

Public Document Pack

Peak District National Park Authority

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



Our Ref: A.1142/1589

Date: 6 July 2017



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 14 July 2017**

Time: **10.00 am**

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

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting of 16/06/2017 (Pages 5 - 14)**
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Assessment under the Habitat Regulations - Demolition of all site buildings, removal of concrete surfacing, and redevelopment for 25 X 2,3,4 and 5 bed dwellings, parking and garaging served by private drive from existing access from Richard Lane, Markovitz Limited, Richard Lane, Tideswell 1. Habitat Regs Markovitz (Pages 15 - 20) Site Plan**

7. **Full Application - Demolition of all site buildings, removal of concrete surfacing, and redevelopment for 25 X 2,3,4 and 5 bed dwellings, parking and garaging served by private drive from existing access from Richard Lane, Markovitz Limited, Richard Lane Tideswell (NP/DDD/1117/0040, 415192/375025,P.6061, 23/01/17/JK) (Pages 21 - 40)**
Site Plan
8. **Full Application - Change of Use of a stone barn to a holiday let at The Barn, Elkstones, Longnor (NP/SM/0517/0452, 405527/35913, 05/05/2017/TS) (Pages 41 - 50)**
Site Plan
9. **Minerals and Waste Review - July 2017 (JEN) (Pages 51 - 56)**
10. **Monitoring & Enforcement Quarterly Review - July 2017 (A.1533/AJC) (Pages 57 - 62)**
11. **Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 63 - 64)**

Duration of Meeting

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

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

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

Agendas and reports

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

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 blogging or tweeting, posts on social media sites or publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. From 3 February 2017 the recordings will be retained for three years after the date of the meeting.

General Information for Members of the Public Attending Meetings

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

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

To: Members of Planning Committee:

Chair: Mr P Ancell
Vice Chair: Cllr D Birkinshaw

Cllr P Brady	Cllr C Carr
Cllr D Chapman	Cllr A Hart
Mr R Helliwell	Cllr Mrs C Howe
Cllr H Laws	Cllr J Macrae
Cllr Mrs K Potter	Cllr Mrs L C Roberts
Cllr Mrs J A Twigg	

Other invited Members: (May speak but not vote)

Cllr A McCloy Cllr F J Walton

Constituent Authorities
Secretary of State for the Environment
Natural England

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MINUTES

Meeting: **Planning Committee**

Date: Friday 16 June 2017 at 10.00 am

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

Chair: Mr P Ancell

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

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

Apologies for absence: Cllr A Hart and Cllr J Macrae.

62/17 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee on 12 May 2017 were approved as a correct record.

63/17 URGENT BUSINESS

Mr R Helliwell informed the committee that Mr Bill Gordon, Ranger at North Lees had been awarded the British Empire Medal in the Queens Honours List for services to nature, conservation of wildlife and the Ring Ouzel in particular. Members agreed to send a message of congratulations to Mr Gordon.

Cllr H Law requested a minutes silence for the victims of the recent Grenfell Tower fire. This was observed.

64/17 MEMBERS DECLARATIONS OF INTEREST

Item 8 & 9

Mr P Ancell had been copied into emails with the Parish Council.

Cllr P Brady declared that he is acquainted with the Chair of Winster Parish Council who is also the Chair of the Peak Park Parishes Forum but this didn't amount to a personal interest.

Cllr Mrs K Potter had received a letter from the Clerk of Winster Parish Council

Cllr Mrs L Roberts had received an email from Rob Greatorex, the Clerk of Winster Parish Council

Item 11

Mr P Ancell had received an email by Mr R May

Item 12

Cllr Mrs C Howe declared that Coombes School is in the ward she represents on High Peak Borough Council but she had had no involvement in the application.

Cllr Mrs J Twigg declared a prejudicial interest as a Derbyshire County Councillor as the application was made by the County Council and would leave the meeting during this item as would Cllr J Atkin who was also a County Council and was observing this Planning Committee as part of his induction to the Authority.

65/17 PUBLIC PARTICIPATION

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

66/17 FULL APPLICATION - CONVERSION OF REDUNDANT WATER TREATMENTS WORKS INTO 16 APARTMENTS, CONVERSION OF STONE OUTBUILDING INTO A STUDIO APARTMENT AND 4 NEW COTTAGES AT FORMER TREATMENT WORKS, MILL LEE ROAD, LOW BRADFIELD

Members had visited the site on the previous day.

The applicant's heritage report supports the retention of the 1950s section of the building but this was disputed by the Authority's conservation team who stated that the 1950 section is not of interest. The applicant has stated that only the full development including the four open market houses would be a viable development.

The Officer read out an extract from the report by the independent consultant who had been asked to produce a critical analysis of the applicant's viability appraisal which highlighted a number of errors and inconsistencies which the applicant has disputed and sent further representation to this effect.

Further discussion had been held with the consultant regarding conversion of the 1913 building only in a way that would enable part of the open atrium to be conserved but still be a viable project and the conclusion was that this would be possible.

The Officer stated that additional letters of support had been received, the contents were summarised as:

- Support for retention of 1913 and 1950 sections as both part of the history of building, the village and improvement in treatment of water in the 1950s, also great benefit for local businesses and village as a whole.
- No significant change to traffic, not a big impact on local schools and a need for more local housing.
- Not an overdevelopment as more people are needed to support village life.

The following made representations to the Committee under the Authority's Public Participation Scheme;

- Stuart Shepherd, local resident & Supporter
- Douglas Hague, Supporter
- Richard Matthewman, local resident and Supporter

- Scott Jenkins, Supporter
- Rachel Hague, on behalf of the Applicant

Members expressed concerns that there was no intention to include affordable housing in the development and that there was a tight turning space on part of the site.

A motion to defer the proposal for further discussions with the applicant was moved. Members considered the 1950s extension to be of merit and worthy of retention, but they considered that officers and the applicant should explore the possibility of accommodating some affordable housing on the site. The deferral would also allow discussions on matters relating to viability and site layout.

The motion to defer the application was seconded, put to the vote and carried.

RESOLVED:

That the application be DEFERRED to enable officers and the applicant to explore, in the context of development viability and members wish to see the 1950 extension retained, the possibility of accommodating affordable housing on the site. Deferral would also allow time for the site layout to be amended to allow vehicular access.

The meeting was adjourned at 11.25 for a short break and reconvened at 11.35.

67/17 FULL APPLICATION - PROPOSED CHANGE OF USE OF EXISTING BUILDINGS, EXTENSIONS TO EXISTING BUILDINGS AND PROVISION OF NEW ACCESS TO THE SITE AT BRADFIELD BREWERY, WATT HOUSE FARM, LOXLEY ROAD, SHEFFIELD, BRADFIELD

Members had visited the site on the previous day.

Members suggested that consideration should be given to the material used to surface the new access road and ways to screen the road. It was agreed that an additional condition with details of the surface and screening would be added.

Following the site visit Members considered that the some areas of the site needed to be tidied and that clarification in condition 6 should be added to ensure storage is appropriate to the site.

The Officer confirmed that the Parish Council and Highways Authority (Sheffield City Council) had not responded to the consultation.

Members requested the inclusion of a Transport Plan in the conditions to ensure that heavy good vehicles use the new access road, that permitted development rights be removed and that condition 5 be amended so that the brewery shall remain in the same ownership and control as Watt House Farm.

The Officer recommendation for approval subject to changes to the conditions was moved, seconded, put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the prior entry into a S106 legal agreement tying the business operation, the house and the surrounding land

together to prevent separate sale and a management plan which provides for the maintenance of the land in agricultural use together with the repair and maintenance of the historic pattern of drystone boundary walls, and subject to the following conditions and/or modifications.

1. **Standard time limit.**
2. **Development in complete accordance with the submitted plans and specifications.**
3. **Use restricted to brewery as per the submitted plans and no other purposes (including any other purposes within the same use class B2). Limit uses of the site to defined areas on the specified approved plan.**
4. **Operational uses of each of the brewery buildings limited to the specific use specified on the approved block plan BB-PL03 only and for no other purposes without the prior written consent of the Authority.**
5. **The brewery shall remain in the same ownership and control as Watt House Farm and shall not be operated by any independent person or persons.**
6. **There shall be no storage of materials or equipment outside the buildings other than in areas to be agreed.**
7. **Building 4 as identified on the block plan shall be constructed of natural gritstone to match the existing.**
8. **The roof of Building 4 as identified on the block plan shall be clad with natural stone slate to match the existing.**
9. **Any sheeting for the roof or walls or doors of building 1, 2 and 3 as identified on the block plan shall be factory colour coated to BS 4800 18B29 and shall be permanently so maintained.**
10. **Prior to commencing development submission of a method statement for trackway construction shall be submitted to the Authority. If the trackways construction includes any digging down or cutting then no development shall take place until a Written Scheme of Investigation for an archaeological watching brief has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and**
 1. **The programme and methodology of site investigation and recording;**
 2. **The programme and provision to be made for post investigation analysis and reporting;**
 3. **Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
 4. **Provision to be made for archive deposition of the analysis and records of the site investigation;**
 5. **Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".**
 6. **Road surface details to be included in Landscape Scheme**

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

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

11. No works or development shall take place until full details of both hard and soft landscape scheme proposals have been submitted to and approved by PDNPA. These details shall include, as appropriate:

- Details of walling to be retained / new walling
- Planting plan to address issues of screening and integration of the development into the landscape
- Softworks specifications (including cultivation and other operations associated with tree, plant and grass establishment)
- Planting schedules, noting species, planting sizes and proposed numbers / densities where appropriate
- Agree road surfacing materials – not tarmacadam.

Once agreed All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Authority gives its written consent to any variation.

12. Traffic Management Plan to be included.

13. Withdraw permitted development rights for alterations and extensions to industrial buildings.

Cllr D Chapman left the meeting at 12.30 following consideration of this item.

68/17 FULL APPLICATION - CHANGE OF USE OF ANCILLARY ACCOMMODATION (TO ROCK VIEW COTTAGE) TO A SEPARATE B1 OFFICE USE AT ROCK VIEW COTTAGE, EAST BANK, WINSTER

Members had visited the site on the previous day.

Agenda items 8 and 9 were discussed together but were voted on separately.

The applicant, Mrs Sue Harrison, was present at the meeting.

The Officer confirmed that following the site visit a further discussion with the Highways Authority had taken place regarding the size of the garage and they had confirmed it was

suitable for use of one car only but that one parking space is still sufficient to meet the parking standards.

Due to an administrative error the Parish Council had not been notified of the application but had submitted their comments by email the day before the meeting and requested the item be deferred. The Officer read out the email from the Parish Council at the meeting and Members considered it was appropriate to proceed with consideration of the item.

The Officer recommendation for approval subject to changes to condition 3 to reduce it to 1 parking space and a re-wording of condition 4 to allow the use as an office only and for no other purposes whatsoever was moved, seconded, put to the vote and carried.

RESOVLED:

That the application be APPROVED subject to the following conditions:

- 1. 3 year time limit**
- 2. Adopt submitted plans**
- 3. The premises the subject of the application shall not be taken into use until the proposed car parking has been laid out to provide 2 spaces for Rock View Cottage and 1 space for the proposed premises with vehicular access secured from East Bank. Once provided the parking spaces shall remain available for use throughout the life of the development with no impediment to their designated use.**
- 4. Use of the building shall be as an office and for no other purpose whatsoever without express planning consent from the National Park Authority (including any other purpose in Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any order revoking and re-enacting that order.)**

69/17 FULL APPLICATION - CHANGE OF USE OF ANCILLARY ACCOMMODATION TO A SEPARATE HOLIDAY LET AT ROCK VIEW COTTAGE, EAST BANK, WINSTER

Members had visited the site on the previous day.

Agenda items 8 and 9 were discussed together but were voted on separately.

The applicant, Mrs Sue Harrison, was present at the meeting.

The Officer confirmed that following the site visit a further discussion with the Highways Authority had taken place regarding the size of the garage and they had confirmed it was suitable for use of one car only but that one parking space is still sufficient to meet the parking standards.

Due to an administrative error the Parish Council had not been notified of the application but had submitted their comments by email the day before the meeting and requested the item be deferred. The Officer read out the email from the Parish Council at the meeting and Members considered it was appropriate to proceed with consideration of the item.

The Officer recommendation for approval subject to changes to condition 3 to reduce it to 1 parking space and a re-wording of condition 4 to allow the use as an office only and for no other purposes whatsoever was moved, seconded, put to the vote and carried.

The Officer recommendation for approval subject to changes to condition 3 to reduce it to 1 parking space, the removal of condition 4 and its replacement with a short-let holiday residential use condition and amendment to condition 5 to say that the disposal of household waste associated with the use shall be in accordance with submitted details was moved, seconded, put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. 3 year time limit**
- 2. Adopt submitted plans**
- 3. The premises the subject of the application shall not be taken into use until the proposed car parking has been laid out to provide 2 spaces for Rock View Cottage and 1 space for the proposed premises with vehicular access secured from East Bank. Once provided the parking spaces shall remain available for use throughout the life of the development with no impediment to their designated use.**
- 4. This permission relates solely to the use of the premises hereby approved for short-let holiday residential use; the property shall not be occupied as a permanent dwelling and shall not be occupied by any one person for a period exceeding 28 days in any calendar year.**
- 5. Household waste storage in association with the holiday let shall be in accordance with the submitted details.**

In accordance with the Authority's Standing Orders, the meeting voted to continue its business beyond 3 hours.

70/17 FULL APPLICATION - ERECTION OF AGRICULTURAL BUILDING ON LAND ADJACENT TO NEW ROAD FARM, NEW ROAD, LONGNOR

The following spoke under the Public Participation at Meetings Scheme:

- Kenneth Wainman, Agent

The Officer confirmed that two further letters of support had been received for the application, they reiterated the reasons already contained within the report.

Members considered that there was good reason to add a condition that would restrict storage outside the building and to ensure the area was well screened and only used for the intended purpose.

The Officer recommendation for approval subject to changes to the conditions was moved, seconded, put to the vote and carried.

Members asked that Officers discussed with the applicant the possibility of lowering the hedge either side of the access gate to enable better visibility for cars approaching on the road.

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. **3 year time limit.**
2. **Adopt amended plans.**
3. **Landscaping scheme to be implemented and include screening of the site.**
4. **Details of surfacing for access track and hardstanding to be submitted and agreed.**
5. **Building to be removed when no longer required for agriculture.**
6. **No external storage of machinery or implements.**

71/17 HOUSEHOLDER APPLICATION - CONVERSION OF BUNGALOW TO ONE-AND-A-HALF STOREY DWELLINGHOUSE - GLENHAVEN, 12 WHITE EDGE DRIVE, BASLOW

The following spoke under the Public Participation at Meetings Scheme:

- John Hillman, Applicant

Members sought clarification regarding the use of dormer windows on conversions from bungalows to houses. The Director of Conservation and Planning explained that each application needed to be taken in context and because of the particular location of this site, dormer windows were deemed appropriate.

Members raised concerns regarding the flue and requested that this be changed to a chimney, and that a condition be added to ensure windows in the side elevation overlooking the neighbours property could not be installed at a later date.

The Officer recommendation for approval subject to changes to the conditions was moved, seconded, put to the vote and carried.

Cllr Mrs K Potter requested that her vote against the application be recorded.

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. **Statutory time limit**
2. **Completion in accordance with the revised plans**

3. **Conditions to specify architectural and design details including stonework, roof verge and eaves detailing, window and door details, rooflights, rainwater goods and addition of a chimney to replace the proposed flue.**
4. **Highway conditions to ensure space for plant and materials is provided, and that the parking spaces remain free from obstruction throughout the life of the development**
5. **No windows will be installed in the side wall of the bungalow at any time.**

72/17 FULL APPLICATION - CLASSROOM EXTENSION WITH ASSOCIATED SERVICING AT COMBS COUNTY SCHOOL, LESSER LANE, COMBS

Cllr Mrs J Twigg & Cllr J Aitkin left the room during the discussion of this item due to the prejudicial interest they had declared at the start of the meeting.

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

RESOLVED:

That the application be APPROVED subject to the following conditions.

1. **Standard time limit**
2. **Development in complete accordance with the submitted plans 'PBS16-0812-D04', 'PBS16-0812-D05', 'PBS16-0812-D07', 'PBS16-0812-D08' and specifications, subject to the following conditions or modifications.**
3. **Stonework, natural gritstone, to match the existing and shall be coursed and pointed to match the existing.**
4. **The roof shall be clad with natural blue slate to match the existing.**
5. **The rainwater goods shall be cast metal painted black and shall be fixed directly to the stonework on rise and fall brackets, without the use of fascia boards.**
6. **The windows and doors shall be made of timber and shall have a painted or stained white or off white finish to match the existing.**
7. **Flush pointed roof verges.**
8. **The rooflights shall be fitted flush with the plane of the roof slope.**
9. **Windows and doors recessed 100mm from the external face of the stonework.**
10. **The development shall not be carried out other than in complete accordance with the submitted tree protection plan 'PBS16-0812-D04/x/100'.**

Cllr Mrs J Twigg and Cllr J Atkin returned to the meeting following discussion of this item

73/17 HEAD OF LAW REPORT - PLANNING APPEALS

RESOLVED:

That the report be noted.

The meeting ended at 1.45 pm

6. ASSESSMENT UNDER THE HABITAT REGULATIONS: DEMOLITION OF ALL SITE BUILDINGS, REMOVAL OF CONCRETE SURFACING, AND REDEVELOPMENT FOR 25 X 2,3,4 AND 5 BED DWELLINGS, PARKING AND GARAGING SERVED BY PRIVATE DRIVE FROM EXISTING ACCESS FROM RICHARD LANE, MARKOVITZ LIMITED RICHARD LANE TIDESWELL (JK)

APPLICANT: M Markovitz Ltd

Site and Surroundings

The application site lies on the south side of Richard Lane at the southern edge of Tideswell village. The builders supply depot currently comprises a large concrete open storage yard with industrial buildings forming office and ancillary retail space together with dry/covered storage. Tideswell Dale lies immediately to the south of the site which is part of the Peak District Dales Special Area of Conservation - PDD SAC. The public sewage treatment works serving Tideswell sits within the dale and discharges to the adjacent watercourse, Tideswell Brook which then discharges into the Wye.

A full planning application has been submitted to the Authority for the redevelopment of the depot for 25 residential dwellings. Foul water is to be discharged to the public sewer and surface waters via soakaways or via the combined sewer. A water quality report submitted on behalf of the applicant assesses the potential impacts of the development on water quality providing the information needed to understand the potential impacts upon the PDD SAC.

Proposal

Habitat Regulations Assessment in relation to the potential effects resulting from surface and foul water drainage from the redevelopment of the builders supply depot for 25 residential dwellings on the Peak District Dales SAC.

RECOMMENDATION:

- 1. That this report be adopted as the Authority's Habitat Regulations Assessment in relation to the proposed redevelopment of the Markovitz building supply depot at Richard Lane, Tideswell.**
- 2. It is determined that the redevelopment is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus redevelopment of the site is not considered to be contrary to the provisions of Regulation 61 and 62 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.**

Key Issues

The UK is bound by the terms of the Habitats Directive (92/43/EEC). Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other projects in view of the European Site's conservation objectives. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

Natural England has advised the Authority that, as a competent authority under the provisions of the Habitats Regulations, it should have regard for any potential impacts that a plan or project may have on a European site. In this case the designated site is the Peak District Dales Special Area of Conservation (PDD SAC). The concern is whether the additional foul sewage flows arising from the proposed development through the Tideswell Sewage Treatment works, whose discharge water ultimately ends up in the river Wye via Tideswell brook, will add to the already high phosphate levels in both watercourses. These levels already exceed the Environment Agency's water quality limits for the PDD SAC so it is necessary to consider the significance of any potential effects from the proposed development.

Assessment

The Habitat Regulation Assessment Process

The Habitat Regulation Assessment (HRA) process involves several stages:

Stage 1 – Likely Significant Effect Test,

Stage 2 – Appropriate Assessment

Stages 3 & 4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.

Stage 1: This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full Appropriate Assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

Stage 2: This is the appropriate assessment and this involves consideration of the impacts on the integrity of the European Site with regard to the conservation site's structure and function and its conservation objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.

Stage 3&4: If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State on the grounds that there are Imperative Reasons of Overriding Public Interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

Impact Pathways

The PDD SAC covers approximately 2,326ha and comprises a number of constituent Sites of Scientific Interest (SSSIs), the nearest of which lies in the dale 0.35km SE of the development site.

In the consideration of the application the potential pathways of impact on the PDD SAC has been identified by Natural England as being hydrological as the final discharge of foul and surface waters would be into Tideswell Brook which is hydrologically linked to the river Wye which is currently experiencing phosphate concentrations in excess of the conservation target.

The Water Quality Impact Assessment report commissioned by the applicants calculates that the development is likely to produce about 8m³ of waste water per day which would have a phosphorous load of about 14.5mg/litre. For storm water drainage the report notes the redevelopment will reduce the impermeable areas by 85% with roof and driveway areas discharging to soakaways. Only the communal highway area is proposed to discharge to Tideswell Brook as the hard surfacing areas do at present but with a much restricted area and also at a restricted rate of 10ltrs/second.

Severn Trent Water confirm that the Tideswell Waste Water Treatment works has sufficient capacity to accept the additional flows and that the works is performing well and is under its consent threshold for phosphate levels. It can therefore easily accommodate the increased flow and maintain its performance on phosphate reduction probably without having to make any adjustments for the small additional flows from the proposed development.

The report sets out that the conservation target for phosphate levels in the river Wye is 0.040mg/litre however the most recent measurement in the river was 0.055mg/litre. In general it stated that waste water plants were the main point source outputs for river phosphorous and in the Wye Valley with Buxton WWTW being the main contributor with Tideswell only discharging less than 4% of the combined treatment works flow. The Environment Agency and Natural England are hopeful that ongoing improvements to the Buxton WWTW will meet the target conservation level, however if not, they would target potential diffuse sources of phosphate such as agricultural run-off. Tideswell wWTW was not identified as a worthwhile target for intervention measures due to its small scale.

The proposed development itself would contribute only 0.1% to the total point source flow of phosphate into the river and is therefore considered by the applicants consultant to be insignificant.

Conclusion

It is concluded at Stage 1 of the HRA, that the Water Quality Impact Assessment report commissioned by the applicant has demonstrated that the proposed redevelopment for 25 houses as proposed in application No NP/DDD/0117/0040 is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. The application proposal is therefore not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.

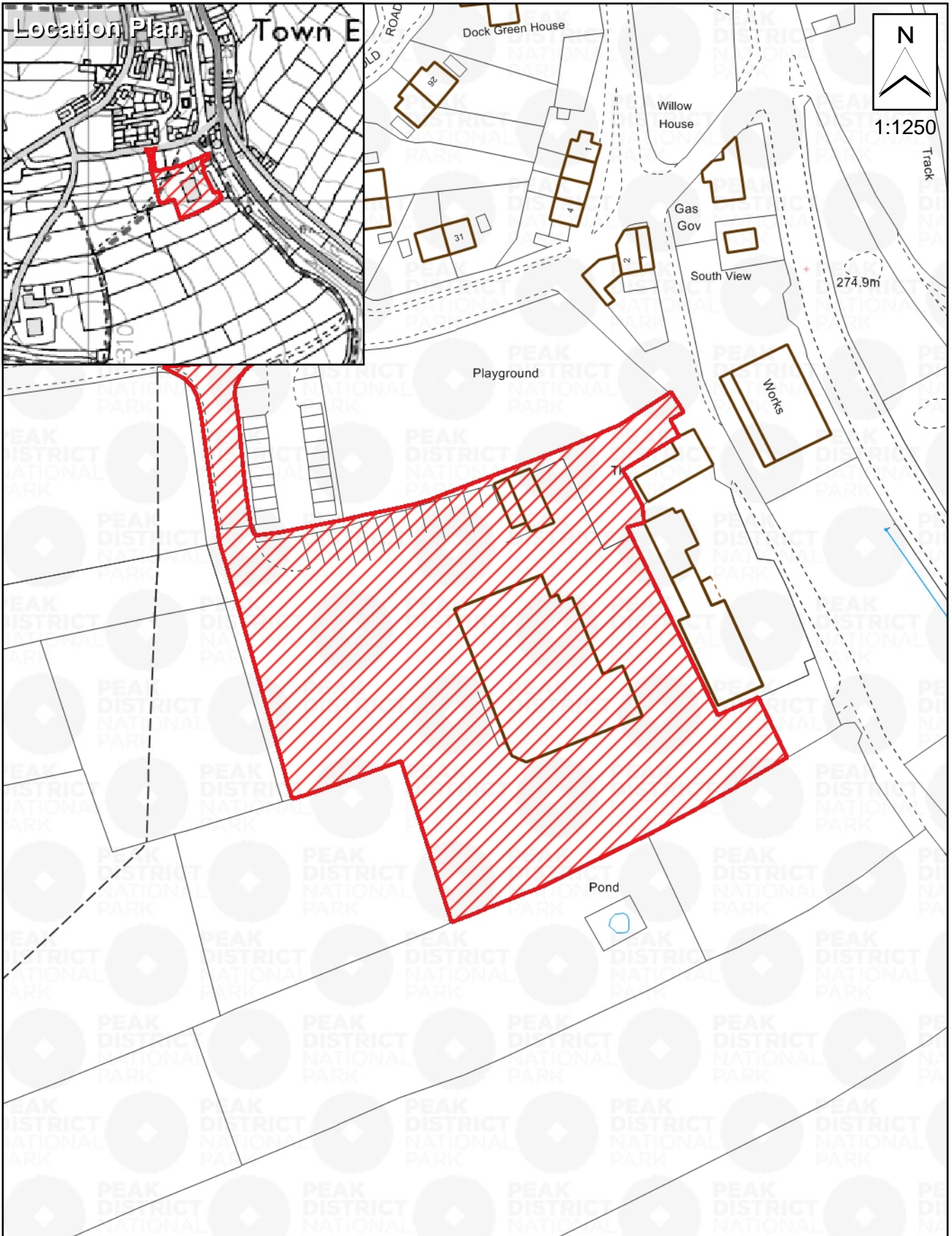
Human Rights

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:	14th July 2017	Title: Demolition of all site buildings & redevelopment of 25 dwellings	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	16P/DDD/0117/0040		
Grid Reference:	415192, 375025		

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7. FULL APPLICATION: DEMOLITION OF ALL SITE BUILDINGS, REMOVAL OF CONCRETE SURFACING, AND REDEVELOPMENT FOR 25 X 2,3,4 AND 5 BED DWELLINGS, PARKING AND GARAGING SERVED BY PRIVATE DRIVE FROM EXISTING ACCESS FROM RICHARD LANE, MARKOVITZ LIMITED, RICHARD LANE TIDESWELL (NP/DDD/1117/0040, 415192/375025,P.6061, 23/01/17/JK)

APPLICANT: M Markovitz Ltd

Site and Surroundings

The application site comprises the M Markovitz Ltd Building supplies depot which is situated to the south of Richard Lane at the southern edge of Tideswell village. It sits back from the Richard Lane frontage behind a children's playground and a block of domestic garaging and is reached by a short access drive off the lane.

The depot covers an area approximately 0.87ha comprising concrete yards with open storage of building supplies in raised racks and in open bins. There is some 2000m² of industrial style buildings grouped in the centre of the site housing covered storage, the company's 'head office' and ancillary retail space. The level yards were created by 'cut and fill' of the land which naturally falls west to east across the site such that on the west and south-west side the yard level is up to 3m below the adjacent field which is retained by stone filled gabions below the boundary wall/hedge. At the southern and eastern end the site is built up by up to 5m and is supported by retaining walls of concrete blockwork with stone filled gabions running down the rear, west side.

To the south and west the site is bounded by open grazing land. To the east on lower ground are other industrial buildings. The site lies outside the Conservation Area which extends partly down the dale below and to the east of the application site and is screened from the site by mature trees on the dale side.

Proposal

Demolition of all the buildings and yard surfacing followed by redevelopment of the site for market housing. Plans show a layout of 25 two storey houses constructed in natural stone with slate roofs and chimneys to a design reflecting the local building tradition. The housing mix would be 7 x 2 bed, 11 x 3 bed, 6 x 4 bed and 1 x 5 bed. Access into the site would remain via the existing access drive off Richard Lane which would become a private unadopted road. Each house would have parking space and/or a garage within the plot with a total of 69 parking spaces within the site.

Subject to this application being successful, the company intends to relocate to a site adjacent to the Whitecross Road Industrial estate at the other end of the village. This Committee granted planning permission in January 2016 for a new building and yard at the Whitecross road site to enable the company to relocate its business with updated facilities and retain the head office function and associated employment in the village. The new site is better related to the main highway network and will avoid the traffic and congestion issues associated with the current site off Richard Lane. Work has not commenced on that development as the company requires the relocation to be funded by the redevelopment of the Richard Lane site.

This application is supported by an archaeological desk based appraisal, a preliminary ecological appraisal and great crested newt survey, a preliminary drainage and SuDS scheme, a water quality impact assessment, a gabion wall structural report, an environmental noise impact assessment, a planning statement, a design and access statement and a financial development appraisal. All the reports are available on the web-site.

RECOMMENDATION:

That, subject to the prior entry into a Section 106 agreement securing the relocation of the Company's Richard Lane business to the Whitecross Road site prior to commencement of this development, the application be APPROVED subject to the following conditions;

- 1. Commence development within 3 years.**
- 2. Prior submission and agreement of a management plan for the long term maintenance of the access roads, pavements and public spaces within the site.**
- 3. Carry out in accordance with defined approved plans.**
- 4. Highway requirements, including construction management plan.**
- 5. Ecological conditions covering protection to breeding birds, ramps in open trenches for escape of animals passing through the site and control over lighting to protect foraging bats.**
- 6. Prior submission and agreement of a comprehensive landscaping scheme covering hard and soft landscaping works for the site with implementation and aftercare.**
- 7. Submit and agree with implementation details of an acoustic fence to the eastern boundary**
- 8. Agree street lighting scheme.**
- 9. Agree sample materials including sample stone panel**
- 10. Minor design details – re walling, eaves, rwg's**
- 11. Withdraw Permitted development rights for boundary walls and fences.**
- 12. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with an agreed scheme and including a management plan following prior submission and approval of details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan.**
- 13. Environment Agency condition covering no development to commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by the Authority.**
- 14. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 15. Submission and agreement of finished floor levels and site levels prior to commencement of development.**
- 16. Footnote re Guidance Re Access to high speed broadband services for future residents (in conjunction with service providers).**

17. **Footnote re The County Council not adopting any private SuDS schemes.**
18. **Footnote re Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council**
19. **Footnote re applicant demonstrating the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697.**
20. **Severn Trent Water footnote re sewer records and statutory protection.**
21. **Prior submission and agreement of a scheme of environmental management for the dwellings.**

Key Issues

1. The principle of the loss of the business use from this site to housing and the business relocation to the Whitecross Road site.
2. Whether there is sufficient justification for a development comprising solely of market housing given adopted housing policy only exceptionally allows market housing to achieve conservation and enhancement in settlements and even in such cases seeks to maximise affordable housing provision.
3. The highway impact of the development upon the neighbouring houses and the wider village principally in terms of traffic generation.
4. The potential impact upon the water environment of the designated Peak District Dales Special Area of Conservation.
5. Whether there are any significant environmental impacts likely to arise as a result of this development in respect of Landscape and Visual Effects, Ecology, Cultural Heritage and Archaeology, Water Environment, Noise, Traffic or cumulative effects.

History

The current business located on this site in the 1994 taking advantage of an earlier consent for a small B2 use at the former farm buildings which previously stood on the site. Since then the site has expanded with additional permissions for new buildings or alterations the most recent of which, for a new shed on the south side, has not been constructed. The business houses the company's 'head office' function alongside the local supplies depot and employs 25 staff on site.

2015/6/7 - Pre-application discussions have taken place with officers who supported the principle the development with officers placing weight on the benefits to be achieved by the relocation of the business to the other end of the village. Officers advised the need to maximise affordable housing provision within viability constraints.

2016 - Following pre-application advice the permission for the development of the Whitecross road site for the relocation of the builders supply depot was granted consent in January 2016.

Consultations

DCC Highways Development Control

On the basis of commensurate levels of vehicle movement there are no highway objections. In view of the nature of the visibility at the junction, the Highway Authority would not consider adoption of the estate streets.

The estate roads will therefore remain private and a future maintenance/management regime will need to be put in place. Although private the road will still need to be laid out to adoptable standards – comments made at pre-app stage regarding forward visibility around bends and visibility from individual driveways do not appear to have been addressed, and the suitability of the layout, including turning, to accommodate service/delivery/refuse vehicles has not been demonstrated.

The principle and scale of the development is acceptable however before recommending conditions request that a modified layout is submitted to address the above layout issues.

DCC – strategic infrastructure and services

No Education S106 Contribution would be required at this time.

Guidance to be provided via advisory notes attached to planning permission: Re Access to high speed broadband services for future residents (in conjunction with service providers).

DCC Flood Risk Management Team

Given the reduction in impermeable area and the proposals to either, reduce the rate of current surface water discharge off site to the main river by 85% (10 l/s) or to limit it to 5 l/s to the combined sewer then the County Council Flood Risk Management team have no objections in principle to the proposals.

Recommended condition requiring prior approval of SuDS together with advisory Notes;

Environment Agency – No objections, in principle, recommends following conditions:

The previous use of the proposed development site as a builders and plumbers merchant with diesel tank. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 and is located upon a Principal aquifer of the Below Limestone.

The Phase 1 Desk Study Report (GRM, June 2016) submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a site investigation and remediation strategy as proposed within the GRM report, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.

Severn Trent Water Ltd – No objection subject to the inclusion of a condition requiring prior approval of full drainage details and a footnote re location of public sewer.

Natural England – There is insufficient information to enable Natural England to provide a substantive response

Natural England advises that, as a competent authority under the provisions of the Habitats Regulations, PDNPA should have regard for any potential impacts that a plan or project may have on a European site. The consultation documents do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority. No assessment has been provided of the potential impacts resulting from surface and foul water drainage from the development will have on the Peak District Dales Special Area of Conservation. This should include consideration of any surface water and foul water discharges that could enter the Tideswell Brook, which is hydrologically linked to the River Wye that forms part of the Peak District Dales SAC, including any discharges from the Tideswell STW resulting from the proposed development. (*Officer note – now completed see preceding agenda item*).

There should be a strategy for mitigating any identified impacts from surface water or foul water drainage. The development proposes to discharge foul water drainage to the mains, which we assume will then discharge into the Tideswell Brook and ultimately into the river Wye via the Tideswell sewage treatment works, although the consultation response from Severn Trent Water suggests that a final drainage plan has yet to be submitted/agreed. However, both Tideswell Brook and the River Wye have significantly raised phosphate levels and on the basis of available water quality sampling data from the Environment Agency, do not currently meet the water quality targets for the SAC. The HRA will therefore need to demonstrate that the Sewage Treatment Works at Tideswell has the capacity to accommodate the foul sewage from this development within its existing permitted limits, without further compromising the water quality targets for the SAC.

We note there are two options for the management of surface water which will initially be managed through soakaways and then can either be discharged to the watercourse, similar to the current arrangements, or discharged to the combined sewer. If surface water is to be discharged to the watercourse we recommend appropriate treatment measures are included into the design of the SUDS scheme to ensure the prevention of any pollutants or contaminants entering the River Wye catchment, for example an oil interception device to treat paved surface run-off.

Sites of Special Scientific Interest (SSSI)

No assessment has been provided of the potential impacts the proposal will have on the Wye Valley, Monks Dale and Cressbrook Dale SSSIs. Advise that the necessary information required to inform the HRA will be sufficient to assess the potential impacts of the proposal on the Wye Valley SSSI and any mitigation measures identified through the HRA process should be adequate to protect the notified features of the Wye Valley SSSI.

District Council – No response to date.

Parish Council – Supports the redevelopment however some issues need to be addressed.

- It is important that a local need clause is included in these properties.
- It is strongly felt that these properties should not be sold for use as holiday lets.
- Concerned that traffic on an already narrow road could be an issue and it is important that if possible the road access to the site is improved on Richard Lane.
- Although no plans have been received regarding the affordable housing project on the same road it was felt to be important to consider the joint impact on the local environment and community be looked at jointly and not separately.

Representations

There have been 20 letters of objection, 3 of support and 7 making general comments at the time the report was drafted. The following summarised planning considerations raised are set out below:-

Objections:

- welcome the builders merchants moving and building on a brownfield site but object as none of the houses are affordable to meet local needs.
- development would not enhance the Park, site has an industrial character and a low visual impact from most viewpoints; applicant has not demonstrated any special circumstances as to why a residential development is needed or would provide any enhancements to the special qualities of the Park or to the sustainable development of Tideswell.
- business premises are needed in the area, if Markovitz relocated then sites importance for other existing businesses and for new businesses, to maintain and support employment in the area, becomes all the more important. This is especially so since the environmental characteristics of the Park restrict the options for suitable alternative employment sites.
- There should be small single storey homes for families to downsize into.
- New homes should be affordable and built by a housing association or council.
- All new homes should have the Derbyshire Dales local clause.
- The site should meet all Tideswell's need for starter homes.
- object to the application being considered in isolation to any application for affordable housing on Spittle Acre/Meadow Lane as should both developments go ahead then the effects on traffic and local services will be magnified exponentially and if that does not go ahead then the opportunity will be lost for affordables on the application site.
- Spittle acre is a green field site and surely if more consideration for local housing needs were met on the Markovitz /Richard lane site, then Spittle acre will remain a green field
- Homes should be for locals only
- Tideswell has in excess of 80 holiday homes which is the cause for the need of affordable homes in the first place.
- Concerned houses would become holiday homes – Restrictions needed to prevent this.
- There should be contribution to new infrastructure.
- Concerns about increased traffic and congestion on the approach lanes and through the village impacting upon highway and pedestrian safety over a 24hr period, far longer than current traffic generating use.
- Where will new residents work? – increased commuting.
- Local school is full
- Doctors surgery already under pressure
- There should be a direct link from the development to the children's play area.
- Concern about increased water run off causing flooding
- Site functions well as an employment site and will continue to be an appropriate, important employment site if Markovitz leave. Even if the site did cease to be appropriate for business uses, then redevelopment for open market housing, rather than for affordable housing or community uses, could not legitimately be argued to be an enhancement.
- development is simply an attempt to maximise the market value of the land. If a residential use for the site were to be considered, it could clearly accommodate more houses than currently proposed, and we would expect affordable housing to be prioritised. We know that affordable housing is being considered for the nearby greenfield site at the top of Richard Lane. Irrespective of the merits of that site, it would be perverse

to significantly increase the number of homes in Tideswell while substantially reducing employment premises, as this could only have the effect of encouraging commuting and associated harm to the Park.

- Markovitz should be able to fund move without having to charge full market price for all properties, affordable housing should be part of the scheme.
- not clear whether the financial viability takes account of public money that may be available to subsidise affordable rural housing.
- The reasons given for not providing affordable housing , on the basis of viability, is a weak argument considering they don't have to move.
- Dispute the costs which can change depending upon house specs/size.
- There would be no need to consider development of the other site for affordable housing if affordable provision were included on the application site.
- Cannot support unless development has multiple properties at a reasonable price earmarked for local residents.
- Development would spoil the view down the valley
- when Markovitz got permission the public footpath which was re-routed to the west of the site's access road from its previous position, crossing the playground and then what became the yard. Feel this route needs re-establishing and provision made in the revised plans for this.
- Authority need to be satisfied that the residential amenity of
- future residents will not be compromised by the existence of long established
- business/industrial uses in close proximity to the application site. As an established
- business, we benefit from being in a location which does not adversely impact upon
- any nearby residential properties. In order to be satisfied that industrial/residential
- uses can co-exist in this locality, the PDNPA should satisfy themselves that the
- noise levels stated by the applicants are an accurate reflection of the current
- situation. As a long established business, it would be inappropriate for stringent
- noise/operational controls to be imposed upon us in the future should planning
- permission for residential development be granted.
- Unacceptable increase in traffic using inappropriate and narrow access lanes.
- traffic monitoring for 1 day only is completely inadequate to get a real picture of vehicle movements in the area.
- Consideration should be given for alternative access / access from Buxton Road directly into the site avoiding Richard lane altogether.
- there is very little demand for larger four and five bedroomed properties in the village

General Comments

- Concern that the residential amenity of future residents will not be compromised by the established business/industrial uses below the site in close proximity which currently benefit from a location which does not adversely impact upon any nearby residential properties.
- PDNPA should satisfy themselves that the noise levels stated by the applicants are an accurate reflection of the current situation. It would be inappropriate for stringent noise/operational controls to be imposed upon businesses in the future should planning permission for residential development be granted.
- why are no bungalows are included in the plan?
- Why no affordable housing, even 2 houses would help
- a mix of both affordable and open market housing (particularly for the 2-bed and 3-bed houses) would be appropriate to meet local needs and also for others with a need to live locally who might not be from the area but still require smaller houses.
- reference is needed to the survey by the Parish Council establishing housing requirements in the village – otherwise there is a danger of over-provision and more homes bought merely for holiday lets.

- Design of the 2-bed houses – with several bathrooms taking up what could be living space, suggests an attempt to appeal to holiday home owners/lets, rather than permanent residences.
- would like to see further consideration of access in and around the site. There is a local public right of way which needs protecting and could be enhanced.
- concerned about lack of easy access into the adjacent children’s play area from the site.
- With 25 new families there could be improvements made to the play area also?
- consideration is given to the impact of the new development on local schools and the health centre
- consideration of highways safety along Richard Lane will also be made.
- presume landscape details will be dealt with under reserved matters? This is a very sensitive site, on the edge of the village and close to a small area of woodland below the site. I trust the landscape details will reflect the local character and biodiversity of the area. In particular, I do not feel high, close-boarded fencing is appropriate on any boundary in this area, if there is an opportunity to improve this. I also hope that trees along existing boundaries will be retained and protected.
- concerned that the impact of residential dwellings being built so closely to the existing industrial businesses below the site would be detrimental to business if operating restrictions were to be made.

Letters of support

- Support but concerned that the large influx of people into the village at once could provide problems with the local doctors & the local primary school.
- support more housing in the village, particularly suitable housing for young families who will attend the local school.
- There will be less heavy goods traffic making the play area safer.
- There is a need for more affordable housing in this village for working people to be able to afford

Relevant Legislation and Main planning Policies

Legislation

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

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

PDNPA Development Plan

The Authority’s Local Development Framework Core Strategy Development Plan Document adopted in 2011 provides, along with saved policies in the 2001 Local Plan the policy starting point for considering the development. The following list of policies are those of which account has been taken in the consideration of the application:

Relevant Core Strategy policies: GSP1-4, DS1, L1-3, CC1, CC5, HC1, E1, T1, T7

Relevant Local Plan policies: LC2, LC4, LC16, LC17, LC18, LC19, LC22, LC23, LC24, LT11.

In summary, General Strategic Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development. GSP2 supports development that would enhance the valued characteristics of the National Park and sets out the criteria upon which proposals intending to enhance the park must meet and states that they must demonstrate significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and not undermine the achievement of other policies. Furthermore work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.

Policy GSP3 sets out the principles and finer criteria for assessing impact on valued characteristics stating that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Policy GSP4 covers the use of Planning conditions and/or legal agreements to achieve the spatial outcomes in the plan.

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

Core Strategy (CS) Policy DS1 sets out the development strategy for the park and states that the majority of new development (including about 80 to 90% of new homes) will be directed into Bakewell and named settlements such as Tideswell.

In the named settlements like Tideswell it states there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements new build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises.

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

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

A. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest;

B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;

C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.

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

Policy E1 relates to business/economic development in towns and villages with para E1D stating that the Authority will safeguard existing business land or buildings, particularly those of high quality and in a suitable location. It goes on to states that where the Authority consider an employment site to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

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

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

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

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

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

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

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

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

Other supporting SPD and Policies

Landscape Strategy and Action Plan

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

Climate Change Action Plan

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the East Midlands Regional Plan 2009, 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.'

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

“115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

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

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

The NPPF sets out the governments planning policies to achieve sustainable development and sets out the three dimensions to sustainable planning with the planning system needing to perform an economic role in building a strong economy support growth, a social role in supporting strong healthy communities by providing housing to meet needs and creating a high quality environment with services that reflect a communities needs and support its health social and cultural well-being and an environmental role to protect and enhance the natural, built and historic environment and mitigate and adapt to climate change. The plan contains a presumption in favour of sustainable development and sets out some 47 pages of policy and advice to be taken into account in considering this application:

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

Assessment

The principle of the loss of the site for business/employment uses.

The application site is an established business site. Policy E1 D seeks to safeguard existing business sites, particularly those of high quality and in a suitable location. However E1D also recognises that where the location, premises or operations of a business site are considered no longer appropriate, opportunities for enhancement will be sought, and may include redevelopment for affordable housing.

In this case the business premises comprise a busy general builders and plumbers merchants yard which is located in a predominantly residential area of the village. It is accessed via narrow lanes which have a steep and poorly aligned junction with the main road. The main road also has a pinch point close to the junction causing vehicles difficulty in passing each other. Furthermore there is a children’s playground close to the access into the depot. For these reasons officers consider the premises are not well located and in themselves none of the buildings on site could be regarded as high quality and therefore worthy of retention.

Despite the poor location and buildings the policy would normally still support retention, ideally for a less intensive B1 use given the location and access. In this case however there is an opportunity for the business to relocate to a better located site within the village and construct new purpose built premises . Provided this move can be secured by an appropriate mechanism there would be no objections to the loss of the site for business/employment purposes as there would be a net improvement of industrial/business land/buildings in the village.

The principle of redevelopment for housing

The application site sits on the edge of the village and for policy purposes is regarded as being within the named settlement of Tideswell. Policy DS1 states in principle that development providing new affordable housing in named settlements is acceptable in order to maintain and improve the sustainability and vitality of the community. PDNPA adopted housing policy is clear that housing provision solely to meet open market demand will not be made and land will not be allocated for housing in the plan.

Policy HC1 sets out the Authority's policy for new housing and (relevant to this application) states that exceptionally new housing can be accepted only where it addresses eligible local needs for affordable housing, or in accordance with policies GSP1 and 2 it is required to achieve conservation or enhancement in named settlements. However the policy still requires any scheme of more than one unit under this enhancement route to address local needs for affordable dwellings and to maximise the proportion of affordable units unless it is not financially viable to do so.

The application is accompanied by a financial development viability appraisal which supports the applicants case that it is not financially viable for him to provide any affordable houses on this site. It shows that the proceeds from the redevelopment for solely market houses would be insufficient to fund the applicants objective that the relocation of the business premises be cost neutral for the company. This is argued to be in recognition that the principal aims of the relocation are enhancement of the Richard Lane environment and a reduction in commercial traffic running through the village.

It can therefore be seen that the key issues of principle are whether the existing site is worthy of retention as an employment site in its own right, and if not, whether redevelopment for market housing is justified and can bring about sufficient enhancement to meet the requirements of Policy GS1 and 2 requiring enhancement proposals to demonstrate significant overall benefit to the valued characteristics of the area.

Whether there are exceptional circumstances to accept this 'Major development' in the Park

In proposing 25 dwellings, the proposed development exceeds the 10 unit threshold which is used to define major development in The Town and Country Planning (Development Management Procedure) (England) Order.

The NPPF states in paragraph 116 that major development in the National Park should be refused except in exceptional circumstances and where it can be demonstrated to be in the public interest.

In this case the site is an existing industrial site occupied by an established and successful local building supplies business who wish to relocate to the other end of the village and finance the move from the redevelopment. Redevelopment would bring about some significant enhancement to the immediate environment around the Richard Lane site particularly from the removal of commercial traffic. Currently the visiting traffic causes difficulties of access, congestion and damage to the narrow access lanes which are wholly unsuited for access to a storage/distribution/retail business of this nature. The replacement of the large concrete yards and sheds by stone built houses matching the local tradition would complement the predominantly residential character of the local area enhance the local landscape and significantly improve local resident's amenity and of course the safety of children crossing to the lay area. The relocation would also retain the company's 'head office' function and related 25 jobs within the village.

Although no affordable houses are proposed the new market housing would provide more choice in the local market and boost the viability and vitality of the community as well as the wider local economy. The scheme and benefits flowing from it are inextricably linked to the application site so could not be relocated outside the Park and achieve the necessary enhancement. It is therefore considered these are the clear exceptional circumstances and public interest which allows for the principle of this major development in the Park.

The financial development appraisal and the affordable housing issue

The appraisal has been commissioned by the applicants to demonstrate the economic cost to the Company of the planned relocation to Whitecross Road measured against the anticipated yield of redeveloping the Richard Lane for open market housing. The appraisal acknowledges, as does the application as a whole, that development for open market housing would normally be contrary to the Peak National Park Development Plan unless exceptional circumstances can be demonstrated. In this application the applicant's case is that the relocation of the building supplies yard and premises at Richard Lane to Whitecross Road would provide a significant planning gain for the Park together with tangible economic benefits for the local and wider community.

The appraisal shows that it is anticipated that the net cost of the relocation and redevelopment to Markovitz would be in the order of £147,500. Ordinarily such a cost would not be acceptable to a developer but in this case the applicants, through this application have shown that they are willing to incur this cost to achieve the goal of moving to the approved site on Whitecross Road north of the village and achieve the benefits outlined above.

Officers have examined the appraisal and concur with its conclusions, having full confidence in its findings given it has been produced for the applicant by a specialist surveyor whom the Authority have used/are currently using in connection with other schemes in the Park. Officers particularly note the fact that the redevelopment costs of the Whitecross road site would be much reduced from normal commercial levels as a result of the applicant developing it themselves using their own materials. The surveyor also notes that the costs and sales yields compare favourably with recent schemes at Bradwell and Hartington.

The key issue is therefore whether the applicants planned relocation and the benefits flowing from the redevelopment constitute sufficient exceptional circumstances to accept market housing on this site, which otherwise would be able to accommodate a percentage of affordable housing if the costs of redeveloping the Whitecross Road site were stripped out.

Your officers considered judgement is clear that in the particular circumstances of this case there is considerable planning gain for the community and the Park to justify the scale of market housing proposed. These benefits mainly comprise:-

- Retention of the business and its local employment opportunities within the village.
- Replacement of low quality, poorly located industrial premises with purpose built new facilities appropriately located away from residential properties beside an existing industrial estate.
- Enhancement to the landscape and townscape from housing redevelopment of this edge of village site.
- Removal of commercial traffic and consequent congestion from Richard Lane which is wholly inappropriate in terms of width, alignment and character to carry such traffic.
- A reduction in commercial traffic through the village.
- A significant improvement to local residents amenity along Richard Lane .
- Improved safety for children accessing the playground as a result of reduced traffic.
- A range of new market houses giving choice in the local housing market and bringing new households to the village contributing to the viability and vitality of the community.

Clearly having no affordable housing units at all on this site is unfortunate, given that there is a known strong local need. However, to offset this members should note that an affordable housing scheme is being proposed nearby, which can be factored into deliberations on the current application. This site lies further up Richard Lane at its junction with Sherwood Road and comprises an edge of village field known locally as ‘Spittle Field’. This site has been identified for some time as the preferred site for delivering around 20 homes to meet the latest surveyed local need following discussions with the Parish Council, the Rural Housing Officer, PDNPA officers and the preferred housing association. Discussions are well advanced with officers having given fully supportive pre-application advice to the principle of that site being progressed. A further meeting to be held shortly will advise on layout and design matters with an application expected in the autumn. Whilst officers conclude that overall there is sufficient weight to accept the application scheme as submitted without any affordable housing it is important to note that it is not the only available site for housing development within the village at the present time.

Design, Layout and Landscape considerations.

The submitted plans show a layout of 25 two storey houses of varying sizes 11 of which would have garages, the rest having off-street parking at a minimum of 2 per dwelling, all arranged around a private drive from the existing access point. The current access way would be narrowed to reflect its changed residential purpose with a pavement on one side of the estate road only. Existing stone walls flanking the access would be left as existing with some new planting to act as a buffer to the adjacent garage site. The estate drive would not be adopted by the County Council and would remain a private drive, however the Highway officer does point out that internal street visibility splays need amending and prior to full comments being given the Highway officer has requested amended plans addressing this issue. These have been provided and it is expected that the revised and full highway response will be available in time for the meeting.

The estate road would be mainly tarmac with bends and an entrance threshold surfaced with stone setts. A smaller spur private way off the main drive would be largely surfaced in stone setts with some tarmac. All the houses would be constructed from natural limestone with gritstone detailing to doors and windows under blue slate roofs with chimneys. Joinery details would be timber and rainwater goods would be plastic moulded to look like cast iron on metal rise and fall brackets. The designs reflect the local building tradition and subject to some minor design details being addressed with amended plans there are no objections to the house designs themselves.

All the houses would have private garden space to the rear and frontages would be bounded with stone walls between the open drives/parking areas surfaced with small setts. The first part of the estate would house the smaller houses with the 2/3 bedroomed properties grouped around the spur private way. The larger houses would be sited to the southern end of the site. Within the street layout plans show small landscaped areas with trees as well as a number of individual new trees to be planted within front and rear gardens. This would add interest to the layout and break up views of the roofscape as well as providing shade to gardens and an enhanced public realm. Subject to a detailed landscaping condition to agree the fine detail of the hard and soft landscaping the layout is, on balance, considered to be acceptable in this location. In addition, given the private street will not be an adopted highway a mechanism needs to be agreed for the long term management of the public areas of both street and landscaping as well as street lighting details and a condition to achieve this is suggested.

The site currently slopes down to the east toward the drop off where the independent industrial premises site at a lower level just outside the site. The houses backing onto this boundary are set back from the edge affording space for additional hedging in front of the suggested acoustic fence which will form a suitable landscape and acoustic buffer ensuring no adverse amenity

impacts for the houses and making it very unlikely there would be any adverse impacts in terms of noise restriction at any future date on the existing businesses. At the north eastern edge of the site the gardens to 3 of the houses would step down the gabion wall with steps to the lower area to encompass what is now a staff car park area.

The submitted gabion wall report states that this whole retaining wall could continue to be used as at present for many years to come. The report notes however that the site will slope down gradually to the rear in order to stop the proposed houses at the bottom end of the site being too prominent and as such the engineer recommends that only the top layer of gabions is reduced as well as approximately 1m. taken from the blockwork wall to allow the gardens at the rear to run down slightly. The report notes that along with a suitable foundation design, this will considerably reduce the horizontal pressure on the wall and ensure it remains structural stable for years to come.

Given the proximity of the eastern houses to the adjacent lower industrial buildings/businesses outside the site area, there is scope for some disturbance although in the officers observations the noise generated in those units is generally focussed out eastwards away from the proposed housing site.

A noise report submitted with the application found that noise emissions from the neighbouring industrial units were very low, around $L_{Aeq,T} 50$ dB, these would still be above the true background level (minus Markovitz depot noise) in the range LA_{90} to 30 to 35. It further found that the noise levels within the dwellings (with windows open) and in outdoor living areas would be within the BS noise criteria without any noise control measures during the day, a measure of how low the levels are. It went on to state however that as further protection, acoustic screening can be constructed along the eastern site boundary in form of a solid fence approximately 2.5 metres high, and as the site is already some 3 metres above the level of the industrial units, this should provide reasonable protection both to ground floor and upper floor accommodation. A condition to this effect is therefore suggested along with appropriate soft landscaping to ensure a satisfactory appearance for the boundary.

There are no listed buildings nearby and with the development screened by a combination of land form, mature trees and residential property in the vicinity, it would not have much impact on the wider landscape or the setting of the Tideswell Conservation Area which lies within the dale to the east. At present from across the valley to the east and SE there are some filtered public views through trees over the conservation area and through the mature trees on the dale side where the large industrial buildings and bare blockwork retaining walls can just be seen. Redevelopment with smaller scale buildings in local natural materials will be in keeping with the local built environment and thus be far less apparent in these wider views. This would represent a visual enhancement of the wider landscape and particularly the setting of the conservation area in these views.

Consequently with appropriate landscaping, control over the detailed design of the layout and use of materials, the proposed development is considered to be acceptable in terms of its landscape impact and would in fact enhance the immediate local area and have a beneficial effect on the setting of the Conservation Area.

Ecological considerations

The site is used as a plumbers and builders supply depot and dominated by buildings and concrete yards with only some narrow areas of hedge or scrub outside the boundaries. As a result the ecological report notes that the site is largely unsuitable for protected species given the lack of suitable habitats but that it was considered possible that badgers may periodically pass through the site.

The report considered the boundary trees/hedging around the site was suitable for commuting and foraging bats and breeding birds and for foraging and commuting amphibians as well as providing potential refuge. The pond situated on the adjoining land to the south was categorised as having average suitability to support great crested newts however a later survey demonstrated that they were not in fact present.

The buildings were categorised as having negligible potential to support roosting bats and that some swallows were seen entering the buildings.

The report noted that habitats present on site were small in area and likely to be common in the wider area and as a result no significant ecological impacts were envisaged. The report therefore recommends conditions which are included in the above recommendation to ensure that any lighting associated with the development, either during the construction or operational phase be low level and directed away from the site boundaries to reduce any disturbance to commuting or foraging bats.

In order to minimise the risk to nesting birds, the report suggest a condition that any scrub removal or building demolition should ideally be timed to avoid the bird nesting season, with any vegetation clearance or building demolition preceded by a check for nesting birds.

Finally in respect of badgers it suggest a condition ensuring that any trenches dug as part of the construction work must be left with a ramp or sloping end and any pipes should be capped off overnight, in order to prevent mammals from becoming stuck.

Archaeological Considerations

The submitted desk-based assessment indicates that the site was in “agricultural use from the medieval period until the late 20th century. The majority of the land appears to have been used to graze livestock throughout this period, although four buildings associated with South Farm stood within the Site during the mid- to late 20th century. Extensive ground disturbance and landscaping works associated with the subsequent development of the builders yard appear to have removed all topsoil, subsoil and the upper layers of bedrock from the majority of the Site. Along the eastern boundary, ground levels have been raised up to create a yard approximately 3m - 4m above the height of the natural ground surface to the east. The depth of the foundations required for the construction of the raised yard is likely to have required excavation to bedrock prior to the deposition of made ground. Throughout the Site, the archaeological potential for all periods is therefore considered to be negligible.”

The Authority’s archaeologist confirms that there are therefore no archaeological issues on this application.

Drainage considerations

The foul waste will be discharged to the public sewer. The preceding report on the habitats risk assessment has shown that there would be no significant effects upon the designated site of the dales special area of conservation from the increased final discharge from the public sewage works as a result of this development.

Surface water from the roofs of all the houses would discharge to soakaways. The report notes that currently the whole of the concrete yards drainage goes through a 200mm diameter pipe and discharges into the river. This yard area is approximately 9000sq.m. and the scheme will reduce this down to 1350sq.m, a reduction of approximately 85%. The report considers that the likely discharge rate would be such that no storage would be necessary on site as the situation is being considerably improved.

The final drainage plan details are suggested to be dealt with by condition as a reserved matter. Nevertheless the drainage report has however considered the case if the surface water has to go into the combined sewer on Richard Lane. The surface water drain would follow the line of the existing foul drain. In this case the surface water discharge rate would have to be controlled by a hydrobrake to reduce the flow and therefore a storage facility will then be incorporated behind the hydrobrake as required.

Therefore subject to the suggested conditions it is considered that the drainage details have/can be satisfactorily addressed to accord with adopted policies and the relevant regulations.

Conclusion

There are considered to be site specific exceptional circumstances, set out above, which accord with PDNPA adopted policy and the NPPF to allow the principle of this major development within the National Park.

The officer judgement is that the exceptional circumstances in this case which deliver the benefits set out above can only be achieved by the development of solely market housing on the site. This is confirmed following scrutiny of the applicants financial viability case. The proposal is therefore considered to accord with adopted housing and conservation policy given that it would result in the delivery of significant enhancement to the site, the conservation area, the local traffic environment and neighbours amenity and safety which would all flow from the relocation of a 'non-conforming' storage and distribution use into more suitably located and modern premises at the other end of the village. Furthermore this relocation would secure local jobs in the village and retain a key local business serving the local building market. Whilst no restricted affordable housing can be accommodated in this scheme, the range of houses proposed would deliver a mix of house sizes and provide choice in the local market. Through this enhancement site the houses would also contribute to meeting the wider need for housing in the district.

In terms of the detailed design and layout of the scheme, subject to conditions set about above, the proposal would accord with adopted design policies in the development plan and the PDNPA Design Guide. The proposal raises no objections on highway, ecological, archaeological or amenity grounds and it has been demonstrated that the technical drainage issues can be agreed by submission of reserved matters and that there would be no adverse impact upon designated conservation sites.

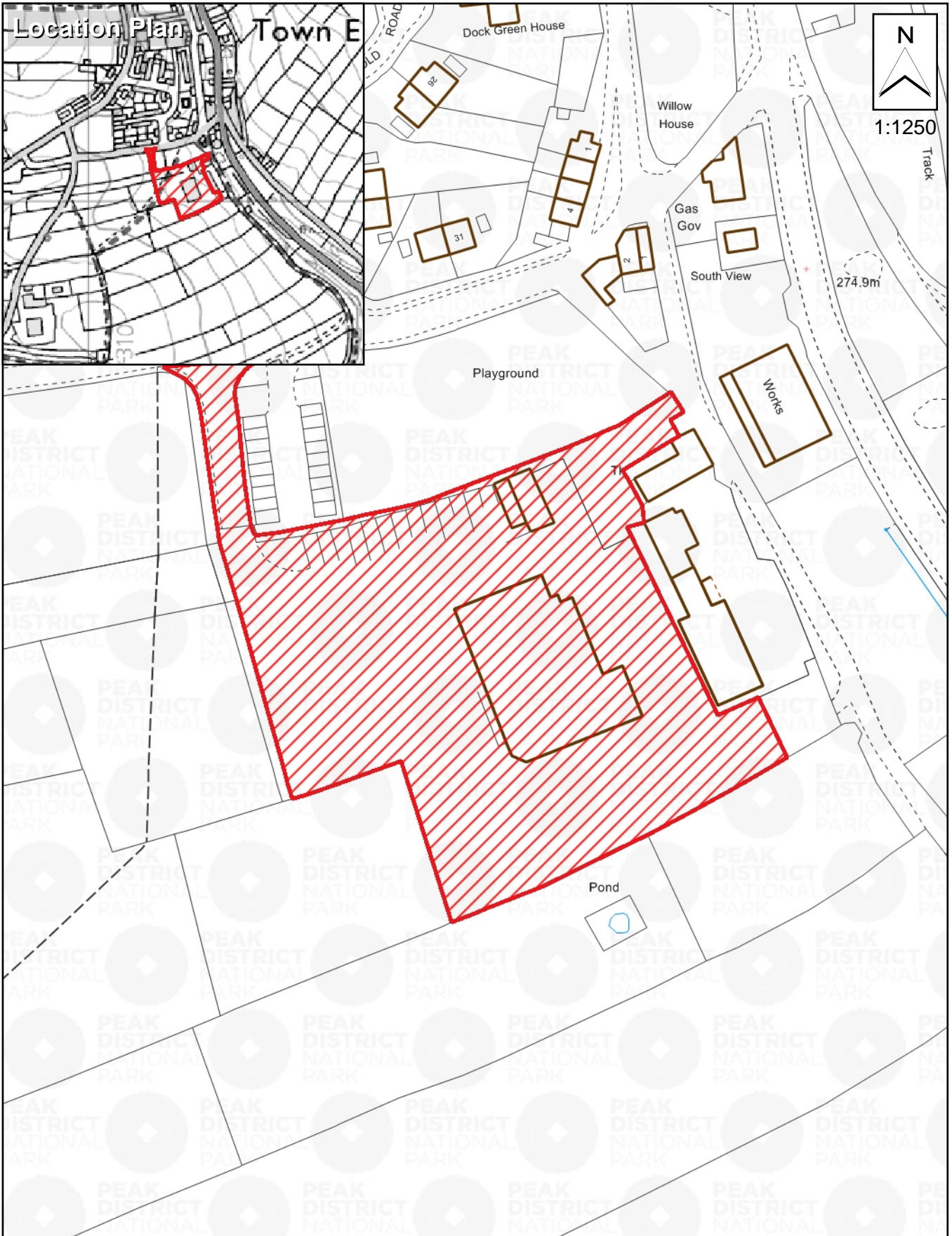
It is therefore concluded that the proposed development accords with the provisions of the development plan and with no material considerations to suggest otherwise a recommendation of approval is made by officers subject to the prior entry into a legal agreement to secure the business relocates to the planned site and to the detailed conditions set out above.

Human Rights


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

List of Background Papers (not previously published)

Nil



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Committee Date:	14th July 2017	Title: Demolition of all site buildings & redevelopment of 25 dwellings	 PEAK DISTRICT NATIONAL PARK
Item Number:	7		
Application No:	N/P/DDD/0117/0040		
Grid Reference:	415192, 375025		

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8. FULL APPLICATION - CHANGE OF USE OF A STONE BARN TO A HOLIDAY LET AT THE BARN, ELKSTONES, LONGNOR, (NP/SM/0517/0452, 405527/35913, 05/05/2017/TS)

APPLICANT: MR LEE COOPER

Site and Surroundings

The Barn is a detached stone built traditional field barn that is located in open countryside. The site is located immediately to the north of the unclassified road that connects Upper and Lower Elkstone. The site lies approximately 150 metres to the south east of Hob Hay Farm and approximately 200 metres to the north west of Manor Farm.

The building is constructed with limestone walls and has a blue tile roof which is not original and appears to be a relatively recent alteration. There is a small lean-to extension to the southern side of the building. The supporting information states that the building was historically used as a cow shelter and for hay storage. It appears that the upper floor is still in use as a hay loft in connection with the agricultural land in which the barn sits.

Proposal

Planning permission is sought for change of use of the building to a self-catering holiday let.

To facilitate the proposed change of use, the roof of the single storey lean to extension would be replaced with a blue tiled roof. The existing openings to the barn would be utilised and it is not proposed to create any new door or window openings with the exception of one roof light to the south facing elevation roof slope.

Access would be taken to the south of the building and a gravel drive and two parking spaces would be provided to the southern side. Garden would be provided to the rear and western side of the host building.

The proposed holiday let would have a kitchen and lounge at ground floor level and two bedrooms and a shower room to the first floor.

RECOMMENDATION:

That the application be REFUSED for the following reason:

- 1. The conversion of the barn to a holiday let would result in domestication of the site that would have an unacceptable landscape impact on the open countryside. The proposal is therefore contrary to policies RT2, LC3, LC4 and LC8.**
- 2. Insufficient information has been provided to enable an assessment of the likely impacts on protected bats and birds. The proposal is therefore contrary to policy LC18 and the guidance contained within the National Planning Policy Framework.**
- 3. Insufficient information has been provided to identify and mitigate the potential to harm archaeological heritage assets. The proposal is therefore contrary to policy L3 and the guidance provided at paragraph 128 of the NPPF.**

Key Issues

1. Principle of the development
2. Impact on the landscape and character of the locality

3. Amenity issues
4. Access and Parking
5. Ecology
6. Impact on Archaeology

History

There is no planning history for the site.

Consultations

Staffordshire County Council Highway Authority – No objections subject to conditions for parking and turning details to be agreed and for the drive to be surfaced in a bound and porous material.

Warslow and Elkstones Parish Council – support the application as it would preserve a good barn building and would bring it up to a condition such that it can be used for a valid economic purpose.

PDNPA Archaeology – object to the application as it will result in harm to the significance of the traditional farm building and could potentially harm nearby earthworks that are associated with historic lead mining. The application has failed to acknowledge this heritage value and significance.

Representations

Councillor Gill Heath has submitted a letter in support of the application. The letter states:

“This is to convert a small redundant barn into a Holiday cottage

There are no exterior alterations to be made

The existing entrance is suitable and the curtilage can be addressed to officers acceptable levels

The business would be a financial benefit to help the viability of the farm and help with the rural economy in the area.

We promote tourism in the Peak Park and this is offering opportunities for visitors to stay in the area not just visit daily, we need diverse offers so a small secluded cottage would be very desirable for many people

The officer says it is finely balanced, I hope that the committee can sway the balance slightly and approve the application.”

Main Policies

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the 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.

Local Planning Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, RT2, HC1

Relevant Local Plan policies: LC3, LC4, LC8, LC16, LC18, LC19, LT18

Policy HC1 of the Core Strategy only allows the conversion of a traditional building to an open market house in exceptional circumstances whereas policy RT2 states that the change of use of a traditional building of historic or vernacular merit to holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. Policy DS1 of the Core Strategy also supports conversion or change of use of buildings to visitor accommodation, preferably by re use of traditional buildings but LR6 states that where self-catering accommodation is acceptable, its use will be restricted to holiday accommodation by way of a planning condition.

Saved Local Plan policy LC8 states that conversion of a building of historic or vernacular merit to a use other than that for which it was designed will be permitted provided that it can accommodate the new use without changes that would adversely affect its character. Policy L3 of the Core strategy is also relevant and says that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting.

Policies GSP1, GSP2 and GSP3 of the Core Strategy jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets. GSP3 and saved Local Plan policy LC4 also seek to ensure that where development is permitted its detailed treatment is to a high standard that respects, conserves and, where possible, enhances the landscape, built environment and other valued characteristics of the area.

LT18 includes a requirement for the provision of a safe means of access in association any development.

LC18 states that where development which could affect a site, feature, or species of nature conservation importance or its setting is acceptable, appropriate safeguards and enhancement will be required to minimise adverse impacts. These should ensure conservation of the features of importance in their original location. Provision must be made for the beneficial future management of the nature conservation interests and a satisfactory record must be provided of any features which could be lost or concealed. If the likely success of these measures is uncertain, development will not be permitted.

These policies are consistent with national planning policies in the National Planning Policy Framework (NPPF) because core planning principles in the Framework require local planning authorities to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Assessment

Issues 1 and 2: Principle and Landscape Impact

Core Strategy policy RT2 supports proposals for the change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation except where it would create an unacceptable landscape impact in open countryside.

The small barn building is constructed in local natural materials, and is a good example of a traditional field barn. The building is therefore considered to be a traditional building of some merit. Consequently, in principle, its use as a separate unit of holiday accommodation would accord with the requirements of RT2.

However, it is necessary to consider whether or not the proposal would have an unacceptable landscape impact in open countryside.

Whilst the physical works to the barn itself would result in a sympathetic conversion that would preserve its existing appearance, the proposed change of use from an agricultural building to a holiday let would also include the creation of a domestic curtilage to provide parking, driveway and garden areas. This would therefore result in domestication of the site and would significantly alter the existing character of the immediate setting of the building.

The site is located within the Southwest Peak upland pastures landscape character type area as defined by the Landscape Character Assessment. The Landscape Character Assessment notes that this area has a traditional dispersed pattern of gritstone farmsteads of probable ancient origins. The key characteristics are:

- Undulating slopes with gentler summits and incised cloughs
- Dispersed gritstone farmsteads and loose clusters of dwellings, with stone slates or clay tile roofs
- Permanent pasture enclosed by gritstone walls and some thorn hedgerows
- Scattered trees along cloughs and around farmsteads
- Fields of rushy pasture and occasional patches of bracken, bilberry and heather
- Narrow winding lanes which are sunken on slopes
- Various shaped small to medium fields of various dates

The site occupies a prominent road side location and is surrounded by undulating pastures that are typical of the area. Significantly, the site is isolated from other existing buildings, particularly domestic buildings. There is a strong sense of remoteness and tranquillity at the site as a result of this. It is notable that there is an absence of domestic properties in the locality. The nearest buildings to the site are part of farmsteads so are of agricultural character. At present, the simple and traditional field barn building is considered to be entirely in keeping with the pastoral landscape and makes a positive contribution to the character of the area.

As a result of the isolated but prominent nature of the site, it is considered that the domestication of the site and the subsequent introduction of parked cars, domestic curtilage and domestic paraphernalia would be at odds with the character of site and the surrounding area and this would lead to a form of development that would appear incongruous in the landscape. It is noted that the site is clearly visible from highway that runs adjacent to the site but also from the higher ground to the north of the site. It is therefore considered that the proposed development would have quite a far-reaching visual impact in this instance despite the small-scale nature of the development itself. It is acknowledged that the use of the building for holiday let purposes would be likely to comprise a less intensive use of the site than if it was to be a permanent dwelling so the harm caused by domestication would be less than would be the case for a dwelling occupied on a permanent basis. However, it is considered in this instance that because of the very isolated and prominent nature of the site the visual impact of domestication of the site for holiday accommodation use would still result in unacceptable harm.

The Authorities Senior Archaeologist has raised concerns with the principle of the change of use of the barn building, noting:

“The conversion of the barn into a holiday let will result in harm to the significance of a traditional farm building and none designated heritage asset; historic fabric will be lost or altered (creation

of access in to the lean to, changes to internal divisions, removal of features related to the building's use as a cow house); the agricultural character of the building changed; the creation of car parking, yard area, new access etc. will introduce domestic clutter in to its rural and agricultural setting. This will result in harm to the significance of this traditional farm building.”

Given that the principle of conversion of traditional buildings to holiday accommodation is broadly acceptable under policy RT2, it is considered that only limited weight can be given to concerns relating to the loss of the agricultural use of the building and to the loss of any internal historic fabric. However, the concerns relating to domestic clutter in the rural and agricultural setting are highly relevant and give further weight to the concerns relating to landscape impact identified above.

It is acknowledged that the proposed conversion to holiday use would represent a small scale rural diversification project and would deliver some economic benefits. Furthermore, the proposal would promote understanding and enjoyment of the special qualities of the National Park and as such achieves the second statutory purpose. However, the proposal would conflict with the first statutory purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the national park. The Sandford principle makes it clear that where there is conflict between the two statutory purposes, conservation will be given greater weight.

It is considered therefore that, on balance, the visual harm arising from the domestication of this prominent site in a very isolated position within open countryside would cause unacceptable harm to the landscape and character of the area and this outweighs the economic and recreation benefits of the proposal. The proposal therefore fails to accord with policies RT2, LC3, LC4 and LC8.

Issue 3: Amenity

Core Strategy policy GSP3 states that impact on living conditions of communities must be taken into account in decision making and saved Local Plan policy LC4 states that attention must be given to the amenity, privacy and security of the development and of nearby properties.

Given that the site is located approximately 150 metres away from the nearest third party property, it is considered that the proposed holiday use of the barn would not result in any harm to amenity in this instance. The proposal is considered to accord with policies GSP3 and LC4 in this respect.

Issue 4: Access

Saved Local Plan policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development. This approach is supported by the National Planning Policy Framework which states at para 27 that decisions should take account of whether safe and suitable access to the site can be achieved by all people. It further states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

Access would be taken directly from the adjacent highway via the existing field gate. Parking for two vehicles would be provided and there would also be sufficient room for a vehicle to turn so that it can enter and exit the site in a forward gear.

The Highway Authority has not raised any objections to the scheme but has noted that the parking layout as shown on the submitted plan is not acceptable due to insufficient manoeuvring space. A condition for a revised parking and turning layout is therefore recommended to be attached to any approval.

Given the lack of objection from the Highway Authority, it is considered that the proposed development would not be detrimental to highway safety and efficiency and is in accordance with policy LT18 and the guidance contained within the NPPF in this respect.

Issue 5: Ecology

No protected species surveys or reports have been submitted with the application. The applicant has stated that the development is not of a type that has a possible impact on bats or barn owls. However, the Authorities protected species advice identifies that changes to barns built before 1939 is a development type with potential to affect these protected species. It is acknowledged that the roof of the building is modern and it has clearly been re-roofed in recent years, but this is not considered to mitigate the need for proper considerations of protected species. Evidence of nesting birds within the building was noted at the time of the officer's site visit. As such, relevant protected species are required in order to properly assess the potential impacts on bats and birds.

As the development is not considered to be acceptable in principle, the applicant has not been requested to provide this information due to the potentially abortive time and costs that this would incur. However, if members were to take a different view to officers and consider that the development is in fact acceptable in principle then the applicant should be requested to engage in further work in respect of protected species in order to properly consider the impact and to identify any necessary mitigation measures.

As submitted, the application is considered to be contrary to policy LC18 and the relevant guidance contained within the NPPF as insufficient information has been provided to enable consideration of the potential impact on protected species.

Issue 6: Potential Impacts on Archaeology

The Authority's Senior Archaeologist has objected to the application, noting the following:

There is a large area of earthwork remains of lead mining identified in the Peak District National Park Authority's Historic Building, Site and Monuments Record (MPD7114) survives in the field on the opposite side of lane to the barn. Aerial photographs indicate that these remains also extend into the field in which the barn is located, and one circular earthwork is located less than 5m from the barn. The nature, date or significance of these features is currently unknown.

The consultation response goes on to state that:

It is also probably that the circular earthwork identified on aerial photographs, likely associated with the nearby lead mining remains recorded in the HBSMR, will be damaged or destroyed in the creation of the car parking area, landscaping etc.

However, the current application does not acknowledge the heritage value or significance of the barn itself, nor its setting, nor the potential lead mining earthworks. It is therefore contrary to para.128 of the NPPF. The proposed development will result in harm to a non-designated heritage asset and its setting, which is contrary to Policy L3 of the PDNPA Local Development Framework. Furthermore, the barn itself is in good condition and is well maintained, is not at risk, so the conversion of this barn is not required in order to achieve the public benefit of saving the barn and ensuring its continued survival and does not meet the 'exceptional circumstances' within Part B of Policy L3.

On this basis I object to the positive determination of this application.

It is therefore considered that the development proposal has the potential to harm archaeological heritage assets and no information has been provided within the application to address these matters. As such, the application as submitted is contrary to policy L3 and the guidance provided at paragraph 128 of the NPPF. Again, if members were to take a different view to officers and consider that the principle of development is acceptable, it is recommended that the applicant should be required to engage in further work to properly identify and if necessary mitigate the harm to archaeological heritage assets.

Conclusion

In conclusion, it is considered that the proposed use of the barn would result in unacceptable harm to the landscape. Furthermore, insufficient information has been provided to demonstrate whether or not the development would have an unacceptable impact on protected species and archaeological heritage assets.

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:	14th July	Title: Proposed change of use from a stone barn to a holiday let.	 PEAK DISTRICT NATIONAL PARK
Item Number:	8		
Application No:	NP/SM/0517/0452		
Grid Reference:	405527, 359139		

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9. MINERALS AND WASTE REVIEW – JULY 2017 (JEN)

Introduction

This report provides a summary of the work carried out by the Minerals and Waste Team over the last 18 months.

The team deal with planning applications, enforcement and policy work in relation to minerals and waste in the National Park. Due to the on-going nature of minerals sites, a program of regular monitoring for every site is undertaken and forms a significant part of the team's workload.

Applications

Minerals and waste applications, particularly for new development or extensions or increasing capacity at existing sites, can be large and complex often requiring Environmental Impact Assessment (EIA). Nevertheless, the same targets for delivery apply as for other planning applications, which are: 16 weeks for applications accompanied by EIA, 13 weeks for major applications and 8 weeks for minor applications. However we may also agree a longer period with the applicant, and in most cases where we are not able to determine within the target, applicants agree to a longer period. We are performing within government targets for applications determined within the timescales or agreed longer period.

Between January 2016 and June 2017 the team has received 27 planning applications. Of these:

- 3 were invalid or withdrawn
- 12 were applications to discharge or partly discharge conditions on existing permissions
- 4 were prior notification required under the General Permitted Development Order
- 1 application was for waste development
- 9 applications are not yet determined

Between January 2016 and June 2017 the team has determined 25 applications (some of which were received prior to January 2016). Of these:

- 24 were granted or the condition was discharged or partially discharged
- 1 was refused
- 7 applications were determined at Planning Committee (the remainder were delegated)

Mineral planning permissions often include many planning conditions to control the complicated and varied aspects of the development. Permissions commonly require the discharge of several planning conditions to determine detailed aspects of the development.

Through site monitoring we have a good working relationship with the owners and/or operators of most sites in the National Park. As a result of our continued monitoring we have good opportunities to influence proposals from their earliest stages, and this is why most proposals are granted planning permission. Less acceptable proposals are less likely to be subject to formal applications.

Monitoring

In recognition of the on-going nature of minerals and waste permissions and the need for regular monitoring in the interests of amenity and the environment, there is a statutory basis for charging for carrying out site inspections at mineral and waste sites.

We collect data for monitoring for each financial year. For the period 01 April 2016 to 31 March 2017, the team conducted 49 chargeable visits. Of these, 48 were at active sites, for which we can charge £331 per site, and one was at an inactive site, for which we can charge £110. The total amount invoiced will be £15,998.

This has been the greatest number of chargeable visits in a year since the provision of monitoring fees was introduced in 2006. This probably reflects that there have been fewer applications that involve increased extraction of minerals in this period, although that is likely to increase again. Our aspiration is to: monitor all sites (which we are currently achieving); annually review the number of monitoring visits necessary for each site per year (up to a total of 8 per year as allowed by the Regulations); increase monitoring at some sites; and recoup our monitoring costs through charging as far as possible.

The team also carried out a number of site visits which were not charged for, for example if conditions were not monitored, if the visit was part of pre-application discussions, if it was undertaken in the course of learning and development work, or visits to sites without the benefit of planning permission.

Enforcement

The team deal with general enquiries about stand-alone breaches of planning control, and also breaches of conditions at permitted sites.

In the period 1 January 2016 until 30 June 2017, we dealt with around 72 enquiries. Of these 23 remain open but 49 are closed as they have been resolved.

Many of these relate to small to medium scale deposits of waste or relate to breaches of conditions at existing operations. In line with government guidance, we initially aim to resolve all but the most serious breaches of planning control through negotiation and in the majority of cases this is a quick and successful way to address problems. Where we need to have more information about a situation or initial correspondence has not resulted in a response, we can serve Planning Contravention Notices which are a formal tool to ask questions related to an alleged breach. Between January 2016 and June 2017 the team has served 5 Planning Contravention Notices.

In some very serious cases where harm is likely to be great or irreversible, or, where negotiation has not been successful in resolving breaches, our recourse is to formal enforcement action. Between January 2016 and June 2017 the team has served 3 Enforcement Notices, 1 Stop Notice and 1 Temporary Stop Notice. These are summarised below.

Notice Type	Location	Development Concerned	Date Served
Enforcement Notice	Stoke Hall Quarry	Unauthorised Wire Saws	28/10/16
Enforcement Notice	Moss Rake East Quarry	Unauthorised Deposit of Waste	21/12/16
Stop Notice	Moss Rake East Quarry	Unauthorised Deposit of Waste	21/12/16
Enforcement Notice	Rowsley Wood Yard	Stone Stocking/Transfer	10/02/2017

Policy

The team are also responsible for drafting the forthcoming Development Management Policies relating to minerals and waste, in partnership with the Policy Service who lead on the timetable for the forthcoming policies. The most recent consultation documents can be found here: <http://www.peakdistrict.gov.uk/planning/how-we-work/policies-and-guides>

In addition to the Authority's own mineral policy work, the team also engage in the preparation of a joint Local Aggregate Assessment with Derbyshire County Council. This document sets out the changing trends in demand and supply of aggregate in Derbyshire. Derbyshire County Council is very supportive of the Authority's implementation of government policy for the reduction of supply of mineral from National Parks. As sites in the National Park cease operations, the demand for aggregates and other minerals will be increasingly met by the permitted reserves in Derbyshire (outside of the National Park). The report can be found here: http://www.derbyshire.gov.uk/images/LAA%202016_tcm44-289583.pdf

The team also engage in the Aggregate Working Party. This is a regional working group through which each Mineral Planning Authority carries out a survey of operators to establish sales and reserves to ensure that the forthcoming need for minerals in the region and in wider markets are met. An annual report is published and previous published reports can be viewed here: <https://www.gov.uk/government/collections/aggregates-working-parties-annual-reports>

Major Cases

In the last 18 months we have made significant progress on some of our major cases, below is a summary of three significant cases.

Topley Pike Quarry

Topley Pike Quarry is a limestone quarry worked for aggregates predominantly. It is a large site and originated from several old mineral permissions. It would not be acceptable under current policy to establish a new aggregate quarry of this size in the National Park.

In the western half of the site, the permission did not have a depth restriction. Working this area, beneath the water table would have caused a significant negative effect on the Wye Valley SAC and SSSI. Under the Environment Act the Authority was obliged to review these old permissions to determine modern working conditions and compensation would be payable if the Authority limited the asset value or viability of the site through the imposition of restrictive conditions. However, an assessment of the proposed working under the Habitat Regulations would be necessary and the Authority would have been unable to lawfully permit working which would have been detrimental to the SAC. The compensation associated with limiting the permission would have been unaffordable for the Authority.

Following several years of negotiation, the operator made a planning application as an alternative to following the Review process. The application proposed: limiting the depth in the west; increasing the depth workable in the east from the permitted level (but remaining high enough to not impinge on the SAC); the movement of a large tip from Deep Dale at the south of the site, which will have a positive impact on landscape generally and on the Deep Dale SSSI specifically. The application offers significant net gain for the National Park over and above what could have been achieved through reviewing the old mineral permissions, and circumvents the need to carry

out a review and address the likely issues relating to compensation that could have arisen.

The legal agreement and the decision notice were issued on 15 February 2017.

Stanton Moor Quarry

Stanton Moor Quarry is in the central part of Stanton Moor. Stanton Moor is an area of heather moorland with birch scrub, there is a well-known circle of standing stones on the moor known as the Nine Ladies. The moor is a designated Scheduled Monument due to the bronze age heritage and Stanton Moor Quarry is partially within this designation. In the 1950's as the National Park was being established, the government granted permission for a number of sites for mineral extraction within this central part of the moor. These permissions had very few operational controls. Under current policies, Stanton Moor Quarry would not be granted planning permission.

After several refused applications and many years of negotiation, mainly about what would represent an equitable swap, a proposal was made to relinquish Stanton Moor Quarry and alternatively work a 50,000 tonnes extension at New Pilhough. In addition, much more information was provided about the reserve at Stanton Moor, allowing a more informed assessment of the equity of the proposal.

Planning committee resolved to approve the application. The legal agreement was signed which ensures (amongst other things) that no further extraction can take place at Stanton Moor Quarry. The decision notice was issued on 23 June 2017. A revocation order will follow in relation to Stanton Moor Quarry.

This protects the central area of the moor from the threat of quarrying in perpetuity, it is the last of the old mineral permissions in the Stanton Moor Area.

Longstone Edge East.

2016/17 has seen a great deal of progress in one of the Authority's most long running mineral planning problems at Longstone Edge, including Backdale Quarry.

The initial issue related to the interpretation of an Old Mineral Permission dating from 1952 and whether the wording, which permitted the 'winning and working fluorspar, barytes and lead and any other mineral won in the course of working' allowed the large scale extraction of limestone. The permission originally covered 155 ha.

The site was worked intensively for aggregate extraction. The Review of Old Mineral Permissions procedure in 1998 meant that the Authority was obliged to determine modern conditions or face a 'deemed approval' of conditions which would have encompassed the principle of limestone aggregate extraction. However, without an EIA having been undertaken the Authority could not make a robust determination. Eventually a determination was made and an appeal to the High Court struck out the determination but made it clear that a deemed approval was not possible. The Review process became stalled. Working ceased for a period of time.

In 2003 working recommenced at the site, which mainly comprised limestone aggregate extraction. There was considerable public objection to the operations. The Authority first took enforcement action in 2004, and between then and 2009, the landowner and the Authority were involved in planning enforcement appeals through public inquiries and the courts. Eventually the

Court of Appeal determined that the Authority's interpretation of the permission was correct and upheld the Notices. This meant that the site could not be worked with the aim of extracting limestone aggregate.

In August 2008 the EIA Regulations were revised with the purpose of ensuring that ROMP applications which were stalled for lack of environmental information could be determined. The Authority sent a notice to the landowner, requiring the submission of additional information to enable the Authority to carry out a screening opinion. The site changed hands in 2009. Since all the necessary information required to carry out a screening opinion was not provided, the permission went into automatic suspension on 1 November 2010.

In 2012 the Authority made a Prohibition Order on the basis that there did not appear to be a genuine intention to work the land. Following a Public Inquiry in January 2016, the Order was varied and upheld in July 2016.

Restoration works in line with the Prohibition Order have now commenced. The site is visible from many vantage points and has a considerable landscape impact, the restoration works already make a significant contribution to the landscape of the National Park and this will continue over the next few months and years as the earth movement concludes and the site re-vegetates.

RECOMMENDATION:

That the report be noted.

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10. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 2017 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (April – June 2017). 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.

Team Resources

The Monitoring & Enforcement Team consists of four full-time posts – two Monitoring & Enforcement Officers, a Senior Monitoring & Enforcement Officer and the Team Manager. In 2012, due to a sustained increase in workload, an additional part-time (0.6FTE) Senior Officer post was created on a temporary contract basis. This contract was renewed on a number of occasions. However, from April 2016 the post was reduced from 3 days per week to one day per week and at the end of 2016 the contract was not renewed.

In April 2017 one of the Monitoring & Enforcement Officers, Christian Anslow-Johnson, left the Authority to take up a post with the Eastern Moors Partnership. Alexandra Sinfield has been appointed to fill the resulting vacancy and is due to start on 17 July 2017. So for most of the last quarter the Team has had a vacancy and this has inevitably had an impact on overall performance. This impact may continue into the next quarter as the new officer settles in to the post.

Summary of Activity

(a) Formal notices issued this quarter:

11/0111A The Lodge Manchester Road Hollow Meadows Sheffield	Alterations to vehicular access and creation of driveway	Enforcement Notice issued 5 April 2017
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11/0111B The Lodge Manchester Road Hollow Meadows Sheffield	Change of use of land from agricultural use to recreational/amenity use in association with a care home	Enforcement Notice issued 5 April 2017
15/0141 High Peak House Blackbrook Chapel-en-le-Frith	Change of use of outbuilding to a dwellinghouse	Enforcement Notice issued 4 May 2017
15/0110 Land at Diggle Mill Diggle Oldham	Untidy land	Section 215 Notice issued 13 June 2017
10/0189 Fox Holes Farm Hoar Stones Road Low Bradfield Sheffield	Change of use to mixed use comprising agriculture, a single dwellinghouse, holiday accommodation and as a venue for the holding of wedding events and functions	Enforcement Notice issued 28 June 2017
17/0054 Land to the north of Mortimer Road Bradfield Sheffield	Alteration of existing track, extension of track and engineering operations to create a flat area	Enforcement Notice issued 30 June 2017

(b) Breaches resolved this quarter:

16/0169 Bassetts Building Fawfieldhead Longnor	Breach of Conditions 5 and 6 attached to planning permission NP/SM/1014/1087	Discharge application approved
16/0091 Ash Dene Ninelands Road Hathersage	Use of garage as holiday let in breach of condition	Use ceased
04/0124 Sparrowgreave, Wincle	Erection of dwelling	Appeal allowed – no breach of planning control
06/0121 Sparrowgreave, Wincle	Engineering operation involving the excavation and deposition of material	Enforcement Notice complied with
16/0141 White Shaw Farm Heaton Rushton Spencer	Residential static caravan	Caravan removed

16/0152 Cleulow Cross Farm Buxton Road Wincle	Excavation and creation of storage area	Planning permission granted
17/0002 2 Speedwell House Buxton Road Castleton	Building not being constructed in accordance with approved plans (ref NP/HPK/0915/0891)	Section 73 application approved
16/0129 Fox House Inn Fox House Hathersage Road Sheffield	Erection of building	Building removed
16/0149 14 Main Road Grindleford	Change of use from doctor's surgery to dwelling	Planning permission granted
13/0065 The Manners PH Haddon Rd Bakewell	Two advertisement signs	Advertisement consent granted
13/0073 Land at Tideswell Dale East of Geil Torrs	Extension of agricultural building	Immune from enforcement action
13/0037 2 and 3 Rose Cottage Litton	Erection of building	Immune from enforcement action
16/0019 Thornsett Chelmorton Buxton	Erection of building	Building relocated – now permitted development
16/0106 Houlden Sheffield Road Hathersage	Breach of condition on NP/DDD/0611/0519 & erection of field shelters	Combined with case 16/0124
16/0073 George Hotel Main Road Hathersage	Laying of pebbles/stones and display of ornamental sculptures	No breach of planning control
15/0074 Pinewood Aldern Way Bakewell	Erection of sheep shelter	Immune from enforcement action

16/0024 Land off Stanedge Road Bakewell	Siting of static caravan	Caravan removed
16/0020 1 Hall Bank Hall Bank Hartington	Extension not built in accordance with NP/DDD/0415/0309; bathroom window not obscure glazed	Window obscure glazed
10/0231 Bakewell Arts & Design Rutland Works Bakewell	Change of use of part of building from B1 Business) to D1 & A1 (gallery & retail) & display of advertisement	Gallery & retail use ceased, advertisement has deemed consent
16/0142 Former Goldcrest Engineering Main Road Stanton	Erection of fence in breach of condition	Not expedient to take enforcement action
17/0070 Land On The South Side Of Macclesfield Road Kettleshulme	Erection/extension of agricultural building	Planning permission granted
17/0018 Co-Op Store Commercial Road Tideswell	Illuminated advertisement sign in breach of condition	Sign no longer illuminated
17/0017 Hartshead Eaton Drive Baslow	Insertion of clear glass window in side elevation	Altered to opaque glass
06/0049 Land known as The Treaks, Buxton Rd, Castleton	Change of use to conservation farm open to the public and erection of associated structures	Use ceased and structures removed
11/0111 The Lodge Hollow Meadows Sheffield	Access alterations, creation of driveway and use of agricultural land as garden/amenity land	Planning permission granted for access alterations and creation of driveway, use of land as garden/amenity land has ceased

(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	93 (87)	136 (75)	88 (116)
Breaches	39 (34)	26 (25)	507(494)

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

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/1016/1081 3175372	Change of Use from A2 to A3: from bank to restaurant at Bank House, Main Road, Hathersage	Written Representations	Committee

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0316/0280 3156948	Removal of Condition No.3 for a new access road at Riverside Business Park, Buxton Road, Bakewell, DE45 1GS	Informal Hearing	Allowed	Committee

The Inspector felt that the condition to create a new access road as part of the granted planning permission in 2016 was unnecessary. There was no dispute on the fact that there were deficiencies with the existing accesses to the business park, but their suitability was previously found to be acceptable. Provision of 2 passing places at either end of Lumford Lane would improve the existing highway conditions, and such provision would be likely to result in a reduction in the number of times a vehicle would have to pull into private driveways to allow another vehicle to pass, thereby reducing potential conflict with other users including pedestrians and cyclists. By using suitable materials and design, the passing places would preserve the character and appearance of the conservation area and would not harm the significance or setting of nearby heritage assets. The Inspector concluded that the appeal be allowed and that the disputed condition removed from the planning permission.

The applicant had also made an application for a full award of costs against the Authority for acting unreasonably in imposing the condition which was not necessary, as it was not recommended by the Highway Authority, the Planning Officer or any statutory consultee. The Inspector considered that the Authority did act unreasonably in the appeal process, but felt that the work undertaken by the applicant in defending the appeal was a necessary part of the case, and the expense of employing consultants in this regard was not therefore wasted or unnecessary, therefore the application for an award of costs failed.

NP/DDD/0716/0629 3170548	Retrospective planning approval for replacement shed in garden of public house at The Moon Inn, Stoney Middleton	Written Representations	Allowed	Delegated
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The Inspector considered that whilst the building was visible to users of the beer garden, it had an ancillary and subordinate appearance, and was positioned away from the historic part of the pub and did not detract from the pub building itself. The pub's contribution to the wider conservation area derived in large part from its attractive frontage on the High Street. The development would preserve the character and appearance of the Conservation Area and was in accord with GSP3 and L3 of the Core Strategy and LC4 and LC5 of the Local Plan, and was consistent with guidance in the NPPF relating to designated heritage assets. The appeal was therefore allowed.

NP/CEC/1016/1008 3170910	Erect a wooden feather board landscaping fence within the boundary of Turnpike House, Macclesfield Road, Kettleshulme	Written Representations	Allowed	Committee
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The Inspector felt that varying Condition 2 on the Planning Permission would preserve the character and appearance of the Conservation Area, and it would accord with LC5 of the Local Plan. The variation would also be consistent with guidance in the NPPF relating to designated heritage assets. The Inspector considered that Condition 3 of the Planning Permission was not necessary in order to protect the living conditions of the occupiers of Side End Cottage with regard to the ability to maintain that property. The Planning Approval was amended to reflect the changes and the Appeal was allowed.

4. **RECOMMENDATION:**

That the report be received.