it has a less than significant effect on the massing, which is still considered to be unacceptable for the reasons noted above.

Overall, the scale and massing of the building is contrary to the local traditions and the advice of the Authority's Design Guide and is not considered to conserve the appearance of the built environment as required by policies LC4 and LH5(i).

In design terms there are some other elements of the proposal, as revised, that are considered to require improvement. Specifically, the open timber porch is not in keeping with the general design of the property, or the local building traditions. Storm porches are not typically a feature of local buildings but an enclosed stone porch would be more appropriate were one to be necessary. The ground floor opening to the south elevation is also considered to be too large; the local tradition is for blank or very limited openings on the gables of houses. As proposed it appears overly wide and incongruous.

If the proposal was considered to be acceptable in other more fundamental regards then these design matters could be resolved either through discussion with the applicant's agent or by planning condition.

In terms of its wider impact, the existing dwellinghouse sits down from the road and, at single storey, is modest in height. This means it is not prominent in the street scene, particularly given the boundary hedgerow along the roadside. The size of the building also means that it is not prominent in views from the footpaths to the north. The proposed building would, by virtue of its scale and massing, be much more prominent. Increased visibility in itself is not a concern in this location - which any two storey building in this position would result in - but by virtue of its massing it would become overly dominant and due to its untraditional appearance would appear incongruous.

It is therefore considered that the building would be more intrusive in the landscape to the detriment of the character of the area, contrary to policies LH5(v) and LC4. As it would also be more prominent in views in to and out of the conservation area this impact would result in harm to the character and appearance of the conservation area, contrary to policy LC5.

The closest properties are the immediate neighbours to the south and west (where they are separated from the application site by the highway), whose houses are between 15 and 30 metres away. Despite the proposed increase in height and mass, the proposed dwelling would not be overbearing and would not result in any significant loss of light to any neighbouring property due to its distance from them.

At two storeys in height the building would have the potential to further overlook neighbours. However, at over 20m from any principal facing windows and 10m from the edge of any formal gardens is not considered that this would have an unacceptable effect any neighbours' amenity.

Whether the principle of the replacement dwelling meets the requirements of Local Plan policy LH5 (ii)

This part of the policy addresses the merits of retaining the existing building. It refers in particular to repairs to the existing building, assuming that in the majority of cases the reason for replacement will be because the existing building is no longer fit for purpose.

In this case the property appears to be in a good overall condition and is currently in occupation as a dwelling. It is considered that such use could be continued without the need for any significant repair therefore.

The question then is whether it is preferable to retain the existing bungalow as existing, rather than to replace it, in the context of the proposed replacement. As noted above, the existing dwelling is a bungalow, which does not form part of the building tradition of the National Park.

It is however a good example of this type of development. The building is constructed of traditional gritstone walls, with a Hardrow tiled roof. Unlike many bungalow properties, it has a gable width of around 7m, helping to keep the massing of the roof down, which in turn prevents the roof appearing overly tall or dominant relative to the walls below.

Having considered the condition, appearance, and landscape impact of the existing building against the impacts of the proposed replacement - as discussed in the previous section - it is considered that it would be preferable to retain the existing building.

The development would therefore be contrary to policy LC5 part (ii).

Other matters

Environmental management

Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and resources and take account of the energy hierarchy.

The applicant has indicated that they are considering installing a biomass boiler, air or ground source heat pump, and grey water recycling – or a combination of these. However, no further details have been provided and no elevation or block plans incorporating the measures have been submitted. If Members were minded to approve the application it would be necessary to ensure that these details are secured by planning condition in order to comply with policy CC1.

Highways

The proposed dwelling would be served by the existing access which would be unaltered. There is space within the application site to park three vehicles clear of the highway and no changes to the site layout are proposed that would restrict onsite turning. The Highway Authority has advised that they have no objections subject to the parking being made available prior to the occupation

of the replacement dwelling; this could be controlled by planning condition if permission was to be granted. There are therefore no objections on highway grounds.

Protected species

The proposal falls outside of the Authority's requirement for a protected species survey because of the age of the building. The Authority is not aware of any protected species or habitat that could be affected by the proposal.

Conclusion

In summary, it is considered that the proposed replacement dwelling fails to accord with Local Plan policies LH5, LC4 and LC5. The replacement dwelling is not a similar size to the existing dwelling and, both on its own merits and in the context of the appearance of the existing building, the proposed massing and design are not considered to make a positive contribution to the character and appearance of the area, and would be more intrusive in the landscape.

In the absence of further material considerations, the proposed development is not considered to be in accordance with the development plan and is therefore recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil

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8. STANTON MOOR MINERAL LIAISON GROUP – MINUTES AND PROGRESS REPORT (JEN)

In March 2014 Planning Committee resolved to establish the Stanton Moor Mineral Liaison Group (SMMLG). The group was established to operate at an arm's length and allow stakeholders (including mineral operators, parish councils, and community groups) to:

- disseminate factual information
- discuss problems relating to the mineral working and to be part of the practical response
- allow participants to understand their respective roles and responsibilities
- express and listen to each other's views
- ensure information is available to all stakeholders on a consistent and straightforward basis
- to provide an opportunity to discuss forthcoming development proposals
- to discuss day to day concerns about quarry operations and their impacts
- work to establish a better working relationship between the stakeholders
- promote the engagement of those with "protected" characteristics under the Equalities Act 2010

The Group continued to meet in 2016 and three sets of minutes are appended for information. The first two sets of minutes are agreed by the Group and the November minutes will be agreed at the next meeting.

The previous Chair, Tony Crook, was unable to continue with the position from mid 2015. The Group has been chaired since July 2016 by Peter Stubbs, who is retired lawyer and current Chair of the Cavendish Decorative and Fine Arts Society.

The Group continues to facilitate the open discussion of issues in relation to quarrying in the Stanton Moor area, and has proven useful in forging better relationships and understanding of divergent views.

It is anticipated that at some point in the future, less frequent meetings may be acceptable to the group, and once the current New Pilhough proposal is determined and if permitted has been operational for a few months, the group will be asked to consider the frequency of meetings.

RECOMMENDATIONS:

- 1. That the minutes of the Stanton Moor Minerals Liaison Group of October 2014, March 2015 and June 2015 are noted.**
- 2. That the Stanton Moor Minerals Liaison Group continues to operate as constituted in 2014.**
- 3. That Peter Stubbs be agreed as the Chair of the Stanton Moor Minerals Liaison Group.**

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Stanton Moor Mineral Liaison Group (SMMLG)

Draft minutes of meeting held on Wednesday 2 November 2016

1. Members Present

Andy Tickle	Friends of the Peak District (AT)
Howard Griffith	Stanton against the destruction of our environment (SADE) (HG)
Ian Kennedy	Blockstone Ltd (IK)
Sue Fogg	Stanton in Peak Parish Council (SF)
Adrian Davie Thornhill	Stanton Estates (ADT)
Nicholas Davie Thornhill	Stanton Estates (NDT)
Bill Elliott	Birchover Parish Council (BE)

In attendance

Peter Stubbs – Chair
Jane Newman – PDNPA Minerals Team Manager (JN)
Diane Jackson – Minutes

Apologies

Roger Caisley	Birchover Stone Ltd
Steve Boam	Stancliffe Stone
Kath Potter	Rowsley Parish Council

The following members did not attend:

Haddon Estates	
Geoffrey Henson	Stanton Lees Action Group (SLAG) (GH)
Paul Morris	Stanton in Peak Parish Council (PM)

2. Declarations of Interest

None

3. Approval of minutes of last meetings (22 Feb 2016 / July 2016)

The revised draft minutes for February now included the previous reported omission. AN requested removal of two lines in item 7.

The draft minutes for July were agreed.

4. Matters Arising

HG – would discuss in item.

5. New Pilhough Quarry

- a. JN gave an outline of the current status of the quarry: not currently being worked; the 2012 Planning Application has been amended with additional plans that show a revised working scheme and reduced tonnage. This Planning Application: NP/DDD/0712/0760 is currently out for consultation.

Adrian asked which Planning Committee the application would go to; JN said she was aiming for January or February. JN confirmed that she will be requesting Blockstone to provide amended information in relation to restoration. The current proposal includes an area of woodland around the edge and the face will not be seen from the road. JN explained that a higher face would be preferable as a better habitat for nesting peregrines and overall biodiversity.

All documents relating to this planning application can be found on the PDNPA website here:
<http://tinyurl.com/nflvxkd>

JN showed the scheme via a projector.

JN has received some consultation responses that raise concern about the tonnage extraction; JN will discuss with Blockstone the possibility of a mobile weighbridge.

SF said that one of the issues that the Parish Council has raised concerns the stand-off to Sheep Walk Wood which has been a long standing request. JN acknowledged that the standoff next to the quarry is small and explained that PDNPA's Tree Officer will visit the site to assess how the existing woodland is faring with the minimal standoff that exists currently and with a view to advised what level of standoff he thinks would be appropriate so she is happy that this could be addressed and written into the Decision Notice.

SF noted the standoff at Dale View quarry and proximity to the Hall Road. It was acknowledged that the eventual requirement is to remove the Hall Road in its entirety.

IK confirmed that the Quarry is not being worked and that Blockstone is concentrating on other sites in their group.

- b. HG expressed disappointment that this was not a new application and was concerned that local people do not know about it. He questioned that the application says 18k tonnes extraction per year but the total is 50k. IK and JN explained that the end date of 2022 includes 5 years of working and 1 year of restoration. It would be unlikely to extract very much in Year 1 so the maximum limit of 50k tonnes stands. JN further explained that the Authority seeks to control quarries by a number of conditions that should not be read in isolation but rather in conjunction with each other. These include: an overall limit of extraction tonnage; an annual limit and a limit on vehicle movements. The operators must comply with all conditions or face a breach notice.

HG pointed out that this is confusing to the lay person and that Blockstone have sought amendments to increase annual extraction in the past.

HG also said that it would be beneficial to have the restoration schemes of both adjacent quarries at the same time. JN agreed that attempts have been made to discuss with the operators and landowner but unfortunately this has not yet been successful. The existing schemes of Dale View and New Pilhough are compatible and officers are looking at them together.

HG suggested that a bond be placed but JN explained that the government have stated that bonds should not be sought as they are thought to be unnecessary. In the event that the land was not restored by the operator then the responsibility falls to the landowner (Stanton Estates) who are obliged to carry out the restoration. If a bond is offered by an operator then it would be considered for inclusion in a Section 106 agreement but may not meet the tests.

JN confirmed that the time for cooperation between the operators on restoration has now passed and is wary of a view that enhanced restoration schemes justify more quarrying.

JN stated that she is confident the restoration schemes for both Dale View and New Pilhough are acceptable both in their own right and cumulatively next door to one another. There is no justification to working the standoff between the two sites.

NDT noted that the new owners of Blockstone are easier to deal with than the former owners.

SF stated that the Parish Council have requested that a public meeting be held for the village and surrounding villages to raise awareness of the planning application and proposed works especially because there has been no activity for six months.

AT agreed that some form of public gathering is needed but advocated a drop-in type exhibition hosted by company representatives is more appropriate rather than a formal public meeting. The village hall was suggested as an appropriate venue and IK said he was happy to host such an event.

ACTION: Parish Council to contact IK to organise a drop-in style event for the village.

ADT noted that the point of the Liaison Meeting was to openly discuss issues and queried whether there was an accusation that the company have not been open with local people and that was unfair. SF clarified that the Parish Council has an obligation to the wider parishioners to bring this to their attention as it has appeared to be 'dormant'. The village has two quarries and it is only fair that people are given the opportunity to understand what is proposed especially given the level of representation in 2012.

JN asked SF and HG if they made a personal representation to the 2012 application as the Authority has written to everyone who did make a representation and that the Authority has undertaken all the usual advertising of the application. They did not. JN agreed that a public meeting would be beneficial.

IK explained that Blockstone is under new ownership and the new owners are investing in the company and the 8 sites they hold. It is anticipated that minor workings will start at New Pilhough after Christmas until such time as the planning application is dealt with. IK reiterated that he is happy to organise and host a local event subject to the agreement of Blockstone management.

SF suggested that a formal meeting may be appropriate with an independent Chair and would take the query back to the Parish Council for discussion about what format they think is most appropriate.

JN stated that she would not attend such an event as it would not be beneficial as no decision has been made and she would be unable to offer a view on the matter.

HG asked how long did people have to respond and JN confirmed that any comments would be taken into consideration up to the date that the application is determined, but before Christmas would be helpful.

IK left the meeting at 18:15

6. Dale View Quarry Update

a. The amended planning permission is not yet issued because Stancliffe Stone's solicitor is liaising with all the various landowners and the land is held in trust which makes it additionally complicated. SF requested that JN email the draft conditions to the Parish Council clerk, JN stated this would be for information only.

JN noted that HG was concerned about the height of the stockpile of stone so explained that the pile heights are governed by conditions and inherent in the plans and the current profiles are in line with the plan and conditions. HG said it appears that stone is everywhere and the original conditions stated a maximum height of stockpile with designated areas. JN said that the stockpiles do not exceed the ground level at all; HG agreed but suggested that he would send photographs to explain what he can see. SF agreed that there appear to be boulders all the way around. It was decided that this was likely to be edge protection, a health and safety measure to prevent vehicles from rolling off edges and ensure that they are driven on the most stable part of the tracks.

- b. JN stated that the application for the stocking of mineral at Rowsley was refused at the October Planning Committee. Authority officers met with Stancliffe Stone's agent who is considering their situation in terms of whether they appeal the decision. JN advised that the Authority is minded to take enforcement action if they do not cease operations. SF asked what the timescale might be; JN said that the Authority is aiming to serve by the end of November. JN said that if enforcement action is taken then it would include a period of compliance. JN explained that if, in the meantime, the operator then decided to appeal the enforcement notice and the refusal then they would be able to continue works until it was determined and, unfortunately the waiting time at the Inspectorate is long at the moment. AT noted that a Stop Notice was an option; JN agreed that was possible but doubted that would happen in this case because SNs are used to prevent considerable harm development. SF asked what the time frame for an Appeal is and JN confirmed it is 3 months.
- c. JN read an update sent by Steve Boam: more restoration work is being carried out on the tip area at Dale View where they placed Hay Meadow seed in the summer; there have been problems with Himalayan Balsalm on the site so have been carrying out a programme of hand-pulling and spot weed killing under advice from PDNPA Ecologists. This work has been done by landscape contractors. They have carried out the final soil strip so there will be no further soil stripping on the land. Stancliffe Stone have purchased a new tracked vehicle for the site which will be transported to the site on a low-loader. There are two route options to reach the site 1. Along the short haul road however there is a condition on the permission for New Pilhough that that road is used only for vehicles associated with that quarry or 2. Unload the low loader at Stan Wain's land and they would then proceed along a track known as the Drug Road and across the fields using farm accesses. JN invited observations. BE stated that he did not like the idea of such a large vehicle coming through Birchover as it is narrow and would create significant disruption and potential harm to parked vehicles. JN noted that they do have a legal right of access. BE suggested that the company could help out with various village projects that are short of money in recognition of such disruption. JN noted that residents would need notice. SF said that they should at least notify the Police. JN said it would traverse the highway in an acceptable way. The preferred route was to use the short haul road and she would be pragmatic about this; Blockstone were prepared to agree if the Authority agree but JN did not want to agree

without this discussion. ADT stated that it could be assumed that they as the landowner are in broadly supportive of activity that supports their tenants. SF stated that no-one wants to stop them but it was important that they choose the best route.

ACTION: Stancliffe to contact the Parish Council clerk

7. Wire Saw Stokehall Quarry:

Following a request from HG, JN explained that the Authority have served an enforcement notice in relation to the wire saw at Stokehall Quarry. The application for the saw is tied to the importation of stone; the Authority needs more information about that before determining the application. The wire saws have not caused any objections; the closest neighbours have made representations about other aspects of the application but not the wire saws. The enforcement notice was used to prevent a situation where the wire saws gained lawful use independent of the wider use of the site that is proposed; there is a long time for compliance (removal in 2023).

8. Birchover Quarry update:

JN read a statement from Roger Caisley of Birchover Stone Ltd. Work has commenced on the new saw shed building. The gabions replaced and the base has been prepared. They anticipate that the steelwork will be delivered in early December. There has been preliminary works in the East filed in readiness for the planting season. There have been no further complaints about noise which JN confirmed.

9. A.O.B

- a. JN stated that the work opposite Birchover Quarry at Barton Hill is virtually complete with a footpath going through and has naturally re-vegetated. BE asked if work on building houses would now commence. JN stated that she did not know; they have the relevant consents.
- b. ADT requested that his following point be minuted in full: "In this atmosphere of unrelenting negativity against these quarries, these are run by decent people working hard, employing people, providing lots of work, building lots of beautiful houses some of which are affordable and they are paying lots of tax. It is not the work of Satan what they are doing and it is very easy to ham it up. This is a good news story, these quarries are vital local industries, they've been here for hundreds of years, they do a huge amount of good and we should help them, be proud of them and support them". In response, BE stated that Birchover have never objected to the working of a quarry, just the lorries. The haulage issues mean that objections are raised to applications but not the actual working of the quarry. HG reiterated that they are not against quarrying especially if quarry operators abide by the conditions of the Planning Application that has been granted. He noted that promises had been given by operators that had never been followed through. There was general acknowledgement of the skilled local people working in stone and that Derbyshire stone is used in prominent London buildings.

Meeting closed 1840.

Stanton Moor Mineral Liaison Group (SMMLG)

Draft minutes of meeting held on Monday 25 July 2016

Members Present

Paul Morris – Stanton in Peak Parish Council (PM)
Andy Tickle – Friends of the Peak District (AT)
Howard Griffith – Stanton against the destruction of our environment (SADE) (HG)
Geoffrey Henson – Stanton Lees Action Group (SLAG) (GH)
Ian Kennedy – Blockstone Ltd (IK)
Adrian Davie-Thornhill – Thornhill Settlement (ND)
Kath Potter – Rowsley Parish Council

In attendance

Peter Stubbs – Chair
Jane Newman – PDNPA Acting Minerals Team Manager (JN)

1. Apologies

No apologies were received

The following members did not attend:

Haddon Estates
Bill Elliott - Birchover Parish Council
Rodger Caisley – Birchover Stone Ltd

2. Declarations of Interest

There were no declarations of interest at this meeting.

3. Chair's Report

Peter Stubbs introduced himself

4. Approval of minutes of last meeting (22 Feb 2016)

The draft minutes had been circulated and amendments sent to JN but revised minutes had not been produced and so were not yet agreed.

5. Matters Arising

PS asked for introductions to be made around the table – this was carried out.

6. Dale View Quarry

Restoration

NT raised concerns about Dale View Quarry Restoration. JN responded by explaining that the profile is as approved and green hay to be cut and spread very soon.

NT is concerned about it being too uneven to access with machinery. SB said that he thought that it is accessible and that this will be improved by the restoration in the future of the land immediately to the south which will have a flatter profile and will allow vehicles to run-off and turn.

NT confirmed that both stones and profile are concerns. JN outlined that this is the restoration profile that the estate agreed to. JN pointed out that more pasture is sought by estate. NT queried if there couldn't there be plateau and faces? And more woodland. Or all restored at the end? JN – advised that it is not appropriate to restore all at the end. JN reiterated that the profiles have been agreed, including by the estate. JN agreed that stone picking is necessary

Rowsley Woodyard (related to Dale View Quarry)

KP stated that PC had complaints about noise. Concerned about traffic and access arrangements. SB enquired about the nature of the noise. KP characterised it as crashing and banging. JN stated that no noise complaints had been made to PDNPA.

Chair queried whether the development is unauthorised. JN confirmed that development is unauthorised PDNPA could take enforcement action if expedient. Due to consider the application at August planning committee.

HG: Concerned about traffic and articulated vehicles. SB queried whether the stone yard use is the same as the wood yard which also used articulated vehicles? JN said that as Stancliffe won't provide information on wood yard use (as they don't consider it relevant to the application), it's not appropriate to rely on it to defend the activity.

JN asked how many articulated vehicles per day for stone yard use? SB advised one per day. Tipper straight from Quarry.

KP said it's a shame that the minute change not yet made to previous minutes. JN explained amendment that KP proposed (that SB had said that the use was associated with the Bloomberg contract which was ending and implied that the stone yard use would cease when the contract ended) and explained that it is how it will be recorded on revised version. SB stated he was sorry to have misled anyone. Did say Bloomberg contract ended, but didn't mean to suggest that stocking over. Chair suggested that the company wouldn't have made an application if they didn't intend to carry on the development.

KP expressed her disappointment

Dale View Quarry Update

SB advised that main change that the saw bases etc. gone. KP lamented investigation carried out by officers at that time. KP is aware that good monitoring does happen by

the minerals team (cited example at Birch over) but does not consider that this is an example.

SB outlined that changes in management at Stancliffe Stone will result in a different approach in future.

HG queried what is happening with Stoke Hall Quarry wire saws planning applications? JN advised that it is out to consultation

NT left at this point.

7. New Pilhough Quarry

IK outlined that Block Stone and Real Stone's assets have been purchased by Cadeby Stone (owned by Grants of Shoreditch). Building and quarrying company. Large co. More resources. Worked on Bloomberg project.

PM queried whether there would be any changes to company direction or working practices? IK advised that there would be more resources for proper working.

AT asked whether there would be a review of direction for the current planning application or ROMP. IK advised that they are proceeding with the application and they intend to submit revised information next week following resolution of final details. JN advised she has seen draft restoration plan.

HG set out that the community wants consultation. AT reiterated that he would like the revised information to appear on the weekly list of applications. JN to make a note of this (weekly list request), outlined that it's not as straightforward as it may seem. JN suggested Block Stone submit the revised scheme to community groups. JN committed to write a cover letter to additional info and to append a site history list. KP suggested a report to cover decision in relation to PO to be included.

AT asked IK if there can be a public display of the info so people can ask questions? IK advised that they have done it before and will think about doing it again.

HG queried what the timescale for determination is likely to be. JEN advised on the basis of submission now, looking at Nov/Dec for determination, likely to take 5 months from submission. HG is concerned about consultation over holiday period. JN is inclined to extend with Block Stones agreement.

KP concerned about stability following HSE prosecution. Has PDNPA had a geotechnical survey. KP had requested one and was denied one. IK advised that HSE fine was for not reporting in a timely manner, and alleged to have put people in danger. Did have geotechnical survey. Will ask if Kath can have a copy

8. Birchover Quarry

JEN outlined that the permission has been issued for building and described what it entails.

KP expressed appreciation of site visit carried out by minerals officer outside of normal working hours. JN outlined requirements of conditions and north south door operation and advised that this was being monitored, willing to be pragmatic as long as noise not excessive. PM said that site must keep to conditions, noise can be subjective and people have expectation of condition being complied with.

PM has additional concerns regarding volume of tree planting at Birchover, blocking views from moor. Queried whether any movement on Highways sign movement KP Concerned about path at Barton Hill which appears wide and too developed.

Meeting brought to close.

Stanton Moor Mineral Liaison Group (SMMLG)

Draft minutes of meeting held on Monday 22 February 2016

Members Present

Paul Morris – Stanton in Peak Parish Council (PM)
Andy Tickle – Friends of the Peak District (AT)
Howard Griffith – Stanton against the destruction of our environment (SADE) (HG)
Geoffrey Henson – Stanton Lees Action Group (SLAG) (GH)
Andrew Gregory – Blockstone Ltd (AG)
Steve Boam - Stancliffe Stone Ltd (SB)
Adrian Davie -Thornhill – Thornhill Settlement (ADT)
Roger Caisley - Birchover Stone Ltd (RC)
Kath Potter – Rowsley Parish Council
Jane Newman – PDNPA Acting Mineral Team Manager (JEN)

In attendance

John Scott – PDNPA Director of Conservation and Planning (JRS) – Chair

1. Apologies

Apologies had been received from the following:

The following members did not attend:

Haddon Estates
Birchover Parish Council

2. Declarations of Interest

There were no declarations of interest at this meeting.

3. Chair's Report

John Scott explained that since the last meeting the Chair of the group, Professor Tony Crook, had resigned as he was in dispute with the Authority over a planning matter relating to his property. As a result he felt that it was not possible for him to continue in his role as Chair. As there had not been sufficient time since the last meeting to approach and appoint a new chair so John Scott asked the Group if they were happy for him to chair this meeting. There was agreement to this.

4. Approval of minutes of last meeting (29 June 2015)

Subject to the comments below, the minutes were **agreed** as an accurate record.

5. Matters Arising

- HG explained that the change of email address was not a recent change, having been his email address for the last 18 months.
- 6 (a) - HG said that the letter had not been circulated. JEN explained that this was now in the public domain.
- 7 – HG requested full consultation on any new applications. JEN explained that there was an existing application has been held in abeyance since 2012, pending consideration of a ROMP.
- PM asked if the SMMLG can agree the minutes before they are reported to Planning Committee. JEN said that we can take any issues arising when necessary, and saw no reason why we could not to take minutes already agreed in principle by the liaison group to Planning Committee if that was the Group's preference.

6. Dale View Quarry

a. Wire Saw Bases

SB explained that PM had come to look at the site after the last meeting – the company's intention is to render the stands unusable and remove the steelwork.

PM said he had taken up the invitation and agreed that removing all the concrete work was not necessary as it would create further noise and vehicle movements. Could also move the diesel tanks to a less obvious position. Overall balance of advantage is to retain with modifications and some covering up of bases.

JEN – this would need planning permission.

HG – this is a personal view of PM, not the community view. PM accepted this. HG also said that the building should be moved under the permission. JEN agreed that the current permission says this, but the new permission will not. HG questioned this and was referred to committee papers by JEN.

SB – acknowledged the reputation issues for the company and that mistakes had been made; he explained that there had been a management restructure

PM asked what steps the Authority could take to remove the bases. JEN said we could take enforcement action if considered to be “expedient” – this is discretionary.

b. Amendment to Planning Permission NP/DDD/0606/0316

JEN explained that this is the application being referred to in 6a. The decision notice and section 106 agreement are drafted and ready to go, following a meeting with the company next week. She had intended to share the draft with HG and GH, but thought she should agree it with the company first.

HG said that in June 2015 he had asked for a report on which conditions were being changed (see last minutes). JRS stated that the Committee report in 2013 had explained what was proposed and that this with the draft conditions when available would provide HG with the information he sought.

c. Unauthorised stocking at Rowsley Wood Yard

JEN reported that officers had met with the company in October 2015, who were trying to resolve this matter (storage use of wood yard for stone, without planning permission).

In response to HG question, SB explained traffic movements from DVQ and how these related to the Rowsley Wood Yard use. Steve Boam outlined that the yard had been used to allow Stancliffe to sort stone to meet the specifications of the Bloomberg contract, and that the use was associated with this contract which was coming to an end. HG queried whether stone output figures at DVQ are monitored. JEN advised they are, but are commercially sensitive and therefore not public info, but that no breach has occurred.

JRS said that the company need to resolve this as soon as possible.

HG asked questions about stockpiling, which SB and JEN answered and said the company are not in breach of forthcoming conditions at Dale View Quarry in this respect.

Other matters arising: JEN explained that the NPA proposes to give statutory consultees including Parish Councils an extension of 7 days to respond to an application, taking the period to 28 days for consultation, rather than the 21 days or unspecified extension period currently set out in regulations.

7. Stanton Moor Quarry/New Pilhough Quarry

JEN explained that the 2012 application for NPQ was still in abeyance, but she now has some draft plans which would be used to “restart” the application. Further plans and information had also been received on the SMQ ROMP, which had bene publicised.

PM asked for an explanation of the relationship between the various applications/ROMP. JEN and JRS explained this. The 2011 application was for a swap of SMQ permission for 120,000 tonnes at NPQ – this was refused and was the subject of the now withdrawn appeal. In 2012 a further application for a 90,000 tonne exchange was submitted – this is in abeyance pending the ROMP determination and is now likely to be revised to a tonnage of 50,000 tonnes

HG asked for a written summary from officers in order to provide some clarity.

JEN explained the situation by referring to a plan of the sites on Stanton Moor. She is currently assessing the draft revised application and considers that as it is a reduced scheme, the Environmental Statement is still largely relevant, though a landscape assessment of the revised scheme would be necessary. .

KP LEFT THE MEETING AT 18:55.

AG explained the Company's position on the volume of stone in SMQ.

HG asked whether the company could work SMQ if the exchange is refused. JEN said that the NPA has an independent report which shows that there is a reserve of stone which would be viable and realistic for extraction.

AG gave a brief update on the restoration of NPQ

JRS agreed that when consulting on the forthcoming revised information and working plans at New Pilhough a letter to all consultees needs to set out the situation in more detail than the standard letters. JRS added that all people who had made a representation would be contacted to advise them of the revised information.

HG expressed surprise and disappointment that AG/IK (at the last meeting) hadn't mentioned the HSE fine from the face slippage incident and the failure to carry out a geological survey.

AG explained that there is a disagreement on how often they should be carried out and that this was the first time this had happened in the 55-60 year history of the company.

JEN explained NPA were aware of this case.

PM said the Parish Council were made aware of the incident by the company when they visited the site, but not of the fine.

HG asked if HSE will be consulted on the application. JEN confirmed that they would.

8. Birchover Quarry

An up-date from Chris Drury (Senior Minerals Planner dealing with this site) was given by JEN:

- The top of the tip has been removed. Tip material gone to Barton Hill, regrading now suspended because of winter.
- Complaint received about noise – now working with the doors shut, as required.

RC gave a further up-date

- Section 73 application to cover new building design submitted, with JRS for signing off.
- Installed 6 nesting boxes

Highways – PM explained that he had had a meeting with Highways on the location of the access and referred to “bureaucratic nonsense” of moving restriction sign – asked if NPA can put any pressure on DCC on this.

AT asked about amended plan for a stile – RC said they have not done this as the company is uneasy about making it a gate because the land beyond is uneven.

JEN explained that it will remain a stile because the land it accesses can only be accessed by stile.

HG asked about new planting in Stanton Lees direction. RC explained that the plan is for it to revert back to heather heath, getting rid of vegetation in preparation for heather brash.

AOB: JRS announced that Jane Newman has been appointed as Acting Minerals Manager following the retirement of David Bent. The appointment is to 1 October, pending a review of the structure of the Directorate.

The Chair closed the meeting at 19.25.

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9. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2017 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (1 October 2016 – 31 December 2016). The majority of breaches of planning control are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Director of Planning and Head of Law have joint delegated powers to authorise such action whereas delegated authority not to take formal action is held by the Director of Planning, Monitoring & Enforcement Manager and Area Planning Managers.

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

The National Planning Policy Framework 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:

16/0094 Heather Lea Jeffrey Lane Bradwell Hope Valley	Erection of building	Enforcement Notice issued 27 October 2016
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(b) Breaches Resolved:

16/0006 The Coach House Fernhill Hollow Meadows	Erection of shed	Retrospective planning permission granted
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16/0076 42 Middle Row Cressbrook	LISTED BUILDING – Opening in boundary wall, minor internal alterations and change of use of land to residential garden	LDC granted for change of use; retrospective LBC granted for physical works
14/0555 Land rear of Bowling Green Inn Smalldale Bradwell	Use of land for storage of building materials etc and erection of extension to building	Land cleared and extension removed
14/0582 Ye Derwent Hotel Main Road Bamford Hope Valley	Change of use from public house/hotel to self-catering/hostel	Retrospective planning permission granted
14/0002 The Sands Low Bradfield Sheffield	LISTED BUILDING – removal of internal features	Planning permission and LBC granted for conversion to dwelling
14/0557 Greenhills Back Lane Hathersage	Non-compliance with approved plans and conditions for extension to dwelling (NP/DDD/0713/0596 and NP/NMA/0314/0266)	NMA granted for some changes; other matters either rectified or not expedient to pursue
16/0140 Cobb Barn Smalldale Bradwell	Alterations to domestic outbuilding	Not expedient to pursue enforcement action
16/0025 Bath Gardens Rutland Square Buxton Road Bakewell	Display of temporary signs advertising craft fairs at Bakewell Town Hall	Number of signs reduced to acceptable level
14/0494 Town End Chelmorton	Erection of timber stables and change of use of former agricultural land to equestrian use.	Planning permission granted
16/0082 Tindalls Bakery/Delicatessen 7 Commercial Road Tideswell	Use of ground floor storage area for residential purposes	Retrospective planning permission granted
11/0215 Former Old Bulls Head Inn, Little Hucklow	Engineering operations consisting of the excavation of land and the erection of concrete block retaining walls	Enforcement notice complied with

11/0216 Former Old Bulls Head Inn, Little Hucklow	Engineering operations consisting of the excavation of land, laying of a concrete base and the erection of concrete block walls	Enforcement notice complied with
09/0071 Former Old Bulls Head Inn, Little Hucklow	Dilapidated building and associated untidy land	Section 215 notice complied with
16/0125 Pictor Hall Farm Bakewell Road Green Fairfield Buxton	LISTED BUILDING – internal and external works	No breach - works constitute repair and reinstatement to keep building weathertight
15/0043 The Homestead Foolow Eyam	Erection of shed	Merged with ENF.16/0133
15/0041 Cotton Star Camping Windy Bank Low Bradfield Sheffield	Use of land as a campsite	No evidence that use taking place in excess of permitted level (28 days pa)
13/0140 Townfield Barn Shatton Hall Shatton Bamford	Use of building and land to hold wedding events	Use ceased
16/0162 Crown Cottage Main Street Winster	LISTED BUILDING - Removal of internal wall	Not expedient to pursue enforcement action
14/0023 Merman Farm Alma Road Tideswell	Use of part of outbuilding as a laundry business	No breach as not a material change of use
06/0010 Midfield Macclesfield Road Kettleshulme	Engineering operations including excavations, earth-moving and laying of a hard surface	Restoration works carried out in accordance with legal agreement
16/0104 Brosterfield Farm Foolow	Siting of shepherd's hut and use for holiday accommodation	Retrospective planning permission granted

12/0013 Land off Digmire Lane Thorpe	Breach of condition 7 (visibility splay) on planning permission for affordable dwelling (NP/DDD/0909/0826)	Retrospective planning permission granted
16/0130 Hope Valley College Castleton Road Hope	Display of advertisement sign	Not expedient to pursue enforcement action
15/0069 Lower Damgate Farm Stanshope Ashbourne	Use of buildings and land for wedding and other events	Retrospective planning permission granted, subject to conditions
09/0078 4 Court Lane Ashford in the Water	Conversion of attached outbuilding to C3 dwellinghouse	Planning permission granted on appeal for holiday let, enforcement notice quashed
15/0124 Land Adjacent to Woodstone House Froggatt Edge Calver	Removal of trees in a Conservation Area	Landowner prosecuted; restoration to be carried out
12/0121 Dale House Farm Litton	Erection of seven buildings used for drying logs	Buildings removed
12/0120 Land off Hollinsmoor Road Rowarth	Erection of two stable buildings	Immune from enforcement action
16/0139 Burre House Baslow Road Bakewell	LISTED BUILDING – Erection of fence within curtilage of listed building	Retrospective planning permission granted
16/0137 1 Mawstone View Coldwell End Youlgrave	Erection of garage	Retrospective planning permission granted
16/0072 Wetton Village Hall Wetton	Use of village hall as cafe	Retrospective planning permission granted
16/0014 Rocester House Leek Road Waterhouses	Erection of outbuilding	Not expedient to pursue enforcement action

15/0098 Three Trees Bungalow Ashbourne Road Brierlow Bar	Erection of timber shed	Not expedient to pursue enforcement action
14/0561 Duke Of York Flagg	Use of land as caravan and campsite	Use ceased
12/0152 Peaslows Farm, Sparrowpit Chapel en le Frith	Non-compliance with landscaping condition attached to planning permission for slurry lagoon (NP/HPK/0214/0176)	Mitigation measures agreed and landscaping scheme approved

(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:

	Received	Investigated/Resolved	Outstanding
Enquiries	88(97)	95(100)	110(116)
Breaches	35(42)	35(35)	478(478)

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. The next report to Committee, in April, will be an annual review with further information on cases where formal notices have been issued but not complied with. It is also intended that the annual review will provide more detail on the length of time that cases have been outstanding.

Chart 1 - Enforcement Cases: levels

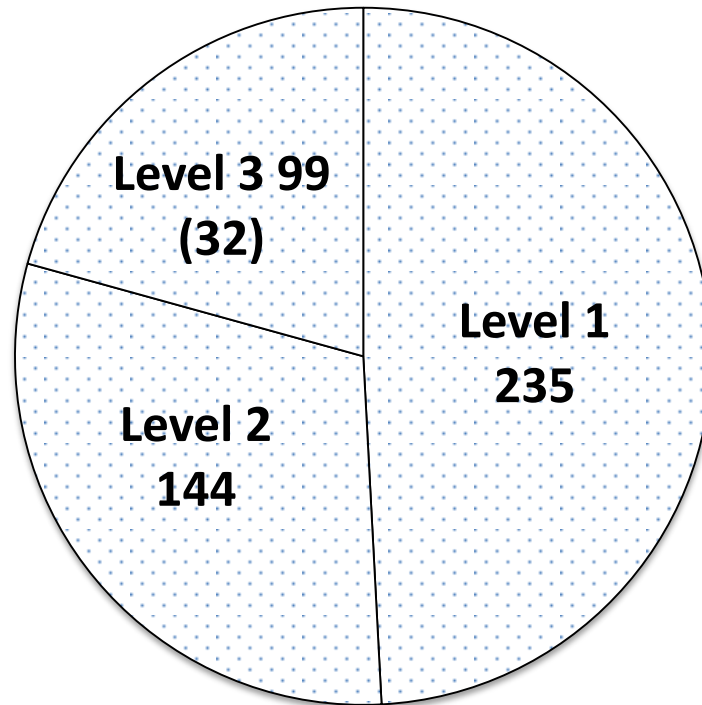
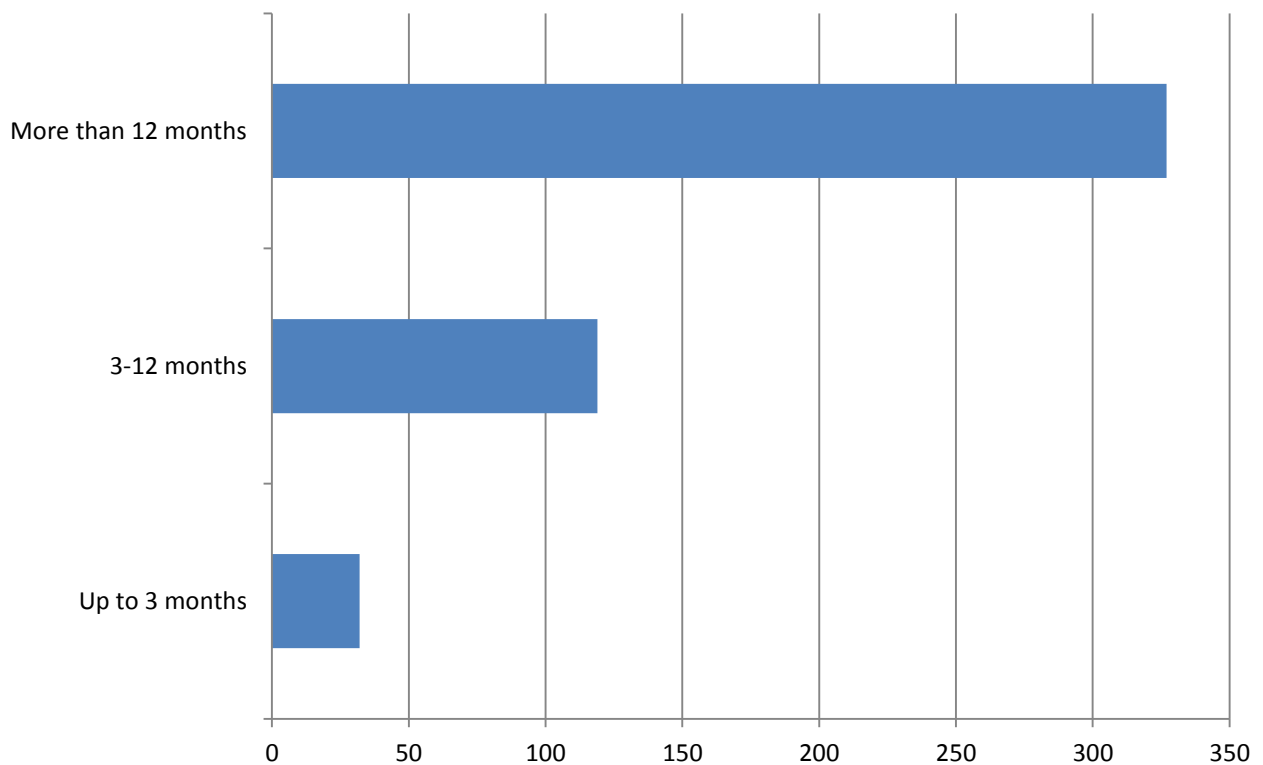


Chart 2 - Enforcement Cases: period outstanding



10. HEAD OF LAW REPORT - PLANNING APPEALS DECEMBER 2016 – JANUARY 2017
(A.1536/AMC)

1. APPEALS LODGED

The following appeals have been lodged since the last Planning Committee.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0516/0444 3160705	Replacement signage to the Bridge Inn, Calver	Commercial Appeals Service (Advertising)	Committee
NP/S/0216/0142 3160867	Retention and alteration of the building which has been erected on site as an agricultural building at Wigtwizzle Barn, Lee Road, Bolsterstone	Written Representations	Delegated
NP/DDD/0316/0280 3156948	Demolition of existing industrial units and construction of replacement employment floorspace. Improvement to access, parking and landscaping at Riverside Business Park, Buxton Road, Bakewell	Informal Hearing	Committee
NP/DDD/0716/0602	Retrospective planning permission for an agricultural building on land to the east of Taddington	Written Representations	Delegated
NP/DDD/0716/0616 3161202	Amend position of garage which was granted on application NP/DDD/1115/1094 and relocate the vehicular access to the site at The Farm, Main Street, Great Longstone	Householder	Delegated
NP/DDD/0416/0334 3162254	Replace existing shed with Mixed-Use building at The Farm, Lees Road, Stanton Lees	Written Representations	Delegated
NP/DDD/0716/0640 3161206	Listed Building Consent to erect new detached garage at The Farm, Main Street, Great Longstone	Written Representations	Delegated
NP/DDD/0716/0654 3160105	Listed Building Consent to provide a parking space and bin dwell area at Dale Cottage, The Dale, Hartington	Written Representations	Delegated
NP/DDD/0716/0637 3160095	Provision of parking space and bin dwell area at Dale Cottage, The Dale, Hartington	Written Representations	Delegated
NP/DDD/0816/0797 3163612	Erection of a two storey extension to the rear of the dwelling at 2 The Square, Church Street, Monyash	Householder	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn this month.

3. APPEALS DECIDED

The following appeals have been decided since the last Planning Committee.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/1215/1135 3154112	12 one bedroomed flats at Deepdale Business Park, Bakewell, DE45 1GT	Informal hearing	Dismissed	Committee
<p>The Inspector felt that it was evident that the flats proposed would not be affordable housing, nor would they be restricted to occupancy by local people, therefore the proposal would have been contrary to the housing policies of the development plan. The Inspector did recognise that the site was an accessible location for housing, and that the design and scale of buildings illustrated would be unlikely to cause visual harm to the character and appearance of the surrounding landscape, however, neither of these considerations justified the harm that would be caused to the overall purposes of the National Park by the release of a good quality employment site for a type and tenure of housing which would not meet the priority local housing needs of the National Park. On the basis that the proposal would not constitute sustainable development, the appeal was dismissed.</p>				
NP/DDD/0216/0112 3160070	Section 73 application for the removal of condition 3 on NP/DDD/0311/0178 - to allow the use as a dwelling at Lyndale House, Church Street, Bradwell	Written Representations	Dismissed	Delegated
<p>The Inspector felt that the removal of Condition 3 would not result in the provision of an affordable unit for local people, nor would it be required in order to achieve the conservation or enhancement of a listed building. Removing Condition 3 would not therefore offer any conservation and/or enhancement benefits over and above the existing permission. Accordingly the proposal would therefore be in contrary to HC1 of the Core Strategy Policy and would also be contrary to paragraph 50 of the Framework, which also indicated that where the need for affordable housing is identified it should be provided. The appeal was dismissed.</p>				
NP/DDD/0516/0444 3160705	Consent to erect illuminated and non illuminated signage to the exterior building at Bridge Inn, Calver	Advertisement Consent – Written Representations	Dismissed	Committee
<p>The Inspector considered that the proposal would result in harm to the character and appearance of the conservation area and the setting of the Grade II* listed bridge itself. The colour of the signs would be particularly strident against the muted tones of the host building, and in this prominent and sensitive area would be overly dominant and intrusive and be significantly at odds with the character of the locality. The appeal was dismissed.</p>				
NP/DDD/0415/0339 3144163	Demolition of former mill buildings, associated structures and other buildings and full planning permission for hotel development with ground floor floorspace, improvements to existing site access, parking,	Informal hearing	Allowed with Conditions	Committee

landscaping and other
associate works at
Riverside Business Park,
Bakewell

The Inspector considered that although there would be an increase in traffic accessing the site, it would not intensify use to the extent that the accesses would be unsuitable or safety would be impaired, so it would not have a material adverse effect on the residential amenity of the residents of Holme Lane and Lumford. The proposal complied with the development plan as a whole and constituted sustainable development. He also concluded that the creation of two passing places along Lumford carriageway would not harm its green and rural setting and the significance of the listed building would also not be harmed. The Inspector allowed the appeal with a number of conditions.

NP/NED/0516/0377 316637	Conversion of barns to dwelling at Dalebrook Farm, Baslow Road, Eastmoor, Chesterfield, S42 7DD	Written Representations	Dismissed	Delegated
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The Inspector considered that the level of sub division would be excessive and its spatial qualities and significance would be lost. She also felt that the design would emphasise the addition of an upper floor into the structure, and would be a conspicuous addition at odds with the agricultural character of the buildings, and that the conversion would give rise to a domestic character and appearance and the agricultural character and significance of the building would be eroded, causing harm. The Inspector concluded that the development failed to preserve the character and appearance of the barns, failed to accord with GSP2, GSP3, L3 of the Core Strategy and conflicted with LC4 and LC8 of the Local Plan. For these reasons the Inspector dismissed the appeal.

NP/DDD/0116/0033 3159734	Change of use of stone outbuilding to holiday accommodation at 1 The Cross, Main Street, Great Longstone	Written Representations	Allowed with Conditions	Committee
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The Inspector felt that the proposal would not harm the living conditions of neighbouring residents through the loss of privacy or an increase in noise and disturbance. There was also no conflict with the Core Strategy Policies GSP3 or LC4 of the Local Plan, which requires particular attention be paid to impacts upon living conditions of communities, and the proposal was also in accordance with one of the core planning principles of the National Planning Policy Framework, in securing a good standard of amenity for all existing and future occupants of land and buildings. The appeal was allowed with conditions.

NP/CEC/0216/0169 3144163	Conversion of existing shippon to extend family accommodation at Pedley Fold Farm, Pedley Hill, Rainow	Written Representations	Dismissed	Delegated
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The Inspector felt that although the proposal would not be detrimental to the Rainow Conservation Area it would fail to preserve the special historic interest of the Grade II Listed Building and that the proposal would lead to highly inappropriate alterations that would result in the loss of historic fabric and the introduction of wholly inappropriate alien features, and would not be in accordance with the Development Plan. The appeal was therefore dismissed.

ENF 09/0078 3151187	Without planning permission, the material change of use of the domestic outbuilding to an unlawful use as a separate unit of	Written Representations	Allowed with conditions	Delegated
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residential
accommodation at 4
Court Lane, Ashford

On a procedural point the Inspector noted that the Enforcement Notice alleged a change of use to a separate dwelling, but the appellant argued that the use was as holiday accommodation; he dealt with the appeal on this basis. The Inspector considered that the appeal on ground (d) should fail as the appellant had not demonstrated at least 4 years continuous use. On the ground (a) appeal he considered that the change of use accords with the National Planning Policy Framework in that it is sustainable with regard to the economic, social and environmental strands of the document. The Inspector did consider that the two conditions set out by the Authority were relevant and necessary to a) restrict the use of the property to a holiday let use only to prevent the house from a traditional permanent residential dwelling and b) that the existing car park shall remain unobstructed at all times, and considered that the enforcement notice should be quashed and that planning permission should be granted for this change of use. The appeal was allowed on ground (a).

NP/DDD/0216/0116 3157101	Condition attached to planning permission re hours of delivery to and refuse collections from the shop being restricted at The Rutland Arms, Baslow	Written Representations	Allowed with conditions	Delegated
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The Inspector considered that the disputed condition was not reasonable and necessary in the interest of preventing a harmful effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance. Historically the neighbouring properties would have been subject to a greater level of noise throughout the day and late into the evening when the property was used as a pubic house. However, a condition to control the hours of delivery and refuse collection proposed by the appellant based on evidence which justified the periods within which harmful noise and disturbance would not occur, was reasonable and necessary, and that such a condition would ensure that the development complied with LC4 of the Local Plan and the Framework in ensuring a good standard of amenity for all existing and future occupants of land and buildings. The Inspector allowed the appeal.

The Inspector awarded the appellant full costs to cover the expense incurred in contesting the appeal, as it should have been apparent to the Authority that the advice it was relying upon in making its decision, had not been substantiated relative to the technical evidence provided by the applicant. The Inspector considered that the Authority had acted unreasonably in preventing or delaying the development, which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations. In this respect, the National Park Authority had also failed to produce evidence to substantiate a reason for refusal on appeal.

4. THIRD PARTY APPEALS SUPPORTED BY THE PDNPA

The following appeal has been supported by the Authority during this month:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee Delegated</u>
Derbyshire Dales DC DDDC ref: 14/00224/FUL	Construct and operate five (5) wind turbines with a maximum tip height of 100m, and ancillary development, off Manystones Lane and B5056, Griffe Grange, Grangemill	Inquiry	Dismissed	Planning Committee responding as a consultee

The appeal was against the refusal of planning permission by DDDC, with the Authority objecting and taking part in the Inquiry. The development was revised in August 2015 to reduce the number of turbines from five to three. The appeal was submitted on this basis.

The proposed turbines would be situated on the upper slopes of the Griffe Grange Valley, which is a deeply incised and heavily wooded feature containing the main A5012 linking Cromford and Buxton. The road forms the boundary of the National Park, which lies to the north. The Inspector considered that three existing wind turbines are conspicuous on the high ground along the ridge or plateau summit, east of the rock. Four other earlier turbines (Carsington Pastures) lie on the lower south facing slopes. All are around 100 metres high to the blade tip. The Inspector considered that these are particularly prominent on the skyline and that they increase the susceptibility of the area to the change that would result from the appeal scheme, in the sense that in terms of the acceptability of further development, a 'tipping point' has moved closer.

He concluded on landscape character and visual amenity that the development would significantly extend a wind farm landscape into the Griffe Grange valley which is an important, defining and valued feature of the landscape at the southern edge of the National park. The ability to perceive natural beauty in the valley and its contribution to the setting of the National Park would be harmed; the understanding and enjoyment of the special qualities of the NP would be compromised. The effect would be contrary to national policy in the NPPF and PPG and the statutory purposes of national parks.

5. **RECOMMENDATION:**

That the report be received.

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