

Public Document Pack

Peak District National Park Authority

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



Our Ref: A.1142/1771

Date: 1 February 2018



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 9 February 2018**

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 12/01/2018 (Pages 5 - 12)**
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Retrospective Planning Application - For retention of two wire saws (and associated lighting columns) and retrospective change of use of land for the importation of blockstone for processing at Stoke Hall Quarry, New Road, Grindleford ITEM WITHDRAWN**
7. **Full Application - Demolition of former mill buildings, associated structures and other buildings and construction of employment units (B1/B2/B8), retention of existing Retort House, Improvements to existing site access, car parking, landscaping and associated works at Riverside Business Park, Buxton Road, Bakewell (NP/DDD/1017/1119, P4822, 421111/369121/ 30/10/2017/TS) (Pages 13 - 34)**
Site Plan

8. **Full Application - Change of Use from public house to residential dwelling with alterations and demolition of existing rear extensions and replacement with new at The Horseshoe Inn, Market Place, Longnor (NP/SM/0917/0958, P7321, 408822/364938, 06/10/2017/ALN) (Pages 35 - 44)**
Site Plan
9. **Listed Building Consent - Change of Use from public house to residential dwelling with alterations and demolition of existing rear extensions and replacement with new at The Horseshoe Inn, Market Place, Longnor (NP/SM/0917/0959, P7321, 408822/364938, 06/10/2017/ALN) (Pages 45 - 52)**
Site Plan
10. **Full Application - Woodland Park, Woodland adjacent to Baslow Sports Club, Baslow (NP/DDD/0117/0031, P.3686, 7/2/2017, 425340 / 371997, MN) (Pages 53 - 64)**
Site Plan
11. **Full Application - Conversion and Change of Use from dissused agricultural barn to one open market dwelling, Lane End Farm, Abney (NP/DDD/1117/1162, P1660, 24/11/2017, 419961 379950. SPW) (Pages 65 - 80)**
Site Plan
12. **Full Application - Restoration of dwelling and extension to rear, Mill Dam House, Great Hucklow - ITEM WITHDRAWN**
13. **Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 81 - 82)**

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 362/352. 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.

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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 A Law	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 12 January 2018 at 10.00 am

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

Chair: Mr P Ancell

Present: 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 and Cllr Mrs L C Roberts

Apologies for absence: Cllr D Birkinshaw, Cllr A Law, Cllr Mrs J A Twigg, Cllr A McCloy and Cllr F J Walton.

1/18 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee were approved as a correct record subject to minute 147/17 being amended to remove the reference to Cllr Mrs C Howe having a personal interest in this item.

2/18 URGENT BUSINESS

There was no urgent business.

3/18 MEMBERS DECLARATIONS OF INTEREST

Item 7

It was noted that all Members knew the applicant as he was a Member of the Authority.

Cllr C Howe declared a personal interest as she knew the applicant both as a Member of the Authority and a fellow Councillor at High Peak Borough Council. She reported that although she would remain in the meeting during the discussion she would abstain from voting.

Mr Robert Helliwell declared a personal and prejudicial interest as he was a friend of the applicant and his partner, and was a customer of his business. He reported that he would leave the meeting during consideration of this item.

Cllr D Chapman declared a personal and prejudicial interest as he was a friend of the applicant and his partner. He reported that he would leave the meeting during consideration of this item.

Item 10

Cllr A Hart declared a personal interest as he knew both the speakers.

Cllr K Potter declared a personal interest as she knew one of the speakers as a Member of the Authority.

4/18 PUBLIC PARTICIPATION

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

5/18 FULL APPLICATION - EXTENSION AND ALTERATIONS, RE-ORGANISATION OF DRIVE AND GARDEN AREA, NEW DOUBLE GARAGE AND ANCILLARY ACCOMMODATION AT GATEHOUSE FARM COTTAGE, GATEHOUSE LANE, HATHERSAGE

It was noted that this application had been considered by committee at the December meeting and deferred to allow amendments to the design of the extensions to be discussed.

The Officer reported that since the report was written, a further letter of objection had been received by the Authority from the neighbour, and summarised the key issues.

The Planning Officer reported that the plans had been amended. It was still considered that the scale, massing and location of the proposals were not acceptable and had a significant unneighbourly impact on residents of the neighbouring property.

The following then spoke under the Public Participation at Meetings Scheme

- Sarah Marsh - Objector
- Paul Batty – Partner of Applicant

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

RESOLVED:

That the application be REFUSED for the following reasons:

1. **By virtue of its form it is considered that the proposed extension would result in a form of development that does not reflect the local building tradition so it would not contribute to the enhancement of the site and its setting. The resulting development, whilst offering some enhancement, would nonetheless result in a much larger building with inappropriate massing, contrary to Core Strategy policy GSP2, GSP3 and Local Plan policy LC4 and LH4, the Authority's adopted design guide and detailed design guide, and the National Planning Policy Framework.**
2. **By virtue of its position and proximity to the neighbouring property known as Gatehouse Farm, it is considered that the proposed extension would be overbearing and oppressive and create additional over-shadowing which cumulatively would harm the residential amenity of occupants of that**

property contrary to Core Strategy policy GSP3, saved Local Plan policy LC4 and LH4, the Authority's adopted design guide and detailed design guide and the National Planning Policy Framework.

6/18 FULL APPLICATION - LOFT CONVERSION INCLUDING RAISING OF ROOF HEIGHT/NEW DORMER WINDOWS AT LYDGATE BUNGALOW, ASHOPTON ROAD, BAMFORD.

Members had visited the site on the previous day.

It was noted that the applicant, Cllr J Walton, was a member of the Authority.

Members were reminded that a personal interest had been declared by Cllr C Howe and that she would abstain from voting and that Cllr D Chapman & Mr R Helliwell declared personal and prejudicial interests and left the meeting during consideration of this item.

This item had been deferred at the Planning Committee meeting in May 2017 to allow further discussion with the applicant on an amended scheme.

The Planning Officer reported an amendment to the report on Page 35 which should have read the 'planning approval in 2001, which was for a replacement dwelling' rather than "planning approval in 2001, which was tantamount to allowing a replacement dwelling"

The Planning Officer then highlighted changes to the application which, apart from the large patio doors, were considered to be more in keeping with the character of the local building tradition than previously.

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

RESOLVED:

To APPROVE the application subject to the following conditions:

- 1. Commence development within 3 years.**
- 2. Adopt amended plans, subject to minor design conditions covering materials, window and door details, etc.**

Following this item the meeting was adjourned from 11:05am to 11:10am

Following the adjournment Cllr D Chapman and Mr Robert Helliwell returned to the meeting.

7/18 FULL APPLICATION - MODIFICATIONS TO EXISTING OUTBUILDING TO FORM LETTING BEDROOMS AND CONSTRUCTION OF NEW BUILDING TO PROVIDE LETTING BEDROOMS ASSOCIATED WITH THE LADYBOWER INN AND CAR PARK ALTERATIONS - LADYBOWER INN, LADYBOWER, BAMFORD.

Members had visited the site on the previous day.

The Planning Officer introduced the report and suggested that the recommendation be amended so that condition 7 required the planting scheme to be maintained for 5 years, and additional conditions requiring the submission and approval of plans for locating the construction compound and a landscaping scheme with details on how the trees would be protected. He also explained that as the proposal was a departure from the Development Plan because part of the site falls within the Natural Zone, it should be advertised as a departure.

Members suggested additional landscaping conditions to cover the car park area, and outside lighting. There was concern that there was no disabled access to the building and no provision for disabled spaces in the car park. It was agreed that there should be an additional condition requiring that disabled access should be provided.

Subject to additional conditions, the Officer recommendation to approve the application was moved, seconded, put to the vote and carried.

RESOLVED:

Subject to no objections being raised following 28 days advertising as a departure from the development plan, the application is APPROVED subject to the following conditions:

- 1. 3 year time limit**
- 2. In accordance with revised plans**
- 3. Development to remain ancillary to pub, with 28 day holiday let occupancy restriction**
- 4. Materials to match existing**
- 5. Notwithstanding the submitted information details of drainage and foul water treatment to be agreed prior to commencement**
- 6. Archaeological monitoring**
- 7. Compensatory Natural Zone planting, and car park planting and landscaping to be implemented in the first planting season following commencement of the development and thereafter maintained for 5 years.**
- 8. Minor architectural and design details, including omission of barge boards or fascia's**
- 9. Agree the position of a construction compound and management plan so the car park spaces are maintained during the construction period and that the spaces comply with the Highway Authority concerns.**

10. **Submit and agree a detailed landscaping scheme to strengthen the screen planting around the car park extension, the boundary treatment and the opportunities for adapting the layout of the car park and provision for protection of the 2 existing trees.**
11. **Submit and agree a lighting scheme comprising low level lighting**
12. **Gable lintel & doorway surround retained in-situ when opening infilled.**
13. **Photographic record of building before change**

Footnote

1. **Provision of disabled access to the accommodation.**

8/18 FULL APPLICATION - CHANGE OF USE OF AGRICULTURAL WORKERS DWELLING TO HOLIDAY ACCOMMODATION (RETROSPECTIVE) AT BOOTH FARM, WASHGATE LANE, HOLLINSCLOUGH

The Planning Officer reported that this was a retrospective application as the use had already commenced, and was unauthorised following an unsuccessful application for a Lawful Development Certificate. It was noted that a further letter of support from the Parish Council had been received since the report had been published.

The following spoke under the Public Participation at Meetings Scheme:

- Mr Kevin Mycock – Applicant

Members noted that the applicant had informally approached local farmers to establish whether it could be used by an agricultural worker, but none had been found. .

Members noted that agriculture had changed over the years, so that the demand for worker's accommodation was not as it has been, but Members shared the Officer view that before permanently changing the use of the property documented evidence of unsuccessful attempts to market the dwelling was needed. Members supported a temporary change of use to holiday accommodation to allow this marketing to take place.

A motion for a 3 year temporary approval subject to conditions was moved and seconded, put to the vote and carried.

RESOLVED:

To APPROVE a 3 years temporary permission to change the use to holiday accommodation subject to the following conditions:

1. **28 day holiday let restriction and the use should remain ancillary to the farm.**

9/18 S.73 APPLICATION - FOR THE REMOVAL OR ALTERATION TO CONDITION 4 (HOLIDAY OCCUPANCY CONDITION) FROM PLANNING CONSENT NP/SM/0106/0032, OLD DAINS MILL, UPPER HULME

Cllr A Hart declared a personal and prejudicial interest as he realised that he knew the applicant so left the room during consideration of this item.

Cllr L Roberts declared an interest as she was Chair of an adjoining Parish Council.

The Planning Officer reported that there was one amendment to the report on page 65 which should read "That by virtue of the distance between the site and the main built up area of Upper Hulme".

The Officer then introduced the proposal. This application was a re-submission of an application made in 2016 to remove the holiday condition, to allow the building to be converted and used as a permanent open market house. The applicant had stated that due to the cost of restoring the building and the loss of grant funding to complete work inside, the building was no longer viable as a holiday let.

The following spoke under the Public Participation at Meetings Scheme

- Mr Rob Duncan – Agent
- Cllr Mrs Gill Heath – Supporter

It was noted that consideration had been given to splitting the property to use it as affordable housing; however given the work required to carry out the works and the impact this would have on the character and appearance of the building, this was also not appropriate.

Members considered that as the conversion of the building had not been completed and the applicant had demonstrated that in order to achieve the conservation of the building and to ensure it has a long-term sustainable use, an open market dwelling would be in accordance with policy. A motion to approve the removal of the condition contrary to the Officer recommendation was moved, seconded, put to the vote and carried.

RESOLVED:

To APPROVE the removal of Condition 4 in Planning Decision NP/SM/0106/0032 restricting the occupancy of the application building to short let holiday residential use subject to repeating the other conditions from the previous approval and to an additional condition removing Permitted Development Rights.

Cllr A Hart returned to the meeting at 12.40pm following consideration of this item.

10/18 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JANUARY 2018

Members considered a report summarising the work carried out by the Monitoring & Enforcement Team over the previous quarter, covering the period October – December 2017.

In introducing the report the Monitoring & Enforcement Team Manager reported that in the table on Page 77 the number of enquiries received should be recorded as 110 not 87.

The Monitoring & Enforcement Manager then went on to explain the designation of 3 Cases as "Not expedient to take Enforcement Action." He also highlighted and displayed photographs of 3 cases where enforcement action had been successful.

It was noted that future quarterly reports would record the number of enquiries by cases rather than as individual enquiries as at present.

Members welcomed the report.

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

RESOLVED

That the report be noted

During consideration of this item Cllr H Laws left the meeting at 12.40pm and Cllr J Macrae left the meeting at 12.48pm. Both returned at 12.50pm.

Cllr C Carr left the meeting at 1.00pm following consideration of this item.

The Committee voted to agree to continue the meeting beyond 3 hours in accordance with Standing Order 1.10.

11/18 LOCAL DEVELOPMENT PLAN ANNUAL MONITORING REPORT FOR 2016/17

The Head of Policy & Communities introduced the report, which monitored the application and delivery of the Core Strategy and identified emerging trends.

Members welcomed the report.

RESOLVED:

To approve the Local Development Plan Annual Monitoring Report for 2016/17.

12/18 HEAD OF LAW REPORT - PLANNING APPEALS

Members received the report on planning appeals decided during the month.

The Head of Law introduced the report and highlighted the outcome of a joint LDC/Enforcement appeal which had recently been determined following a 3 day Public Inquiry. The Inspector had dismissed the appeals, concluding that a Lawful Development Certificate could not be issued as the applicant was not able to provide sufficient evidence to prove uninterrupted use for a significant period of the 4 year period as required..

RESOLVED:

To note the report.

The meeting ended at 1:20pm.

7. FULL APPLICATION: DEMOLITION OF FORMER MILL BUILDINGS, ASSOCIATED STRUCTURES AND OTHER BUILDINGS AND CONSTRUCTION OF EMPLOYMENT UNITS (B1/B2/B8), RETENTION OF EXISTING RETORT HOUSE, IMPROVEMENTS TO EXISTING SITE ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL (NP/DDD/1017/1119, P4822, 421111/369121/ 30/10/2017/TS)

APPLICANT: RIVERSIDE BUSINESS PARK LIMITED

Site and Surroundings

Riverside Business Park (RBP) lies on the north west side of Bakewell in the Wye valley approximately 0.6 km from the town centre. Land in ownership extends to 5ha north of the A6 Buxton Road and comprises a mixture of buildings used primarily for business (B1 use), general industrial (B2 use), and storage and distribution purposes (B8 use). Thornbridge Brewery and Pinelog Ltd have a substantial presence on the Business Park.

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

The application site edged red is located in the centre of the business park and is currently occupied by a range of buildings that comprise of a mix of vacant and in use employment units. The application site has an area of approximately 1.6 Ha.

The application site is bounded by the River Wye and the A6 on its south western side. There are existing employments units to the west, including the buildings occupied by Pinelog and Thornbridge. A former spinning shed, which is the area of a consented hotel development, lies immediately to the east.

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

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

Proposal

The application seeks full planning permission for the demolition of the existing employment units and the construction of new employment units. The submitted information sets out that the proposal comprises of the demolition of 5,222 square metres of existing floor space and the construction of 3,985 square metres of replacement employment floor space. Existing buildings with a combined floor area of 597 square metres would also be retained within the application

site area. The submitted information acknowledges that not all of the existing buildings that are to be demolished are currently useable. As such, whilst the total reduction in floor space is 1,237 square metres, the reduction in useable floor space is 722 square metres. The proposed buildings would all be used for B1, B2 or B8 use.

The proposed development would consist of three new build portal framed industrial units, with associated parking, loading and access areas. The buildings have been designed to replicate existing more modern industrial buildings at the northern end of the site. The new build unit labelled as 'Unit 16' on the submitted plans would adjoin the existing unit that is occupied by the Bakewell Pudding Company, and this unit would be extended to the front as part of the proposals. The plans indicate that the three units could be sub-divided into smaller units if required, up to a total of 14 units. The scheme initially proposed the change of use of the existing retort house to A1, A2 or A3 use, but the change of use of the retort house has now been omitted and it is now proposed to refurbish the retort house and retain it in its current use.

Each building would have a dual pitched roof clad in slate blue coloured metal sheeting. The walls would be a mix of coursed masonry and grey coloured pre-coated sheet cladding. Solar pv panels and roof lights are shown on the roofslopes.

The proposal includes the creation of 78 parking spaces, 12 HGV vehicle bays and 12 cycle spaces within the development site area. The development also includes the provision of two passing places on Lumford. The passing places shown on the submitted plans are the same as the passing places that have been approved as part of the hotel development on the adjacent land. It is not proposed to make any alterations to the existing access arrangements in direct relation to this development proposal. However, an indicative plan has been submitted which shows how the proposed development would relate to the provision of the consented new access road bridge to the Business Park from the A6. The proposed scheme has been designed to be compatible with the delivery of the new bridge access.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. 3 year implementation time limit.**
- 2. Adopt submitted and amended plans.**
- 3. The buildings hereby approved shall be used solely for business uses, general industrial and storage and distribution uses as specified in B1, B2 and B8 of the schedule to the Town & Country Planning (Use Classes) Order 1987(as amended) or in any order revoking and re-enacting that order.**
- 4. The external walls of the buildings hereby approved shall be coloured grey and the external roofs shall be coloured slate grey before the buildings are first brought into use. The colour finishes shall be retained and maintained for the lifetime of the development.**
- 5. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the buildings hereby approved shall be carried out and no extensions, or ancillary buildings, shall be erected within the red-edged application site without the National Park Authority's prior written consent.**

6. **Limitation on floor space and restriction on the addition of any mezzanine floors.**
7. **Within 6 months of a new road bridge to the A6 being constructed and first brought into use, a scheme for the removal of the passing places and the reinstatement of the land to its former condition shall be submitted to and agreed in writing by the National Park Authority. Thereafter the agreed scheme shall be completed within 12 months of the bridge being first brought into use.**
8. **No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:**
 - **Parking of vehicles of site operatives and visitors**
 - **Routes for construction traffic**
 - **Hours of operation**
 - **Storage of plant and materials**
 - **Method of prevention of debris being carried onto highway**
 - **Pedestrian and cyclist protection**
 - **Site accommodation**
 - **Arrangements for turning vehicles**
9. **Before any operations are commenced, excluding Condition No 7 above, 2 no. passing shall be constructed in accordance with the approved scheme of works as shown on submitted drawing Ref. 216-007/902 Rev D. The passing places shall thereafter be retained.**
10. **Throughout the period of development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.**
11. **No part of the development shall be occupied until the proposed access road within the site has been constructed in accordance with application drawing number 2016-007/105 Rev D.**
12. **No unit shall be taken into use until space has been laid out within the site in accordance with application drawing number 2016-007-105 Rev D for 78 cars and 12 HGV's to be parked and for all vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.**
13. **Flood risk mitigation measures.**
14. **No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the National Park Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.**

15. a) No development shall take place until a Written Scheme of Investigation for a programme of historic building recording, the equivalent of a Level 2 building survey, has been submitted to and approved by the local planning authority in writing. The Written Scheme of Investigation 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 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/organisation to undertake the works set out within the Written Scheme of Investigation"
- b) No development shall take place until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority.
- c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.
16. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing in accordance with a brief for the works issued by this Authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority, this includes the programme of building recording. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

17. Should archaeological remains of national importance be identified within the development area, then work shall cease in the relevant area until a written method statement for preservation in situ of the relevant remains has been submitted by the application and approved in writing by the National Park Authority. No development work shall then proceed other than in accordance with the approved method statement so as to ensure that relevant remains are preserved in situ.
18. The method statement and outline mitigation and enhancement measures in relation to bats, as set out in Section 5 of the Updated Ecological Assessment (January 2018) must be followed.
19. No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the National Park Authority. This shall deal with the treatment of any environmentally sensitive areas, including the River Wye corridor, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:
 - The timing of the works
 - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
 - The ecological enhancements as mitigation for the loss of habitat resulting from the development
 - A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
 - Any necessary mitigation for protected species
 - Any necessary pollution protection methods
 - Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking. The works shall be carried out in accordance with the approved method statement.
20. Prior to the commencement of work on site an 8m buffer shall be fenced off parallel to the banks along the length of the watercourse, to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.
21. Works shall avoid the main breeding bird period spanning March to September (inclusive). If any work has to take place during the bird breeding season, then it is recommended that the suitable nesting features are surveyed for active bird nests (including barn owl) by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.
22. No development shall take place until a scheme providing nesting opportunities for a range of bird species on the application site has been submitted to and approved in writing by the Authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved scheme.

23. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust document Bats and Lighting in the UK.
24. Any cotoneaster found on site must be removed from the site in advance of the start of works in order to minimise the risk of spreading this plant through the course of the works.
25. The proposed final details of the mitigation and method statement for the creation of a pond to translocate small pondweed on site should be submitted to and approved by the PDNPA prior to any works; no deviation from the approved method statement should be undertaken without prior agreement from the PDNPA.
26. Before commencing the development hereby approved a detailed scheme for landscaping (including tree and shrub planting seeding or turfing, earthmounding, walling, fencing or ground surfacing as necessary) shall be submitted to and approved in writing by the National Park Authority. The scheme shall include provision for the removal of the existing leylandii trees and replacement with native species. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following completion or occupation of the development. Any walling or surfacing shown on the approved plan shall be completed before the building is first occupied. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.
27. Prior to commencement of development other than demolition, a phase II site investigation and remediation strategy to address land contamination shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the agreed remediation strategy.

Key Issues

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

Relevant Planning History

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

1989	Planning permission granted for new access road from A6 and bridge over River Wye to serve industrial estate.
1994	Planning permission renewed for access road and bridge to serve the industrial site based on 1989 consent.
2002	Planning permission renewed for access and bridge over River Wye to serve the industrial estate based on 1994 consent.
2004	Listed building consents granted for construction of flood defence walls (not implemented).
2004	Submission of an application for outline planning permission for redevelopment of the site. The application proposed a mixed use redevelopment including demolitions, conversion and new build to provide employment and residential uses.
2005	The Authority's Planning Committee resolved to defer determination of the 2004 application for the redevelopment of the site requiring more information about enabling development; potential for more affordable housing; a flood risk assessment; and provision of interpretative facilities relating to the archaeological and historic buildings and features on the site.
2005	Temporary consent granted for change of use of Unit 16 to allow textiles / embroidery mail order and teaching business including storage and ancillary retail sales.
2005	Planning permission granted for new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit. A planning condition was attached stating that: <i>"There shall be no increase in industrial building floorspace on the Riverside business park without the prior provision of a vehicular access on to Buxton Road, which is capable of use by heavy goods vehicles. In the event of no new access being provided, a plan shall be submitted for approval and implementation showing demolition of buildings to permit replacement by the development hereby approved."</i>
2006	The Authority's Planning Committee resolved to defer determination of the 2004 application for redevelopment of the site to enable further information regarding the enabling development to be obtained and reported back to the next meeting and, in addition, the potential for affordable housing, a flood-risk assessment and the provision of interpretive facilities relating to the archaeological and historic buildings features on the site.
2006	Temporary consent granted for retention of timber store for Pinelog.
2007	Submission of environmental impact assessment to support the 2008 Masterplan – Revision 18 submitted in 2008
2008	Planning permission renewed for creation of access road and bridge over river to provide access to W Fearnough LTD (Riverside Business Park) based on the 2002 consent.
2008	Submission of amended plans (Masterplan - Revision 18) to support the 2004 application for redevelopment of the site.
2009	Planning permission granted for installation of new solar panels on roof of Unit 11.

2010 Planning permission refused for the 2004 application for redevelopment of the site by the Authority's Planning Committee. The application was determined on the basis of the Masterplan (Revision 18) and refused for the following reasons:

- The proposed development, as shown on Masterplan 18, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
- The loss of employment space and the level of affordable housing shown on Masterplan 18 were considered to conflict with the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.
- The submitted details were held not to provide sufficient information to demonstrate that the development and proposed phasing would secure the long term sustainability, vitality and viability of the business park and fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas.

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

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

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

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

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

- a gym, a cash carry and Thornbridge Brewery, who also occupy the whole of the second new unit allowed by this permission.
- 2012 Planning permission granted for a variation to the 2005 permission granted for a new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit to allow a gym to operate from part of one of the two new units allowed by this permission. This building (Building K) now accommodates a gym, a cash carry and Thornbridge Brewery, who also occupy the whole of the second new unit allowed by this permission.
- 2013 Planning permission granted for the installation of two bulk malt handling silos adjacent to the unit occupied by Thornbridge Brewery.
- 2014 Planning permission and Listed Building Consent granted for the erection of a closed circuit security camera mast/ camera installation to provide surveillance of vehicles entering and leaving the Business Park.
- December 2015 Planning permission refused for demolition of former mill buildings, associated structures and other buildings and outline planning permission for mixed use development comprising Class A1 foodstore and floorspace with flexibility to be used for Class A1 (non-food), Class A3, Class B1/B2/B8 and Class D2 uses, improvements to existing site access including connection to previously approved and implemented new bridged access from Buxton Road, parking, landscaping and other associated works
- December 2015 Planning permission refused for proposed demolition of former mill buildings, associated structures and other buildings and seeking full planning permission for hotel (C1) development incorporating ground floor floorspace with flexibility to be used for café (A3) and gym (D2), improvements to existing site access, parking, landscaping and other associated works.
- April 2016 Appeal lodged against the refusal of the above application. The appeal was allowed on 01 December 2016 following a hearing on 4 October 2016.
- July 2016 Planning permission granted for demolition of existing industrial units and construction of replacement employment floorspace, improvements to existing site access, parking, landscaping and other associated works. The permission granted included a condition that the development shall not take place until a new road access to the business park has been provided (condition 3).
- December 2016 Appeal lodged against the inclusion of condition 3 on the granting of the above permission. The appeal was allowed on 22 June 2017 following a hearing on 04 May 2017. This effectively gave permission for the development to go ahead without the provision of the new road access.
- December 2017 Application approved to vary conditions on the hotel development scheme (ref NP/DDD/0415/0339).

Consultations

External Consultees

County Council (Highway Authority) – no objections, note that the scheme results in a reduction in floor space so traffic generation is unlikely to increase. The level of parking proposed is in accordance with current guidance. The proposed passing places would alleviate vehicular conflicts on Home Lane. Conditions are recommended for a construction management plan,

provision of passing places and the access road within the site to be constructed.

County Council (Local Lead Flood Authority) – initially submitted a holding objection as further information relating to drainage and runoff/discharge rates. Following the submission of a drainage strategy and drainage calculations, the LLFA confirmed no objections, subject to a condition for detailed surface water drainage scheme.

District Council (Economic Development Manager) –

The re-development of Bakewell Riverside Business Park with the dual purpose of enabling existing employers to expand and attracting new jobs to the site is a priority for the District Council, as set out in its Economic Plan. The scheme forms part of the phased redevelopment of the Riverside site, currently the subject of Local Growth Fund application to D2N2 LEP.

The central part of the site comprises a number of industrial units in a poor state of repair, some derelict. The submitted application will improve the site, enabling this underutilised area to be cleared and redeveloped to provide (predominantly) new employment floorspace of the type generally needed within the town. Plans indicate the three largest units proposed will be capable of subdivision into smaller workspace and include mezzanine floors.

Retaining these features within the construction, maintaining flexibility to provide the range of employment unit sizes and types indicated is important to meet local need. The inclusion of energy efficiency measures with the unit specification is also noted. Maintaining a balance with the affordability of units for local businesses will be important here.

Key considerations remain the impact on existing businesses. Demolition and subsequent redevelopment needs to be planned in liaison with existing occupiers and a phasing plan for the delivery of this element and the site as a whole would help in this regard. Whilst the submission indicates the proposed development does not result in an overall increase in net floorspace, the applicant is encouraged to bring forward the new access, consented and allowed for within this scheme, as soon as is practicable within the overall re-development of the site facilitated by potential grant support.

Environment Agency - initially objected to the scheme due to the absence of an acceptable Flood Risk Assessment. This was because the Flood Risk Assessment does not provide an adequate finished floor level for unit 17 as it would be 390mm below the modelled 10 year plus climate change flood level. Following the submission of a Supplementary Flood Risk Assessment Statement which sets out flood mitigation measures the Environment Agency maintained an objection as the Flood Risk Assessment still fails to address the potential impacts of rising ground levels or changes to the levels of flood defences, both on and off the site.

Bakewell Town Council – Supports the proposed new units, welcoming reuse of a brownfield site currently in a poor condition for use for B1/B2/B8 purposes.

The Town Council however does not support the change of use of the retort house to retail as it is contrary to the emerging Neighbourhood Plan and would threaten the vitality of the town. The site must remain a business park and not a retail park.

Note that previous appeals relating to the site as a whole have ruled no necessity for a new site access, the Town Council reluctantly has to accept this outcome which is against significant concerns raised by Lumford residents.

Internal Consultees

National Park Authority (Landscape Architect) – No objections subject to a condition for a scheme of detailed hard and soft landscaping.

National Park Authority (Ecologist) - no objections subject to conditions with regard to the submission and agreement of a construction method statement; environmental management plan; buffer to the adjacent watercourse; nesting bird protection; provision of a pond to translocate small pondweed; submission of external lighting scheme and removal of invasive species.

National Park Authority (Archaeologist) – The site is of historic and archaeological interest. This includes:

Lumford Mill water management system scheduled monument.

- Below ground remains of the site prior to the development of the 1777 mill, including the original line of the River Wye.
- Below ground remains of the 'Great Reservoir' associated with Arkwright's 1777 mill.
- Below ground remains of the later development of the water management system.
- The extant Retort House and its associated chimney.
- Below ground remains of the 1844 gas plant.
- The extant brick chimney associated with the operation of the DP Battery company.
- Extant structural and belowground remains of the 19th century extension to the mill building.

The proposed development of site will result in a rearrangement and rationalisation of the industrial units, so whilst the site will retain its industrial function and character it will lose the piecemeal nature of the development of the site, and the ability to read the of the site development over time. However, the core evidential value and historical associative value of the scheduled monument will be unaltered. Whilst the change to this setting will result some minor harm to its significance, the retention of the industrial character of the site reduces the level of this harm, and the level of harm does not reach the 'substantial harm' threshold as set out in NPPF Chapter 12.

No objections are raised subject to conditions for appropriate building recording, archaeology evaluation and for the preservation of any nationally significant archaeological remains in situ.

Representations

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

7 objections have been received, including one from the Lumford and Holme Lane Residents association. They raise the following issues (summarised):

- Traffic intensification and the effects on residents safety and amenity
- Use of mezzanine floors within the proposed buildings could double the floorspace. Planning conditions should be placed on any approval to prevent this.
- Concerns about retail use at the site and that this could harm the town centre and result in further increases in traffic.
- The business park should not be subject to flood defences as this reduces the flood plain and results in increased flood risk elsewhere in the town.
- If the scheme unlocks funding for the new bridge the existing accesses should be closed.
- The scheme would result in intensification in traffic despite the reduction in floor space as the existing units are semi derelict and not in use.
- The existing accesses are inadequate.
- The application is silent on the delivery of the new bridge.
- Further development should not take place until the new bridge access is built.
- Issues relating to the hotel development scheme.

Relevant Policy Context

Development Plan

Core Strategy

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

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

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

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

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

Saved Local Plan Policies

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

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

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

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

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

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

Assessment

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

Principle of Development

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

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

It is reasonable in the instance therefore, to assess whether or not the development is major by reference to its potential impacts on the National Park's valued characteristics as protected by planning policies. In this case the site in question is located on an existing industrial park in Bakewell, and although it is large in terms of floor space, the application proposes replacement units which is unlikely to result in a significant reduction in amenity. .

The proposals are to upgrade and replace the existing employment site for B1, B2 and B8 uses, without compromising the delivery of the new road bridge. The development cannot reasonably be considered to be major in terms of its likely impacts. That is not to say that its impacts could not still be significant within the context of the site itself and its immediate surroundings – only that the restrictions placed on major development by national and local policy are not considered to apply to the proposal.

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

Highway Issues including discussion of previous relevant appeal decisions

Currently there are two separate vehicular accesses which serve the Riverside Business Park, one directly off the A6 over a narrow bridge and the other via Holme Lane (part unadopted). Both access routes have their deficiencies in terms of their limited width; however, they are existing access routes which have served the site for many years, seemingly in a safe manner given there have been no recorded accidents in the recent years.

The scheme seeks to replace existing employment use units with new employment use units and to refurbish some existing units. The proposal would result in a reduction in the full existing floor space of 1,237 metres. However, the applicant acknowledges that not all of the existing floor space is useable due to the condition of some of the buildings. The applicant states that the reduction in useable floor space would actually be 722 square metres. The Authority does not have any reason to dispute this figure. It is clear therefore that the proposal would result in a reduction in the amount of useable floorspace at the business park in comparison to the existing situation.

On previous schemes at the site, the Authority has taken the view that developments that result in a reduction in floor space could still result in an increase in traffic as new units could encourage more intensive uses of the new units compared to older units and also because they could be split into several smaller units. This was the approach that was adopted for the recent application to redevelop the existing Pinelog units with new employment units. That application was approved subject to a condition for the new road bridge to be provided first. That scheme also proposed a reduction in total floor space but the Authority made the case at an appeal against the imposition of the condition requiring the bridge, that the scheme could intensify existing levels of traffic due to the new units being more attractive to different types of business' that could use them in a more intensive manner. However, the Planning Inspector did not accept this argument, noting instead that a reduction in vehicle movements as a result of a reduction in floorspace is a *"reasonable forecast to make"* and that *"the proposal would be unlikely to result in an intensification of vehicle movements over and above those that could legitimately occur. This is regardless of whether the units were occupied by a single operator or several different operators."* Furthermore, a Planning Inspector has also previously found that the existing access arrangements are safe and suitable to serve the forecast level of traffic that will be generated by the hotel development at the Business Park site.

Given the previous views of two Planning Inspectors, particularly in relation to the Pinelog development where the Inspector was very clear that the reduction in floorspace would result in a reduction in forecast traffic movements, it is considered that any argument that the current proposal, which also results in a reduction in floor space, would result in an increase in traffic movements cannot be sustained.

The Transport Statement submitted in support of the application forecasts that the existing floor space could generate 85 arrivals and 12 departures during the AM peak, and 12 arrivals and 68 departures during the PM peak. Based on the reduction in floor space that the development would result in, it is forecast that the proposed traffic generation rates would be 66 arrivals in the AM peak and 9 departures in the AM peak and 9 arrivals and 53 departures during the PM peak. This would therefore equate to a net reduction in traffic of 19 departures and 3 arrivals during the AM peak and a reduction in traffic of 3 arrivals and 15 departures during the PM peak.

The Highway Authority have raised no objections to the scheme, noting that traffic generation is unlikely to increase given the reduction in floor space, even if the new units are split into smaller units.

Given that the scheme proposes a reduction in existing floor space, the views of the Highway Authority and the previous Planning Inspector decisions, it is considered that there is no evidence on which to base a view that the proposed development would increase existing traffic movements or traffic movements that could legitimately occur without changes to the existing buildings. As such, the view must be taken that the proposed development would not increase existing traffic movements. The Highway Authority are also of the view that the parking and manoeuvring details are acceptable and that, whilst it is not envisaged that the proposals would increase the traffic associated with the site, the proposed passing places would alleviate vehicular conflicts on the narrow access track so they recommended that they are constructed as proposed. It is noted that the passing places also have to be provided in order to satisfy conditions on the approved hotel and Pinelog developments.

Policy LB7 requires a new access bridge to be built if development results in an increase in existing floorspace on the site. This proposal would result in a reduction in floor space, and as such the requirement of policy LB7 does not apply.

The Authority could only justify a requirement for a new bridge as part of the current development if there was clear evidence that the development would result in intensification in traffic movements. As there is no evidence to back up any view that the development proposal would result in increased traffic, and that the available evidence actually suggests a reduction, it is considered that there is no justification to impose a condition that requires a new road bridge in advance of this development being carried out. It is considered that any such condition would not meet the tests for conditions set out in the NPPF and it is highly likely that the Authority would not be able to defend any such condition at appeal, particularly given the similarities to the previous appeal for the Pinelogs development.

It is therefore concluded that although the existing accesses to the site are considered to be sub-standard, the development would not worsen the existing situation. As such, no reason for refusal on highway grounds could be substantiated. The proposal is considered to accord with policy LT18.

Design and Landscaping

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

In this case the existing buildings on the site have been erected in an ad-hoc fashion over a number of years in a variety of designs and materials. Some of the buildings are visible from the A6 and at present on the whole the buildings do not contribute positively to the character and appearance of the area.

The proposed buildings would be constructed to a standard design to match existing, adjacent buildings to the north. The buildings are fit for purpose, flexible and adaptable given that the purposes for which they are used may change over their lifetime. As a result, in the context of the site, the siting and design of the buildings is considered to be acceptable and in accordance with GSP3 and LC4.

Flood Risk

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

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

The site is protected by existing flood defences along the river bank, comprising of a substantial wall of masonry and concrete construction. To provide mitigation against flood risk to the new development, it is proposed to raise and strengthen the existing flood defence wall. It is also proposed to raise the ground levels within the site in order to provide a further flood defence measure and also to facilitate sufficient falls for drainage.

The Environment Agency initially objected to the proposal as the finished floor level of the extended unit 17 would be below the 100 year flood level. The Lead Local Flood Authority also objected due to insufficient drainage information.

Further information has been submitted by the applicant to address these concerns. A detailed drainage strategy has been submitted and additional flood mitigation measures have been proposed. The Lead Local Flood Authority has now confirmed the initial objection has been overcome, subject to relevant conditions.

However, the Environment Agency has maintained an objection to the proposal. This is because it is considered that, although the levels of the proposed flood defences and raising of ground levels is acceptable in principle, the submitted Flood Risk Assessment information fails to assess the potential impacts of raising the flood defence and raising ground levels on flood risk elsewhere both on and off site. Raising a flood defence could result in water being displaced to downstream/upstream communities during flood events which could result in increased flood risk to third parties. The Environment Agency also note that the flood defence wall will remain in private ownership and that to be acceptable a programme of maintenance and inspection over the lifetime of the development is required.

At the time of writing, the applicant is preparing further information to address these issues and further consultation with the Environment Agency will take place prior to the Committee meeting and a further update will be provided at the meeting.

Subject to Environment Agency objection being overcome and relevant drainage and flood risk conditions, it is considered that the redevelopment would not lead to a net loss in floodplain storage, would not impede water flows, and would not increase flood risk elsewhere. As such, the development would be compliant with the National Planning policy Framework and Core Strategy policies CC1 and CC5. If the Environment Agency objection cannot be overcome, it is likely that a different view will be taken.

Archaeology and Heritage Assets

The riverside mill, adjacent river bridge and facings to the mill leat are listed grade II and Arkwright's water management system is a Scheduled Monument. Whilst not within the application site edged red, these assets are in close proximity. The eastern part of the application site, compromising the access and the proposed footpath and passing places, lies within the Bakewell Conservation Area.

The Authority's Senior Archaeologist has raised no objections to the scheme, subject to conditions to ensure proper recording of the existing buildings that are considered to be of significance and protection of below ground archaeology remains.

It is considered that the form, mass and appearance of the proposed replacement buildings would not be detrimental to the setting of the designated heritage assets, including the Bakewell Conservation Area. It is noted that the passing places would be within the Conservation Area. The passing places have been accepted on previous applications and it is considered that it would not be possible to maintain any objection to the passing places because of their impact on the character of the Conservation Area at this stage.

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

Ecology

An updated Ecological Assessment has been completed as well as an extended Phase 1 survey. A number of buildings within the site have been assessed for their potential to support roosting bats.

Between 2004-2015 several small, occasionally used common pip roosts and a myotis roost were identified within the site. The 2017 survey has completed a daytime search for bats, but no emergence surveys have been carried out. The 2015 emergence survey covered the buildings that are subject to this application and a number of transitional roosts were identified. The recommendations are that works are carried out under an EPS license. A Method Statement and outline mitigation have been provided in the 2017 report. The mitigation and enhancement measures will need to be followed to ensure that impact upon the bat roosts are minimised.

The buildings provide suitable nesting habitat for a range of bird species. Site demolition and tree removal will lead to a loss of suitable nesting habitat. The report recommends that works take place outside of the breeding season (March to September inclusive). If works are proposed during this period, then suitable features must be surveyed by a qualified ecologist before works are carried out. If birds are found to be present, works within the vicinity of the nest will need to be delayed until the young have fledged. To compensate for the loss of nesting habitat, bird boxes and nesting features will need to be provided in the new buildings.

Previous evidence of barn owl activity was identified in building 11. No fresh evidence of barn owl use was identified during the updated survey. Precautionary measures are recommended in the report.

The site was assessed for great crested newt and the chance of encountering a newt during the course of the works was considered unlikely. The only waterbody present onsite are the settling tanks. These were classed as sub-optimal for Great Crested Newts. No ecological mitigation is required in relation to great crested newt.

There is no suitable water vole habitat within the application boundary. The report states that the proposed works will not affect any land within 10 metres of the River Wye. A condition is provided below to ensure that works do not encroach into this area.

Small pondweed (*Potamogeton berchtoldii*) a county rare plant, previously listed in the red data plant list for Derbyshire 2002, is known to occur within the site. The plant is located in three water tanks on site (BSG 2015), these tanks are to be lost to the development. The proposed mitigation works will involve the creation of a pond to the north of the working area and subsequent translocation of the plants prior to works beginning. The proposed pond creation works are subject to further detailed ground works and confirmation of the site location suitability. The mitigation works are acceptable in principle subject to final design and location details being submitted to and approved by the PDNPA. It is recommended that a condition securing the mitigation works is added to the planning permission.

No evidence of badger was located within or immediately adjacent to the site. No ecological mitigation is required in relation to badger.

Cotoneaster (an invasive species) has been previously recorded on the site and will need to be removed prior to the start of the works to minimise the risk of spreading this plant during the works.

It is considered, therefore, that the biodiversity interests would be conserved in accordance with Core Strategy policy L2 and Local Plan policy LC17 subject to appropriate planning conditions.

Site Contamination

A desk based and field data assessment on contamination risks has been completed in the form of a Phase I Site Investigation report. It is considered that a condition requiring a phase II site investigation to inform a remediation strategy would be sufficient to ensure that the development is not vulnerable to land contamination. Subject to such a condition, the proposal would meet the requirements of saved local plan policy LC24 in respect of pollution and remediation.

Impact on Amenity

It is considered that the proposed buildings, being set well back into the site and over 100m away from the nearest residential property to the south on the A6, would not give rise to any significant overbearing, overshadowing or overlooking impacts on existing properties sufficient to warrant refusal on these particular residential amenity grounds.

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

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

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

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

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

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

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

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

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

Other Matters

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

Conditions

In the light of concerns raised by local residents with the regard for potential or noise and disturbance in particular through vehicles movements along Holme Lane and Lumford, consideration has been given with regard to the appropriateness of a condition limiting the operating hours within the proposed buildings. In these respects it is notable that none of the other business premises at RBP have permissions which limit their operating hours. Given that this is the largest industrial/business park in the National Park it is considered that it would be unreasonable to impose more restrictive operating conditions than are currently present, especially given that it has been established that the impact on the amenity of local residents is not likely to be materially different than at present.

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

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

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

Conclusion

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

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

Material considerations with regard to design and landscaping; archaeology and heritage assets; ecology and site contamination can be satisfactorily addressed by means of appropriate conditions. Issues of drainage and flood risk are considered to be acceptable only subject to the Environment Agency objection being overcome prior to the Committee meeting.

Subject to the Environment Agency objection being overcome, the proposals would therefore accord with the NPPF and all relevant Development Plan policies.

Human Rights

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

List of Background Papers (not previously published)

Nil

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8. FULL APPLICATION: CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL DWELLING WITH ALTERATIONS AND DEMOLITION OF EXISTING REAR EXTENSIONS AND REPLACEMENT WITH NEW AT THE HORSESHOE INN, MARKET PLACE, LONGNOR (NP/SM/0917/0958, P7321, 408822/364938, 06/10/2017/ALN)

APPLICANT: MR ANDY HOWE

Site and Surroundings

The Horseshoe Inn is located in a prominent position in the centre of the village of Longnor, on the western side of the Market Place at the junction of Leek Road and Buxton Road. The property is a grade II listed building and is within the Longnor Conservation Area.

The building has three storeys and is constructed in coursed natural gritstone under a stone and blue clay tiled roof. The principle elevation faces south towards Leek Road. To the rear are a number of later extensions and a small yard, enclosed by a high boundary wall.

Proposal

Planning consent is sought for the change of use of the public house to a single 6-bedroomed open market dwelling. To facilitate the change of use it is also proposed to demolish the later rear extensions and replace them with new part single-storey and part two-storey lean-to extensions. The new extensions would provide a kitchen and en-suite on the ground floor and wet room on the first floor.

RECOMMENDATION:

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

1. 3 year implementation time limit.
2. Adopt amended plans.
3. Residential curtilage to be limited to area edged red. Existing picnic tables to be removed before dwelling is first brought into use.
4. Remove permitted development rights for alterations, extensions, outbuilding, gates, fences and walls.
5. Details drawings (1:2 scale) of joinery details, including finish to be submitted and agreed prior to commencement of any joinery.
6. Details of tile vent terminals to be submitted and agreed prior to insertion of any vent terminals.
7. Details of rainwater goods to be submitted and agreed.
8. Agree sample panel of new stonework (including head and cills to windows) and sample of stone slates/clay tiles.
9. Existing rear boundary wall to be lowered in accordance with approved plans without demolition and re-build and any infilling to use reclaimed stone from the wall only.
9. Details of any external lighting to be submitted and agreed.

10. Minor design details.

Key Issues

1. Whether the principle of the loss of the community use is acceptable.
2. Whether the principle of conversion to an open market dwelling is acceptable.
3. Impact on the designated heritage assets.
4. Impact on amenity.
5. Highway and Parking Issues.

History

1981 – planning permission granted for new toilets to public house.

1988 – listed building consent granted for replacement sash windows.

1995 – planning and listed building consent granted for alterations and rear extensions.

1997 – planning and listed building consent granted for alterations to provide additional letting accommodation.

January 2017 – enquiry with Built Environment Team with regard to conversion of pub to a residential dwelling.

Consultations

Highway Authority – no objections. The current use of the building is as a pub with no off street parking. A pub is likely to have greater parking demand than a private dwelling. If it were to remain as a pub there would be more of a parking issue than if it were a dwelling. There is on street parking available and the car park in the village centre. Any purchaser of the building would purchase it in the knowledge that there is no dedicated parking available.

District Council – no response

Parish Council – strongly objects on the following grounds:

- The application incorrectly states that there is sufficient parking available – Longnor regularly experiences a severe overload of parked cars.
- Proposals would significantly change the external appearance of the Grade II listed building which would change the character of the centre of the village.
- Road safety issues – children living there could not play safely – site is surrounded by roads and loading areas.
- Local people disagree with the assertions made regarding the previous use and history of the building.
- The village needs publicly accessible buildings to welcome visitors. Permanent removal of a public amenity should not be done without proper consultation.

Authority's Conservation Officer – concerns raised with regard to the submitted scheme and its impact upon the fabric of the listed building. No objections to the amended plans subject to conditions regarding the submission and agreement of design and finish of joinery, tile vent terminals and rainwater goods.

Representations

Six letters of objection have been received from local residents on the following grounds (in summary – full details are available on the public file):

- Concerns about impact upon the designated heritage asset.
- Concerns about possible ‘privatisation’ of the public area in front of the property.
- Submitted Heritage Statement is inaccurate with regards to the length of time the pub has been closed.
- The accommodation may be used as a guest-house/hotel, for which there is no requirement in the village.
- No off street parking is proposed and the site is in an area where there is already congestion.
- The pub is a community asset and the statement that there is ‘no commercial interest’ in it is premature. It has the potential to be a successful pub business.
- The Grapes has recently re-opened and is a thriving pub in the community.
- The current owners have made no effort to market the building to the licensed trade.
- The proposals are for a large house but with limited outdoor amenity space for children to play in.
- Any new housing in the village should be affordable housing for local people.
- Doubt expressed that the building was ever a residential dwelling.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3, HC1, HC4.

Relevant Local Plan policies: LC4, LC5, LC6, LC8, LT11, LT18

Development Plan

Core Strategy Policy HC4 C states that proposals to change the use of buildings or sites which provide community services and facilities including shops and financial and professional services to non-community uses must demonstrate that the service or facility is:

- I. no longer needed; or
- II. available elsewhere in the settlement; or
- III. can no longer be viable.

Wherever possible, the new use must either meet another community need or offer alternative community benefit such as social housing. Evidence of reasonable attempts to secure such a use must be provided before any other use is permitted.

HC1 states that provision will not be made for housing solely to meet open market demand but that exceptionally, new housing can be accepted where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.

L3, LC5 and LC6 require that 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.

LC8 allows for the conversion of building of historic or vernacular merit to other uses provided the new use can be accommodated without harm to its character.

LT11 and LT18 require development to be served by a safe access and that the design and number of parking spaces must respect the valued character of Conservation Areas.

National Planning Policy Framework

The National Planning Policy Framework (the Framework) is a material consideration in the determination of any planning application. Paragraph 115 within the framework says that great weight should be given to conserving landscape and scenic beauty in National Park which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage should be given great weight in the National Park.

Paragraph 28 states that planning policies should promote the retention and development of local services and community facilities in rural villages (including public houses).

Part 12 of the NPPF addresses the historic environment in detail. Paragraph 129 sets out that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. The NPPF defines significance as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

Paragraph 132 goes on to set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm or loss should require clear and convincing justification.

Paragraph 134 establishes that when a development proposal will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Overall the Development Plan is considered to be in accordance with the policies in the Framework when taken as a whole because both documents seek to support the prosperity of rural communities, and promote the retention and development of local service provision, including local shops and public houses. Both documents also seek to secure high quality design that would conserve the valued characteristics of the National Park.

Assessment

Issue 1: Whether the principle of the loss of the community use is acceptable.

Policy HC4 C seeks to protect community facilities by requiring that any applications to change the use of such facilities to other uses must demonstrate that the service is no longer needed; or is available elsewhere in the settlement; or can no longer be viable.

Public houses are recognised as community facilities within the National Planning Policy Framework, as it is acknowledged that they can enhance the sustainability of communities and residential environments. Currently there are two public houses trading within Longnor village - the Cheshire Cheese and the recently re-opened Grapes Inn. The former Crewe and Harpur Hotel was converted to self-catering holiday accommodation in 2010.

As submitted, the details provided with regard to the background to the closure of the Horseshoe Inn were inaccurate. During the course of the application correspondence from the brewery has been received which confirms that the public house was put on the market in January 2012, although it continued to trade under short term tenancies until May 2015, when it closed. The submitted Design and Access statement states that declining sales was a reflection of National trends in rural pubs attributed to the success of the drink driving campaign and the impact of supermarket and discount retail operations and states that the available trade in Longnor may be insufficient to cover the costs of three public houses in the village.

A letter has also been received from one of the companies that marketed the pub. The letter states that the pub was marketed for 4½ years using mailshots, website advertisement, in-house

magazines and a for sale board at the property. The letter states that 3,024 requests for details were received with 20 formal viewers. It goes on to say that whilst these are healthy figures the level of 'secondary' or follow up interest and offers was negligible.

Therefore whilst no detailed information has been provided with regard to the viability of the public house, it appears that reasonable attempts have been made to market it as a going concern. However notwithstanding any marketing attempts the key fact is that only one of the three criteria in policy HC4 is required to be met. In this case whilst the concerns of the Parish Council and local residents are fully recognised, it is considered that there is a reasonable offer of other public houses (both serving food) within the village to serve the local community and therefore whilst the loss of the Horseshoe Inn as a public house is regrettable, community life would not be significantly impacted by its loss.

With regard to the second part of HC4 C, which relates to alternative uses, the Parish Council has not come forward with any other suggested community need that is not currently being met within the village and due to the listed status of the building, it is considered that subdivision to create multiple smaller local needs units would be likely to lead to harm to the special qualities of the heritage asset. As such, an alternative use as social housing is not considered to be appropriate in this instance.

Issue 2: Whether the principle of conversion to an open market dwelling is acceptable.

Core Strategy policy HC1 states that provision will not be made for housing solely to meet open market demand but that exceptionally, new housing can be accepted where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.

The Horseshoe Inn is a grade II listed building and according to the Historic England List Entry it was originally a house. The building dates from the early 19th century and is an attractive building that occupies a prominent position in the centre of the village. It can be argued that restoring the building to the use for which it was originally designed would secure its optimal viable use in accordance with the National Planning Policy Framework (NPPF). The listed building is falling into disrepair and therefore the principle of conversion to a single open market house is acceptable provided that it can be demonstrated that the proposed scheme achieves conservation and/or enhancement of the listed building and its setting.

Issue 3: Impact on the designated heritage assets.

Policies L3, LC5 and LC6 require that 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. The NPPF sets out that great weight should be given to the conservation of designated heritage assets.

The scheme as amended shows the creation of a lounge/diner, kitchen, en-suite disabled bedroom, wetroom and utility on the ground floor, three bedrooms each en-suite on the first floor and two further bedrooms and bathroom on the second floor. As submitted the plans showed the lowering of floor levels in the rear wing of the building which resulted in the destruction of a cellar vault and the infilling of the cellar. The Conservation Officer was also concerned that the reduced floor levels would spoil the proportions of the fireplace openings in the former kitchen, leaving them suspended above floor level. Following negotiations amended plans have been received showing floor levels and the cellar left unaltered and the positions of the kitchen and disabled bedroom swapped to give level entry from the main reception rooms of the house.

The plans show the subdivision of a large room at the front of the building at first floor level to provide two bedrooms and associated wetrooms. It is considered that the subdivision resulted in less than substantial harm to the listed building mainly because of the necessity to modify the

second floor structure and because it would no longer be possible to appreciate the original function of the space, but it is considered that in accordance with para 134 of the NPPF the public benefit of finding an optimum viable use for the building outweighs the harm.

As initially submitted the plans showed unacceptable alterations at second floor level including the provision of stairs within each of the two bedrooms to provide acceptable head height under two trusses. Amendments have now been made in consultation with the Conservation Officer which omit the stairs.

Externally initial plans to insert a number of Velux rooflights have been amended to omit them and improvements to fenestration details have been made.

The later extensions to the rear of the building have been built in an ad-hoc fashion in a way that causes harm to the significance of the designated heritage asset. Their demolition and replacement with more sensitively designed lean-to extensions is therefore welcomed in principle. The submitted plans showed the introduction of a 2.7m wide opening on the rear elevation, coupled with the reduction in height of an existing 2.5m-3m high rear boundary wall to 1.2m high. Officers consider that the boundary wall contributes to the character of the Conservation Area by creating a sense of enclosure to the narrow lane to the rear of the property. The proposed reduction in height of the wall would open up the streetscene and therefore cause harm. In addition as a consequence of its reduction in height the large glazed opening, which was out of keeping with the character of the property, would be clearly visible from the lane. It is appreciated that some reduction in the height of the wall is justified to improve the amenity to the rear yard and to improve light levels to the rear rooms. Following negotiations amended plans have been received showing the wall reduced to between 1.5m and 2.3m in height and the large glazed opening replaced with a more traditionally proportioned window.

As amended it is considered that the scheme would conserve and enhance the character of the listed building and its setting within the Conservation Area in accordance with policies HC1, L3, LC5 and LC6 and the guidance contained within section 12 of the NPPF.

Issue 4: Impact on Amenity

Core Strategy policy GSP3 and Saved Local Plan policy LC4 require that attention must be paid to the impact on living conditions and communities.

One of the issues raised by objectors is that the proposed dwelling would have only a very limited residential curtilage and therefore it is more likely that the property would be rented out as holiday accommodation or a hotel or 'party house'. It is acknowledged that if permission were granted for the current proposals, the resulting 6-bedroomed dwelling would be served by a very limited residential curtilage in the form of an enclosed rear yard measuring approximately 23 sqm in area. This lack of space would not prevent the property from being used as a single, permanent dwelling, but it is recognised that it might be attractive to the owner to let it out as a single holiday cottage. If permission were granted there would be no restrictions to this use (in the same way as any other open market dwelling could be sold or rented as a second home or holiday unit) and it is not considered that such a use would create any additional impact on amenity over and above a permanent dwelling. If however, the applicant wished to use the property as a hotel or as a 'party house', then depending on the level and nature of that use, it would constitute a material change of use that would require separate planning permission.

For clarity, the area in front (south) of the building, which has been laid out with picnic tables in association with the pub, does not form part of the application site edged red and forms part of the public highway. Any incursion into this area could be dealt with by the Highway Authority as landowner and would also constitute a change of use. A condition to remove the existing picnic tables is considered to be necessary and reasonable.

With regard to the impact of the proposals upon the residential amenity of neighbouring properties, there are residential properties on the opposite side of Leek Road to the south. Principle windows on one of these properties are around 11m away from the front elevation of the application building. This is below the usual threshold for facing principle windows but given the existing use as a pub (where rooms on upper floors could have been used as letting rooms) and the presence of the intervening road, it is not considered that the impact on amenity would be more harmful in terms of opportunities for overlooking. Properties to the rear (north) – 1 and 3 Carder Green are separated from the rear elevation of the pub by the existing boundary wall and fencing and are also set back from the road frontage such that it is not considered that there would any significant opportunities for overlooking.

Given the established use as a public house it is considered that any impacts as a result of noise and general disturbance from a private house are likely to be less significant than at present.

Issue 5: Highways and Parking

There is no off-street parking provision currently associated with the application site and none is proposed. Residents of the property would be required to park on the surrounding highway. Whilst this is not ideal, the Highway Authority has raised no objections on the basis that a public house is likely to generate greater parking demand than a private dwelling and that there is unrestricted on-street parking in close proximity to the site. Consequently a refusal of planning permission based on the lack of off-street parking provision would not be sustainable.

The proposals therefore accord with the NPPF and Saved Local Plan policies LT11 and LT18 in these respects.

Conclusion

Whilst the value placed on this public house as a community facility by members of the village is appreciated, the concerns expressed about its loss do not outweigh the fact that there are two other public houses within the village which can serve the ongoing needs of the community in accordance with adopted policies. It has been demonstrated that, as amended, the scheme would conserve and enhance the designated heritage asset and that an open market use is required, in the terms of policy HC1. Any impacts on amenity and highways and parking would be no more than significant than from the established use of the building as a public house. The application is therefore recommended for conditional approval.

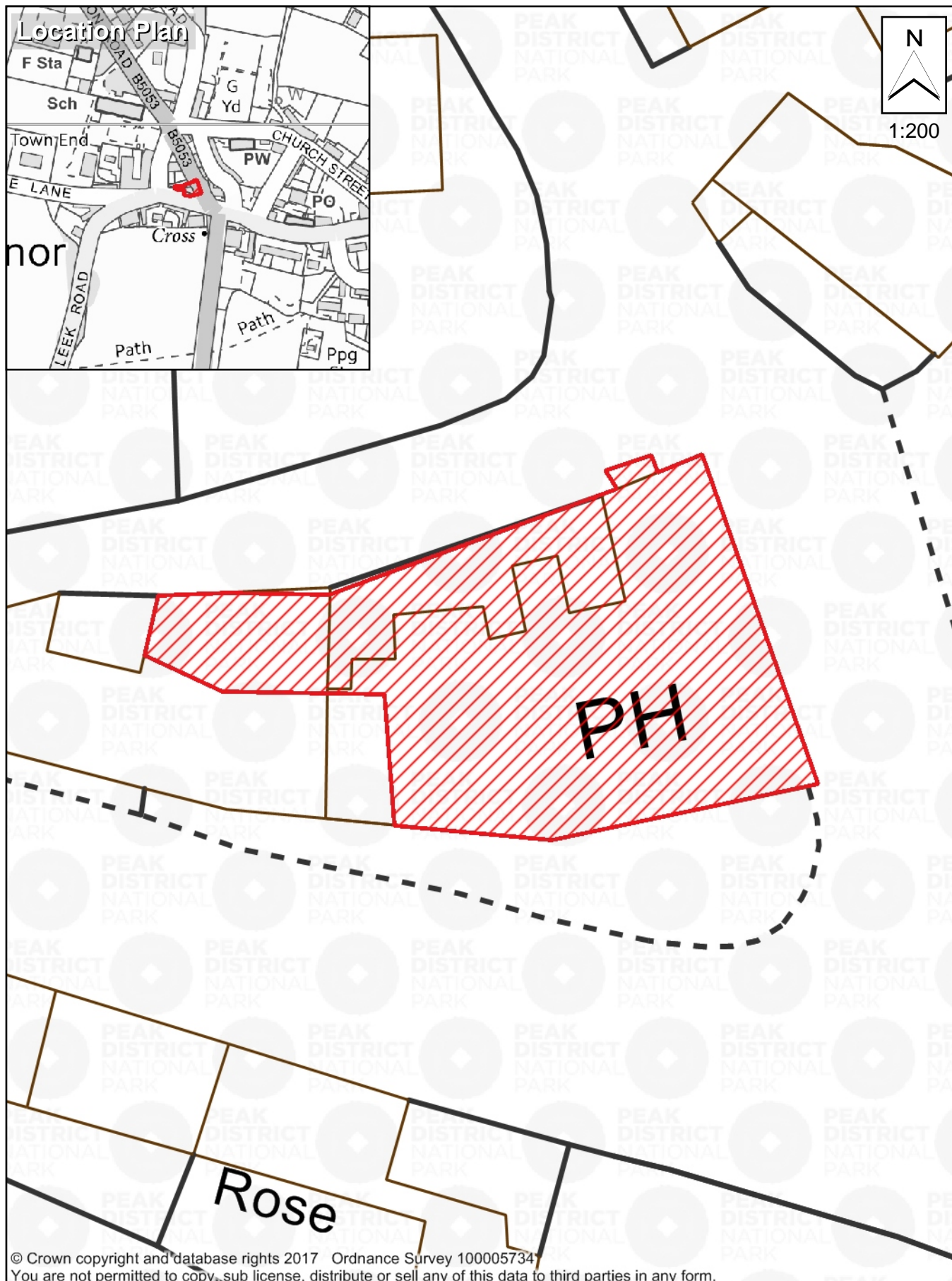
Human Rights


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

List of Background Papers (not previously published)

Nil

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Committee Date:	9th Feb 2018	Title: Horseshoe Inn, Longnor	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 8 & 9		
Application No:	NP/SM/0917/0958 & 0959		
Grid Reference:	408822, 364938		

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9. LISTED BUILDING CONSENT: CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL DWELLING WITH ALTERATIONS AND DEMOLITION OF EXISTING REAR EXTENSIONS AND REPLACEMENT WITH NEW AT THE HORSESHOE INN, MARKET PLACE, LONGNOR (NP/SM/0917/0959, P7321, 408822/364938, 06/10/2017/ALN)

APPLICANT: MR ANDY HOWE

Site and Surroundings

The Horseshoe Inn is located in a prominent position in the centre of the village of Longnor, on the western side of the Market Place at the junction of Leek Road and Buxton Road. The property is a grade II listed building and is within the Longnor Conservation Area.

The building has three storeys and is constructed in coursed natural gritstone under a stone and blue clay tiled roof. The principle elevation faces south towards Leek Road. To the rear are a number of later extensions and a small yard, enclosed by a high boundary wall.

Proposal

Listed building consent is sought for works in association with the change of use of the public house to a single 6-bedroomed open market dwelling. To facilitate the change of use it is proposed to demolish the later rear extensions and replace them with new part single-storey and part two-storey lean-to extensions. The new extensions would provide a kitchen and en-suite on the ground floor and wet room on the first floor.

RECOMMENDATION:

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

1. **3 year implementation time limit.**
2. **Adopt amended plans.**
3. **Details drawings (1:2 scale) of joinery details, including finish to be submitted and agreed prior to commencement of any joinery.**
4. **Details of tile vent terminals to be submitted and agreed prior to insertion of any vent terminals.**
5. **Details of rainwater goods to be submitted and agreed.**
6. **Agree sample panel of new stonework (including head and cills to windows) and sample of stone slates/clay tiles.**
7. **Existing rear boundary wall to be lowered in accordance with approved plans without demolition and re-build and any infilling to use reclaimed stone from the wall only.**
8. **Details of any external lighting to be submitted and agreed.**
9. **Minor design details.**

Key Issues

1. Impact on the designated heritage assets.

History

1981 – planning permission granted for new toilets to public house.

1988 – listed building consent granted for replacement sash windows.

1995 – planning and listed building consent granted for alterations and rear extensions.

1997 – planning and listed building consent granted for alterations to provide additional letting accommodation.

January 2017 – enquiry with Built Environment Team with regard to conversion of pub to a residential dwelling.

Consultations

Parish Council – strongly objects on the following grounds:

- The application incorrectly states that there is sufficient parking available – Longnor regularly experiences a severe overload of parked cars.
- Proposals would significantly change the external appearance of the Grade II listed building which would change the character of the centre of the village.
- Road safety issues – children living there could not play safely – site is surrounded by roads and loading areas.
- Local people disagree with the assertions made regarding the previous use and history of the building.
- The village needs publicly accessible buildings to welcome visitors. Permanent removal of a public amenity should not be done without proper consultation.

Authority's Conservation Officer – concerns initially raised with regard to the submitted scheme and its impact upon the fabric of the listed building. No objections to the amended plans subject to conditions regarding the submission and agreement of design and finish of joinery, tile vent terminals and rainwater goods.

Representations

Six letters of objection have been received from local residents on the following grounds (in summary – full details are available on the public file):

- Concerns about impact upon the designated heritage asset.
- Concerns about possible 'privatisation' of the public area in front of the property.
- Submitted Heritage Statement is inaccurate with regards to the length of time the pub has been closed.
- The accommodation may be used as a guest-house/hotel, for which there is no requirement in the village.
- No off street parking is proposed and the site is in an area where there is already congestion.
- The pub is a community asset and the statement that there is 'no commercial interest' in it is premature. It has the potential to be a successful pub business.
- The Grapes has recently re-opened and is a thriving pub in the community.
- The current owners have made no effort to market the building to the licensed trade.
- The proposals are for a large house but with limited outdoor amenity space for children to play in.
- Any new housing in the village should be affordable housing for local people.
- Doubt expressed that the building was ever a residential dwelling.

Main Policies

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

Relevant Local Plan policies: LC4, LC5, LC6, LC8,

Development Plan

L3, LC5 and LC6 require that 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.

LC8 allows for the conversion of building of historic or vernacular merit to other uses provided the new use can be accommodated without harm to its character.

National Planning Policy Framework

The National Planning Policy Framework (the Framework) is a material consideration in the determination of any planning application. Paragraph 115 within the framework says that great weight should be given to conserving landscape and scenic beauty in National Park which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage should be given great weight in the National Park.

Part 12 of the NPPF addresses the historic environment in detail. Paragraph 129 sets out that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. The NPPF defines significance as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

Paragraph 132 goes on to set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm or loss should require clear and convincing justification.

Paragraph 134 establishes that when a development proposal will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Legislation

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that the Local Planning Authority has a duty to have special regard for to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Assessment

Issue 3: Impact on the designated heritage assets.

The Horseshoe Inn is a grade II listed building and according for the Historic England List Entry it was originally a house. As it is a grade II Listed Building, it is a designated heritage asset. The site is within the Longnor Conservation Area, which is also a designated heritage asset. The building dates from the early 19th century and is an attractive building that occupies a prominent position in the centre of the village. It is considered that the significance of the building is

primarily its high architectural merit. It is also considered that the building makes a positive contribution to the character of the Conservation Area. Restoring the building to the use for which it was originally designed would secure its optimal viable use in accordance with the National Planning Policy Framework (NPPF).

Policies L3, LC5 and LC6 require that 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. The NPPF places great weight on the conservation of designated heritage assets.

The scheme as amended shows the creation of a lounge/diner, kitchen, en-suite disabled bedroom, wetroom and utility on the ground floor, three bedrooms each en-suite on the first floor and two further bedrooms and bathroom on the second floor. As submitted the plans showed the lowering of floor levels in the rear wing of the building which resulted in the destruction of a cellar vault and the infilling of the cellar. The Conservation Officer was also concerned that the reduced floor levels would spoil the proportions of the fireplace openings in the former kitchen, leaving them suspended above floor level. Following negotiations amended plans have been received showing floor levels and the cellar left unaltered and the positions of the kitchen and disabled bedroom swapped to give level entry from the main reception rooms of the house.

The plans show the subdivision of a large room at the front of the building at first floor level to provide two bedrooms and associated wetrooms. It is considered that the subdivision resulted in less than substantial harm to the listed building mainly because of the necessity to modify the second floor structure and because it would no longer be possible to appreciate the original function of the space, but it is considered that in accordance with para 134 of the NPPF the public benefit of finding an optimum viable use for the building outweighs the harm.

As submitted the plans showed unacceptable alterations at second floor level including the provision of stairs within each of the two bedrooms to provide acceptable head height under two trusses. Amendments have now been made in consultation with the Conservation Officer which omits the stairs.

Externally initial plans to insert a number of Velux rooflights have been amended to omit them and improvements to fenestration details have been made.

The later extensions to the rear of the building have been built in an ad-hoc fashion in a way that causes harm to the significance of the designated heritage asset. Their demolition and replacement with more sensitively designed lean-to extensions is therefore welcomed in principle. The submitted plans showed the introduction of a 2.7m wide opening on the rear elevation, coupled with the reduction in height of an existing 2.5m-3m high rear boundary wall to 1.2m high. Officers consider that the boundary wall contributes to the character of the Conservation Area by creating a sense of enclosure to the narrow lane to the rear of the property. The proposed reduction in height of the wall would open up the streetscene and therefore cause harm. In addition as a consequence of its reduction in height the large glazed opening, which was out of keeping with the character of the property, would be clearly visible from the lane. It is appreciated that some reduction in the height of the wall is justified to improve the amenity to the rear yard and to improve light levels to the rear rooms. Following negotiations amended plans have been received showing the wall reduced to between 1.5m and 2.3m in height and the large glazed opening replaced with a more traditionally proportioned window.

As amended it is considered that the scheme would conserve and enhance the character of the listed building and its setting within the Conservation Area in accordance with policies HC1, L3, LC5 and LC6 and the guidance contained within section 12 of the NPPF.

Conclusion

It has been demonstrated that, as amended, the scheme would conserve and enhance the designated heritage asset in accordance with adopted policies and the application is therefore recommended for conditional approval.

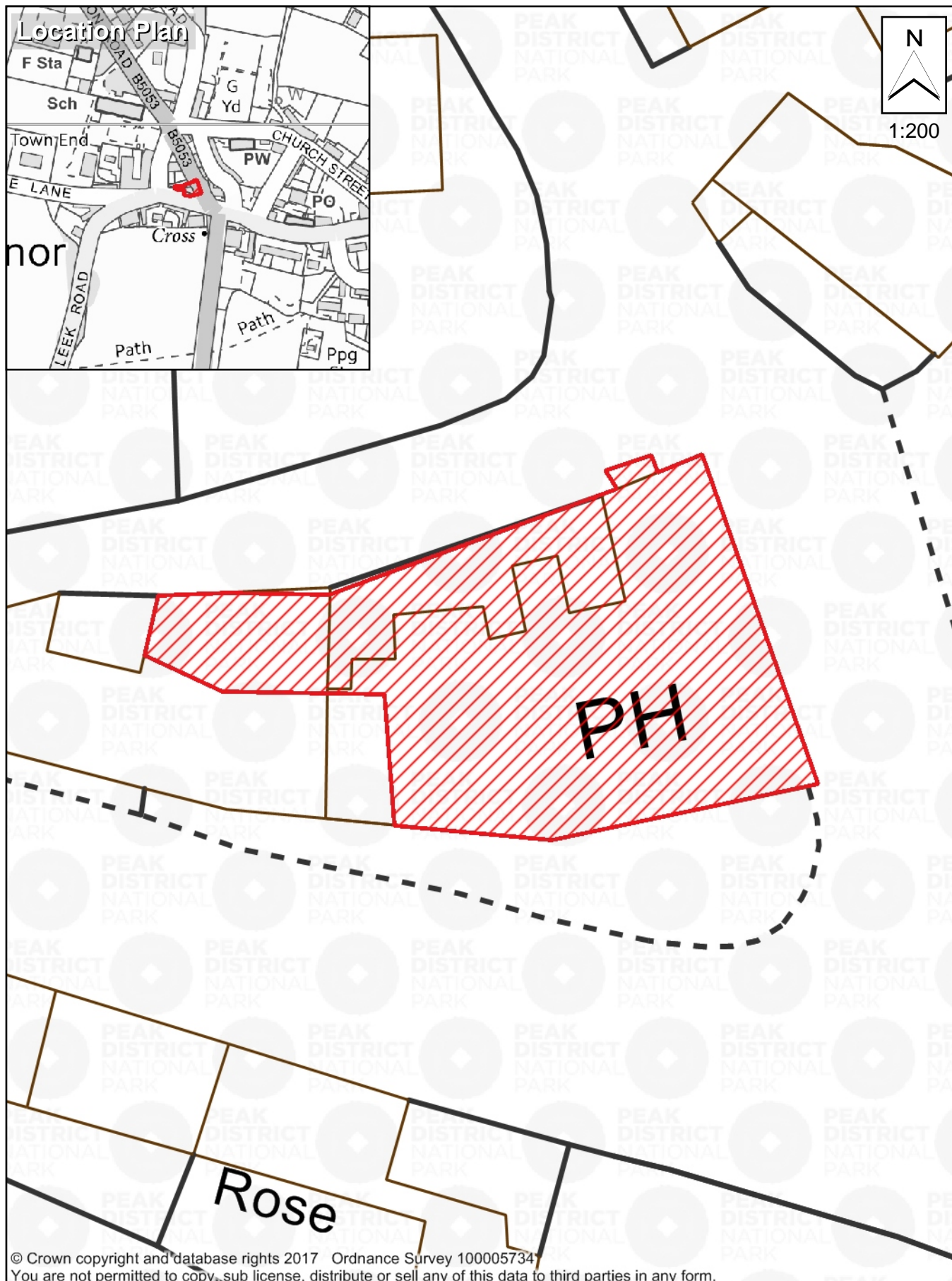
Human Rights

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

List of Background Papers (not previously published)

Nil

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Committee Date: 9th Feb 2018
Item Number: Item 8 & 9
Application No: NP/SM/0917/0958 & 0959
Grid Reference: 408822, 364938

Title: Horseshoe Inn, Longnor



**PEAK
DISTRICT
NATIONAL
PARK**

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10. FULL APPLICATION – WOODLAND PARK, WOODLAND ADJACENT TO BASLOW SPORTS CLUB, BASLOW (NP/DDD/0117/0031, P.3686, 7/2/2017, 425340 / 371997, MN)

APPLICANT: BASLOW PARISH COUNCIL

Update

This application was considered by Members at the April 2017 planning committee meeting. Members were minded to support the proposal contrary to the Officer recommendation and deferred the application, requesting that Officers work with the applicant in an effort to overcome the objection from Sport England and to develop a Woodland Management Plan that addressed the arboricultural and ecological concerns raised by specialist Officers.

In the months since, the applicant has worked with the local sports club, Sport England, and Authority Officers to try and address these matters.

The report that follows has been updated from the April 2017 version to reflect this.

Site and Surroundings

The application site is an area of planted woodland to the immediate south of Baslow Sports Club and playing field. It is a narrow strip, measuring approximately 15m wide and 140m long and consists of a mix of native and spruce trees. The site is bounded to the west by the River Derwent and by a private road to the east, on the east side of which lies the local bowling green. To the south lie open fields.

The site is accessed off the private road that runs north to south at the eastern end of the site and joins the A619 a short distance to the north. This private road also serves the Sports Club, bowling green, and well beyond in the Chatsworth Estate grounds, a caravan site.

The site is outside of the village Conservation Area and its western edge lies within Flood Zone 2.

There are no residential neighbours to the site. The application site, access road, and land to the south of the application site are in the ownership of the Chatsworth Estate. The woodland is currently leased to Baslow Parish Council by the Estate.

Proposal

This application seeks planning permission for a change of use of the woodland to a woodland park.

This includes the installation of 16 pieces of timber play and exercise equipment such as a log swing, balance beam, sit-up bench, and zip wire. These would predominantly be constructed of wood but would include some parts of coated metal and rope. Much of the equipment would be low level, but many include vertical wooden posts of between 1.5 and 2.4 metres in height, with the tallest piece of equipment (the zip wire) having a maximum height of 4.2 metres.

The site would be accessed by the existing gateway on the western side, and no paths through the site are proposed.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. Through the installation of the proposed play equipment and the use of the site as a woodland park the proposed development would have adverse impacts on the trees within the woodland that would result in harm to the landscape in this location, contrary to policies L1 and LC4.**
- 2. The application fails to propose sufficient protective measures for the ecological interests of the site, contrary to policies L2 and LC17.**

Key Issues

1. The impact of the development on trees within the woodland, and the resulting landscape impact of this.
2. The impact of the development on the ecological interests of the site.
3. The impact of the development on the use of the adjacent Sports Club.
4. The impact of the development on highway safety and amenity.

Planning History

Discussions between the Parish Council and the Authority regarding the development of this land have been undertaken on a number of occasions since 2009. Planning applications for development of the site as a woodland park have previously been made in 2009 and 2016, both of which were withdrawn.

The applicant has since sought further advice from the Authority's Tree Conservation Officer and Planning Officers prior to submitting this latest application. This advice raised concerns regarding the potential impact of the proposal on trees, and the need for further survey work in relation to both impacts on trees and protected species if a further application was to be forthcoming.

Consultations

Derbyshire County Council – Highways – The red-line boundary does not appear to include the parking area referred to in the Design and Access Statement. However there would appear to be sufficient space within the woodland area to create a separate parking area for users of the woodland.

Notwithstanding the above it is unlikely that the above would impact on the adjacent public highways and in this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

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

Baslow Parish Council – No response received. The Parish Council is the applicant and so can reasonably be assumed to be in support of the proposal.

Natural England - Natural England has previously commented on this proposal. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

PDNPA Landscape - Generally supportive of the idea of informal woodland play, but consider in this case that far too much formal equipment is planned for the area. Consider that this will have a detrimental effect on the structure and condition of the woodland - root damage through the installation of equipment, issues of compaction in the root zone and disturbance. Therefore do not support the application as it stands.

PDNPA Ecology – As submitted raised concerns regarding the proposal, stating that although it is a plantation woodland, a number of woodland indicator species have been identified in the submitted survey and by previous site visits by the PDNPA Ecology team. Species present were found to include wild garlic (noted in the survey), dog's mercury (previously recorded as locally abundant) and wood avens, and no protection measures for these species were proposed.

They advised that a revised report should consider mitigation measures to ensure that these plants are not trampled upon as a result of the development (e.g. a plan should be included with reference to indicator species and careful siting of equipment well away from areas of interest).

In light of Members' instruction to Officers at the April 2017 meeting, the Authority's Ecologist has sought to work with and advise the applicant in the preparation of a Woodland Management Plan, and has worked with the Authority's Tree Officer to also incorporate advice from them into their suggestions for the Plan.

They advised the applicant that the Woodland Management Plan should enhance the western end of the site, securing its long term management, and also advised that it consider what could be done to mitigate against the thinning and potential compaction issues to the east that would result from the development. They advised that the plan should cover a ten year period, with a five year review, and should consider the existing structure of the woodland to the west and whether sympathetic thinning is required as well as the need for any under-planting to improve the structural diversity of the plantation.

They also advised that aspects of woodland protection should be covered including potential disturbance and compaction from the development, plant health issues, issues with pests (e.g. grey squirrel), invasive species (e.g. Himalayan balsam), potential issues with flooding and climate change resilience.

They advised that the plan should include actions to deal with any threats identified (e.g. fencing off the woodland to the west to deter encroachment from the play area), and that enhancement measures should be considered, including the erection of bat and bird boxes or the creation of features in the section of woodland they recommend is protected.

They also recommended that the plan considers under planting of shrubs to help to protect the root zone of some mature trees, reducing compaction in these areas and that measures need to be put in place to ensure that the root zones of existing trees are protected following standard methodologies.

The Ecologist has advised that the final submitted Woodland Management Plan – which the applicant has prepared themselves rather than employing an ecological consultancy – does not take account of their advice and consider that a more comprehensive plan is still required.

PDNPA Tree Conservation – Raised concerns that root compaction from the proposed use would result in long term damage to the trees, and considered that the suggestion in the arboricultural report that this could be mitigated after the fact through monitoring and remedial measures would not be either practical or effective.

Following Members' instruction to Officers at the April 2017 meeting, the Tree Conservation Officers have worked with the Authority's Ecologist to try to inform a Woodland Management

Plan that would mitigate these impacts as much as possible.

Sport England – Objected to the proposal on the grounds that it would have the potential impact of exposing users of the site to the risk of ball strikes associated with the use of the adjoining playing field, thereby prejudicing the use of the playing field unless suitable mitigation measures were identified and implemented.

Since the application was presented to Members in April 2017 the applicant has worked with the Sports Club and Sport England to carry out an assessment of ball trajectories and have agreed mitigating measures to address these risks.

Subject to these measures being implemented, Sport England has removed their objection.

Representations

32 letters of representation have been received in relation to the proposal at time of writing. 17 support the proposal, 11 object, and 4 make general comments.

The grounds for support are summarised as:

- It would provide a much needed recreational area for children in the village;
- It would encourage children to exercise and explore the outdoors;
- It would improve community cohesion;
- It would serve as an extension to the outdoor play area for St Anne's School;
- The location is appropriate as it is away from dwellings, minimising disturbance to local residents.

The grounds for objection are summarised as:

- The development would result in a risk to users of the woodland park from stray balls from the adjacent sports fields because fencing or netting is not proposed;
- As a result of the above, the use of the playing fields associated with the Sports Club could be forced to cease;
- No parking provision is proposed for the development;
- The entrance would be close to the tennis court and could be distracting to those playing.

Those making general comments support the development in principle but raise concerns regarding the safety of those using the woodland park due to the risk of being hit by balls from the adjacent playing fields.

Since the application was presented to committee in April 2017 the Parish Council have continued to work with the sports club located adjacent to the application site, and the chairman of the sports club has submitted a letter detailing how they are proposing to mitigate against the risk of balls from the playing field causing injury or damage within the woodland park.

Policies

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.

Core Strategy: GSP1, GSP2, GSP3, GSP4, DS1, RT1, L1, L2, HC4.

Local Plan policies: LT11, LT18 LC4, LC17, LC20

Main Policies

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

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

Policy L2 states, amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting making clear that development will not usually be permitted where it is likely to have an adverse impact on any sites or features of geodiversity importance or their setting that have statutory designation or are of international or national importance for their geodiversity.

Policy HC4 states that the provision or improvement of community facilities and services will be encouraged within settlements or on their edges if no suitable site is available within.

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

Policy LC17 addresses sites, features or species of wildlife, geological or geomorphological importance. It states that for statutorily designated sites, features or species of international, national or regional importance:

- (i) development applications in the vicinity of designated sites will be carefully considered to assess the likelihood of adverse effects; and
- (ii) development considered likely to have an adverse effect will be treated as if that effect is established; and
- (iii) in particular, development having a significant effect on the ecological objectives or integrity of a Special Protection Area or Special Area of Conservation will not be permitted unless there is no alternative site or better practical approach available, and it must be carried out for imperative reasons of overriding public interest. Where a site hosts a priority habitat or species, development will not be permitted unless there is no alternative and it is required for reasons that relate to human health, public safety, or beneficial consequences of primary importance to the environment, or for other imperative reasons of overriding public interest determined by the European Commission.

It continues that development that would detrimentally affect the value to wildlife of established patterns of wildlife stepping stones and corridors will not be permitted and that development will not be permitted unless adequate information is provided about its likely impact on the special interests of a site. In particular, if development is likely to affect a designated site or species, information should include:

- (i) an assessment of the nature conservation importance of the site including a habitat/vegetation map and description (with identification of plant communities and species), and a description of fauna and geological/geomorphological features; and
- (ii) an assessment of the direct or indirect effects of the development including pollution, changes in hydrology, associated visitor pressure, and changes to the ease of management of habitats; and
- (iii) details of any mitigating measures.

Policy LC20 requires that planning applications provide sufficient information to enable their impact on trees, woodlands, and other landscape features to be properly considered.

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

Assessment

The Authority seeks to support and encourage the provision of community facilities, with Policy HC4 supporting their development within villages or on the edges if no suitable site is available within.

The proposed site is located on the southern edge of the village. Prior to submission of the application Officers encouraged the applicant to consider other sites for a recreational park that are more centrally located within the village. The applicant advises that they have considered other sites but that none are suitable for the proposed use. Officers consider that in land use terms there are other sites in the village in which this type of use would be better located, but these may not be available to the applicant and therefore have not been viable propositions for the applicant to consider.

On this basis, the proposal is considered to be acceptable in principle as it accords with policy HC4. The remainder of this report therefore continues to assess each of the specific impacts of the proposal in turn.

Tree and landscape impacts

The site is most visible from the main road to the north, where it is viewed across the playing fields adjacent to the road. Other public views are at longer distance. The woodland is sparsely populated, having undergone a programme of pruning and felling in recent years. It is also partly deciduous, increasing visibility into and through it when the trees are not in leaf.

The play equipment would mostly be timber and most sections of significant size have a vertical form that follows the appearance of the surrounding trees. For these reasons – and providing the timber was allowed to weather naturally rather than being stained or painted – the equipment would not appear prominent within the woodland or wider landscape. Its visibility would be further reduced by its siting at the eastern end of the site where it would be partially screened from public view by the Sports Club buildings and tennis court fencing. On this basis the impact, in terms of the appearance of the play equipment is therefore considered to be low.

In terms of the potential impacts upon the trees themselves the Authority's Tree Conservation Officer objected to the proposal as it was presented to Members in April 2017 on the grounds that the use of the site for a woodland park will result in long term damage to the trees due to compaction of their roots due to higher than usual levels of pedestrian activity throughout the woodland. The Authority's Landscape Architect raised similar objections, stating that the quantity of equipment would result in root damage from installation and from root compaction through use.

The submitted arboricultural report recognised this risk and recommended that this could be addressed by remedial measures that could be implemented after the development has been taken in to use. The proposed mitigation measures against root compaction include forking, adding a layer of bark to the ground, the provision of raised board-walks, or the installation of cellular confinement systems (a specifically designed membrane laid on the ground and backfilled with soil or other material). However, the report itself stated that *"the extent and*

distribution of ground compaction will be difficult to predict until the patterns of site usage become clear". In addition, the Authority's Tree Conservation Officer did not consider that the proposed mitigation measures would be practical or effective in any case and they therefore objected to the proposal. It is not possible to rule out harm to the tree roots, understand how quickly this will occur, or what, remedial measures would be effective.

Since the application was last presented at planning committee, the Authority's Tree Conservation Officer and Ecologist have acted on the instruction of Members and have sought to secure a Woodland Management Plan that would minimise the adverse impacts on trees.

However, the submitted Woodland Management Plan does not meet the Planning Committees request in that it fails to respond to these Officers' request for measures to minimise root damage and compaction, stating only that *"all trees will be monitored to assess any adverse effects of woodland use and remedial actions taken"* and *"if damage to any high-quality broad-leaved tree proves to be irreversible, a new tree will be planted as replacements for each damaged tree."*

This would not mitigate the harm that the Authority's Tree Conservation Officer has previously advised would be likely to arise from the development – it would only react to harm after it had occurred. The Management Plan does not offer protection to the existing mature trees. As noted previously, this woodland, whilst small, makes a significant contribution to the appearance of the area and forms a natural boundary to the southern edge of the village in this location. It's full or even partial loss would detract from the appearance of the landscape and village in this location, and increase the visual impact of the play equipment. Having considered the views of the Authority's specialists in this area, Officers are not satisfied that harm to the woodland would be avoided or could be mitigated if the development was to proceed.

On that basis, and because the Woodland Management Plan fails to demonstrate that the impacts on trees would be mitigated, Officers still consider that the proposal is contrary to policies L1 and LC4.

Ecological impacts

When commenting on the proposal ahead of the April 2017 committee meeting the Authority's Ecologist advised that the submitted report records a number of woodland indicator species within the site. The ecologist therefore advised that the report should be updated to consider mitigation measures to ensure that these plants are not trampled upon and destroyed as a result of the development.

Following Members' instruction from the April 2017 committee to secure a Woodland Management Plan the Authority's Ecologist has advised the applicant as to what such a plan needs to include to protect any significant ecology in the woodland. This advice sought to ensure that the plan provided enhancement and long term management measures – particularly to the western half of the site – to try and offset the impacts that are expected to trees, plants, and wildlife throughout the woodland but particularly at the eastern end of the site where the play equipment would be positioned.

Regrettably, the final Woodland Management Plan has not responded to that advice, stating only that *"there are no relevant ecological considerations for the area of woodland to be used as a play park"* and that *"the 'natural play' area will be left undisturbed by the present development preserving any present plant species and natural habitats as identified by the Peak National Park Authority Ecologist"*.

Consequently it is not considered that the proposed plan adequately protects or mitigates for the ecological harm that the development is likely to result in, and the application therefore remains contrary to policies L2 and LC17.

Impact on the use of the adjacent sports fields

The site shares its northern boundary with the Sports Club. The Clubs cricket and football pitches back on to the woodland and concerns have been raised that if the woodland becomes used as a recreation area there is the potential for injury from stray cricket balls and footballs entering the woodland and striking its users. The Sports Club therefore consider that ball-stop fencing/netting should be provided as part of the application, because the risk to users of the woodland is otherwise unacceptable.

Sport England objected to the proposal initially, considering it to jeopardise the use of the sports field, but since the application was last presented to committee in April 2017 the applicant and sports club have reached an agreement in relation to the provision of moveable boundary fencing to protect woodland users during games/matches, and a number of other precautionary measures. The use (and appearance) of the movable boundary fencing would need to be subject to a legal agreement between the applicant, the Authority and the Sports Club. As its use would require control of land beyond the red line, outside of the control of the applicant, to ensure the movable boundary fencing use was implemented by the Sports Club it is considered that this cannot be controlled by condition.

On the basis that this mitigation is provided, Sport England has removed their objection.

Highway impacts

The proposed development does not include any parking provision. Contrary to the applicants statement in the Design and Access statement, the Sports Club have advised that the applicant has no agreement with them to use their car park to provide parking in association with the woodland park.

The site is on the edge of the village, and pedestrian access to it requires crossing the A623, one of the busiest cross park routes. The site is however reasonably 'central' in terms of its position along the main road through the village, and there is already a pelican crossing nearby for the sports field making it more easily accessible on foot or cycle for local people.

The Highway Authority has noted that there is space within the woodland that could be given over to parking but this does not form part of the proposal (and would compound the impacts of the proposal). Even without the parking in the woodland, the Highways Authority comments that it is unlikely that the parking associated with the development would impact unacceptably on the adjacent public highways. In this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal. On this basis, there are no objections to the proposal on grounds of highway safety or amenity.

Amenity impacts

The site is a significant distance from any residential property and so any activity generated by the proposal would not raise any adverse amenity issues for local residents.

The Sports Club have raised concerns that the positioning of the play equipment, when in use, could be a distraction for users of the tennis courts. It is not considered that this would have such an impact as to affect the amenity of the Sports Club.

Conclusion

Officers support the principle of providing a recreational facility for the village, in accordance with planning policy but have consistently expressed concerns about the impacts of such a facility on tree and ecological interests in this particular location and when previously recommending

refusal of this application.

Officers responded to the Member request to work with the applicant to develop a Woodland Management Plan that would ensure the suitable protection and management of the woodland. This has been undertaken, but regrettably the final plan has not responded to the advice and concerns of the Authority's ecologist and tree officer in terms of its scope and is not therefore considered to provide any significant mitigation of the adverse impacts identified. The application therefore remains contrary to policies L1, L2, LC4 and LC17

For these reasons the application is recommended for refusal.

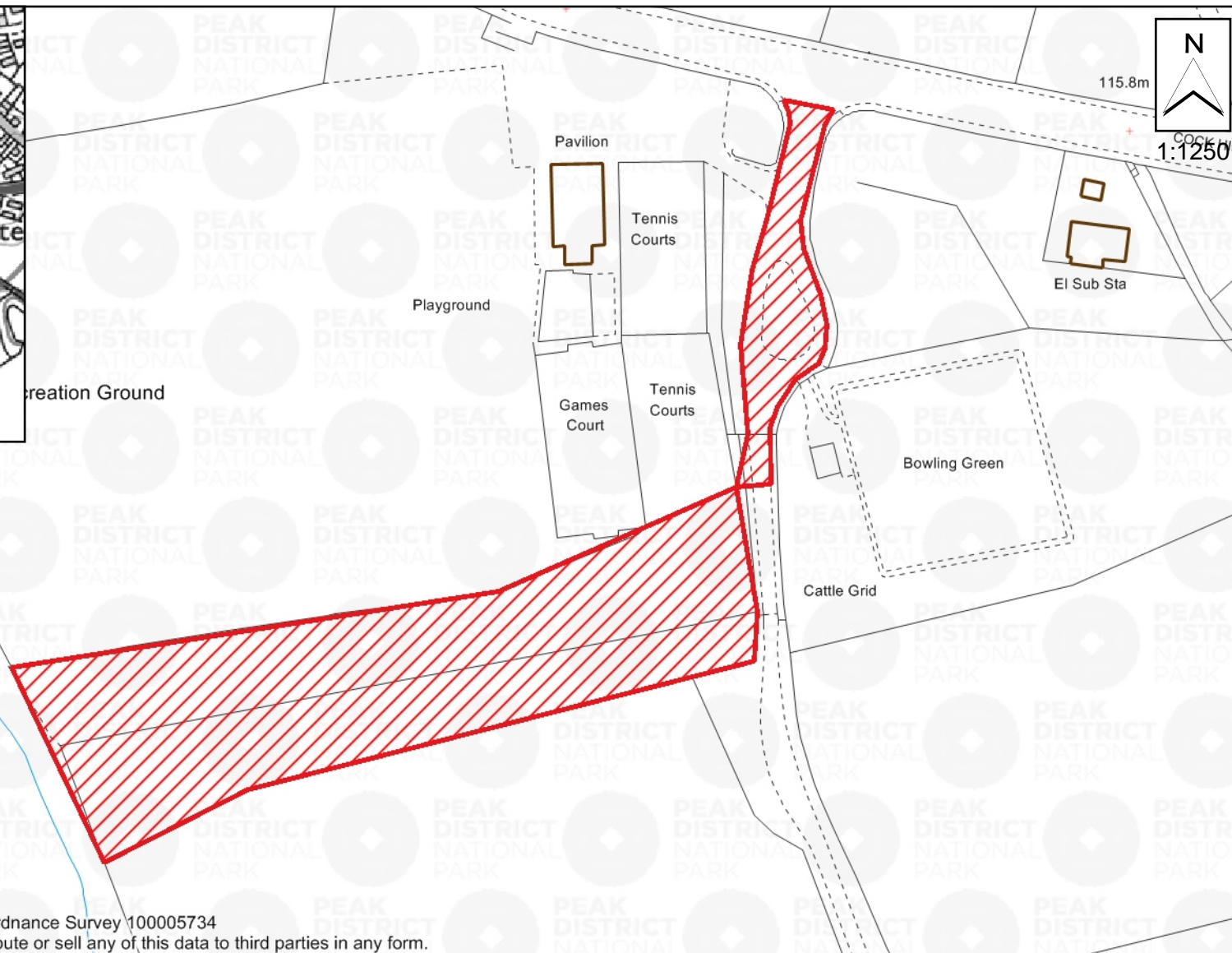
Human Rights

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


List of Background Papers (not previously published)

Nil

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Committee Date:	9th Feb 2018	Title: Land Adjacent to Baslow Sports Club	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 10		
Application No:	NP/DDD/0117/0031		
Grid Reference:	8, 8		

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11. FULL APPLICATION – CONVERSION AND CHANGE OF USE FROM DISSUED AGRICULTURAL BARN TO ONE OPEN MARKET DWELLING, LANE END FARM, ABNEY, (NP/DDD/1117/1162, P1660, 24/11/2017, 419961 379950. SPW)

APPLICANT:MS V HOWSON

Site and Surroundings

Lane End Farm is situated at the eastern end of the hamlet of Abney, within Abney Conservation Area. It comprises a range of traditional and modern farm buildings. Lane End Farmhouse, which lies immediately to the east of the farm, has been in separate ownership from the barns for some considerable time.

The traditional barns are located at the front of the site around the original small farmyard which fronts onto and takes access from the main road through Abney. Barn 1 fronts the north side of the yard and is a traditional two-storey stone building which runs parallel with the road and together with Barn 2 on the east side, they form an 'L' shaped range. There is a further, more modern, building, Barn 3, abutting the east side of Barn 2. Access to the first floor of Barn 1 is through a door from the higher ground at the rear, north side. The modern farm buildings lie to the rear of this group. In 2003 planning permission was granted for the conversion of all three barns into holiday lets.

At present Barn 1 has permission for a single holiday let unit, but is converted to 2 units. The ground floor of barn 2 retains its agricultural stalls and appears to be in use for general storage associated with the property, Barn 3 is also used for storage and has the benefit of an extant consent for conversion to a single holiday dwelling.

The owner of the site has been occupying the first floor of Barn 1 as a dwelling without the benefit of planning permission and an enforcement notice is in place requiring the cessation of this breach of planning control. This breach appears to be continuing despite the existing enforcement notice. The Authority's Monitoring and Enforcement team are investigating.

The barn subject of this application is Barn 2. This is the traditional gritstone barn which is situated at a right-angle to Barn 1. The south-eastern gable wall of the barn abuts the road. This is a modest sized barn, which sits lower than the Barn 1 and measures 11.1m x 4.7m x 6.3m to the ridge. The internal floor area measures around 78m². The barn is constructed in natural coursed gritstone under a natural gritstone slate roof. It has interesting opening detailing with full gritstone surrounds to the ground floor door openings, gritstone quoins and a dovecote feature within the apex of the roadside gable. The barn is in good repair. The eastern elevation of the barn is obscured from view by a more modern farm building – Barn 3. Two conservation rooflights and a flue pipe serving a log burning stove have been inserted into the east-facing roofslope of the barn (which are largely screened by the roof of Barn 3), without the benefit of planning permission. The exposed faces of the attached more modern farm building – Barn 3, are constructed of natural gritstone with a corrugated sheet roof. The Lane End Farm complex forms the eastern boundary of the Conservation Area and together with the main barn 1, Barn 2 forms an attractive L shaped range of buildings which contribute to the character and setting of the Conservation Area at this eastern entrance to the hamlet.

The main access into the site is via a joint access and drive 22m east of the modern barn. This vehicular access was constructed in conjunction with the previous approval in 2003 for the conversion of the barns to holiday accommodation. This joint access serves Lane End Farm, the barns and Lane End Farmhouse.

Proposal

The change of use with alterations of Barn 2 to convert it into a single-bedroomed market dwelling. The conversion scheme involves the removal of the attached farm building – Barn 3,

which still has the benefit of an extant permission for remodelling and conversion to a dwelling restricted to short let holiday accommodation. The removal of this later modern barn would open up views of the eastern elevation of the traditional Barn 2.

The scheme, as amended, proposes two new door openings in the eastern elevation and the retention of the two conservation rooflights. The existing flue pipe is to be removed. There are no other external changes required to the building, except for the glazing of existing ground floor opening to the bedroom and the internal blocking up of the doorway to the bathroom which externally will retain a fixed vertically boarded door to reflect the existing. The footprint of the removed modern farm building is to be enclosed by 1.0m high drystone boundary walls and used as a garden for the proposed dwelling. Vehicle parking is to be provided within the yard area to the east of the traditional building complex.

RECOMMENDATION:

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

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. Carry out in accordance with specified approved plans.**
- 3. No development shall take place until a Written Scheme of Investigation for a programme of historic building recording, the equivalent of a Level 2 building survey, has been submitted to and approved by the Authority in writing.**
- 4. Submit and agree, prior to commencement a detailed scheme of environmental management measures.**
- 5. The residential curtilage shall be restricted to the area edged red on the originally submitted 1:1250 scale location plan.**
- 6. Garden curtilage shall be bounded by 1.5m high traditional drystone walls on the southern (roadside) and eastern boundaries and by a minimum 1.2 m high drystone wall on the northern boundary.**
- 7. Withdraw Permitted Development rights for alterations to the external appearance of the dwelling, extensions, porches, ancillary buildings, satellite antenna, solar panels, gates, fences, and walls or other means of boundary enclosure.**
- 8. Recess all windows and door frames a minimum of 150mm.**
- 9. All window and door frames, doors and door shutters to be timber.**
- 10. The new doors and door shutters shall be vertically boarded timber with no external framing or glazing except where shown on the approved plans.**
- 11. The new window opening to the bedroom in the West Elevation to be an inward opening hopper window frame with max 18mm glazing bars.**
- 12. Submit and agree detailed scheme for the external finish of the external timberwork.**
- 13. Prior to occupation the existing flue pipe on the East-facing roofslope shall be permanently removed and the roof re-instated with natural gritstone slates.**

14. Rainwater goods to be cast metal, painted black on brackets and with no fascia boards or exposed rafters.
15. The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.
16. All pipework, other than rainwater goods, shall be completely internal within the building.
17. Submit and agree details of external meter boxes.
18. All new service lines on land with the applicant's ownership and control shall be placed underground.
19. Foul sewage shall be disposed of to a package treatment plant in accordance with a detailed scheme to be approved in writing by the Authority.
20. Prior to commencement, the roadside access immediately to the east of the demolished modern farm building shall be permanently closed with a 1.5m high drystone boundary wall.
21. No occupation until the parking and turning areas have been provided and thereafter retained for the life of the development.
22. Prior to occupation the existing 'Barn 3' shall be demolished.
23. Prior to commencement, submit and agree a detailed scheme for the disposal of all spoil arising from the works.
24. The demolition works of Barn 3 that immediately abut Barn 2 shall be undertaken with special care to ensure that any cracks and crevices in the vicinity of the retained Barn 2 remain undisturbed, including by scaffolding.
25. Carry out development in accordance with the recommendations for bats and nesting birds in the Ecological Report, subject to the amended requirements of condition 27 below.
26. If any works are to be undertaken between March to September (inclusive) birds shall be prevented from nesting within the building. If any active nests are present during the course of the site works, they must remain unaffected until all chicks have fledged.
27. Any existing cracks and crevice in the exterior walls of Barn 2 shall be retained and not pointed.
28. Ecological mitigation in the form of three bird boxes to be installed on the retained Barn 2.

Key Issues

1. Whether the principle of the proposed conversion of the barn to an open-market dwelling is required in order to achieve conservation and / or enhancement of a valued vernacular or listed building.
2. Whether the proposal would conserve and enhance the character and setting of the existing building in the Conservation Area and the surrounding landscape

3. Ecological issues.
4. Highway issues.

History

There is a complex and detailed planning history in respect of the barns at Lane End Farm, which is summarised as follows:

May 2003 – Approval for conversion of the traditional stone barns (Barns 1 & 2) and remodelling/conversion of the more modern roadside barn (Barn 3) to provide 3 units of holiday accommodation. At this time the adjacent farmhouse was in the same ownership as the farm buildings.

July 2003 – Approval for the removal of the requirement for the approved holiday units to be ancillary or within the same planning unit as the adjacent farmhouse as the applicant was in the process of selling the farmhouse.

June 2004 – Approval for the extension of the drive around the rear of the modern farm buildings enabling the new owner of Lane End Farmhouse to gain access to a parking area on the land to the rear of the farmhouse.

November 2004 – letter from the applicant explaining that due to a change in her living arrangements (she had been living with friends in Abney who were now moving out of the hamlet) she now had nowhere to live and was living in the barn.

March 2005 – Refusal for change of use of the first floor of barn 1 to permanent residential use. Enforcement action was also authorised to secure the cessation of the unauthorised occupation of the barn as a permanent dwelling.

July 2005 – Refusal for temporary residential occupation of first floor of barn 1 for a period of 2 years. There was insufficient agricultural justification for the conversion of the barn to an agricultural dwelling and as the applicant had at that time only resided in Abney for a period of 5 years, she did not meet the local qualification criteria for conversion to a local needs dwelling. A subsequent appeal was dismissed in August 2006.

October 2007 – Refusal for variation of condition to allow permanent occupation of the first floor of Barn 1 on the same grounds as in July 2005.

November 2007 - Enforcement notice served requiring the applicant to cease using any part of the premises other than in accordance with the holiday occupancy condition. The applicant appealed against the enforcement notice and the refusal of the 2007 planning application. The appeal against the 2007 planning refusal was dismissed for the same grounds as the 2005 appeal. The appeal against the enforcement notice was upheld and the notice quashed on technical legal grounds.

February 2009 – A further Enforcement Notice served requiring the applicant to cease using the premises as a residential dwelling, other than in accordance with the authorised holiday occupancy condition. The applicant subsequently appealed against the enforcement notice.

November 2009 – The appeal against the enforcement notice was dismissed; the notice was upheld and should have been complied with by 24 July 2010.

In his consideration of the appeal, the Inspector noted that whilst “...the size of the residential unit is suitable for use as a local needs dwelling, the applicant ...has not lived in Abney for the requisite 10 year period.” And that “There is a lack of evidence to show the current occupation of the barn is required for a local housing need. Therefore, use of the barn as a dwelling is in

conflict with policies LH1 and LH2”.

The Inspector also concurred with previous Inspectors’ views that there was no essential functional need for an agricultural worker’s dwelling on this site, even on a temporary basis.

October 2009 – Refusal for removal of condition 11 on the holiday conversion consent on grounds that removal of the condition would effectively remove the requirement for the provision of parking for the holiday complex and Lane End Farmhouse.

In 2010 an application to vary the 2003 holiday permission received a split decision. It refused use of the first floor of barn 1 as a permanent dwelling as the occupants did not meet the local needs qualifications. And allowed (subject to conditions) deletion of condition 11 on the previous consent which related to provision of onsite parking for Lane End Farm House (as separate provision now existed to the rear of the farmhouse).

February 2012 - Enforcement notices issued in respect of an unauthorised timber hide structure, the siting of a caravan for human habitation by the applicant, the storage of a caravan and the provision of work experience on the farm holding. Subsequent appeals were dismissed for the hide structure and the residential caravan and the notices upheld. In relation to the use of the storage caravan and the work experience on the farm holding the notices were amended by the Inspector to cease the use of the land for the storage of caravans except so far as it was permitted under the GPDO and to cease the use of the land for work experience except for a maximum of 10 persons on any one day and a maximum of four days in any one week. In respect of the enforcement notice for the residential caravan, the occupant (the current applicant) was given a period of six months to vacate the caravan.

2015 - Planning permission was granted for use of barn 2 as a single dwelling with a S106 legal agreement which required it to be ancillary to the holiday occupation of Barn 1 (for amenity reasons) and for a scheme of refurbishment and enhancement of a lean-to ‘Pole Barn’ to the rear of the traditional barns. This scheme also included removal of Barn 3.

2017 – The timber hide and the caravan subject to residential use are no longer on the land. The Authority’s Monitoring and Enforcement team are aware that the first floor of Barn 1 is being occupied by the applicant in breach of the existing enforcement notice and intend to review the case when this application is determined.

Consultations

Highway Authority – No Objections

The central access is still closed with a single metal post, but there is also metal netting across the full width, secured by the post. The plan submitted with the current application is still demonstrating vehicular access to the site via the eastern access only, with the western and central access both reduced in width to accommodate pedestrian access only.

Subject to the modification of the above accesses in accordance with the previous conditions, prior to the commencement of any other works, and the onsite parking and turning arrangements provided in accordance with the application drawing, prior to first occupation and retained thereafter free from any impediment to its designated use, raise no further highway comments.

District Council – No response to date.

Abney , Abney Grange, Highlow and Offerton Parish – No response to date

Natural England – No objection

PDNPA Ecology – Explain that the protected species survey which is dated 2013 may need updating. They have offered to visit the site to ascertain if the 2013 report can still be relied upon, but that visit is not scheduled until after this committee report needs drafting. For the purposes of

this report to committee the comments from the previous application can be used, as given the circumstance of this site it is unlikely that anything significant will have changed. A verbal update to committee will be provided about the ecologist's findings in regard to whether the 2013 survey can still be relied upon.

PDNPA Archaeology – Some impact but capable of mitigation, and suggest conditions to mitigate.

It is appreciated that the barn already has planning permission for conversion. For this reason we would not wish to object, but would highlight the fact that the proposed conversion will alter the character and historic fabric of the building and lead to a loss of its historical significance.

Photographs of the interior reveal that a suite of timber stalls and feed racks still survive at ground floor level. Images of the east facing elevation of the building, which is currently disguised by the more modern abutting barn, reveal that features such as blocked openings and ventilation slots occur in this wall fabric. Recommend a condition to secure a basic descriptive and visual record of the building is obtained prior to any alteration taking place in order to mitigate the harm to the significance of this non-designated heritage asset through conversion.

The above requirements are routinely applied to proposals for the conversions of traditional farm buildings within the National Park and are in line with the requirements of paragraph 141 of NPPF which requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part).

Representations

8 representations have been received, 6 are objections and 2 offer support.

The objections raised the following summarised planning grounds which are material to determining this application:

- There would be privacy and overlooking issues with the adjacent holiday let in Barn 1.
- The proposal will not enhance the doorways and windows which are to be closed off.
- The proposal has no regard to the Building Design Guide in terms of retaining the form scale of a building without alteration or extension; minimising alterations; retaining existing window and door openings.
- Will not achieve conservation or enhancement as it boards up doors and windows on the west side and creates a new door on the east side.
- Conversion and features unrelated to its original design and appearance would be likely to spoil the character of the barn and locality.
- Barn 2 has already been partly refurbished with panelled ceilings and log burner upstairs therefore does not require enhancement or conservation.
- There are inaccuracies in the supporting design and access statement, mainly in respect to the descriptions on extent of wider land in ownership and livestock.
- The Bat Report is based on a presumption that no buildings are being knocked down, which is not correct as Barn 3 is being removed.
- The Bat survey needs to be updated as it is from 2013 (over a year old) and because it was based on no external works. Furthermore the Bat report explained that due to the transient nature of bat roosts if works to the buildings have not been undertaken within 12 months of the survey then it would need to be updated.
- There are significant numbers of bats adjacent to this property at dusk in the late spring and summer.
- Barn 2 already has permission for conversion to a holiday unit and was partially converted in 2007, it requires no further permissions to allow it to be conserved and enhanced.
- The policy case for why conversion to housing is required to achieve conservation and/or

enhancement of a valued vernacular building has not been made. The barn is not currently under threat.

- The existing original accesses should both already be closed as required by previous implemented planning permissions.
- The site is an eyesore, with rubbish, skips, and caravans.
- If independent from the other barn would allow it to be sold off separately breaking up the historic barn group and further destroying what was once a historical and viable working farm.
- Concern about water disposal and the existing systems not being adequate.

The supporters raised the following grounds:

- It will improve the appearance of the site and secure the future of an attractive building.
- It will greatly improve the appearance of Lane End Farm and make good use of the building.

Main Policies

National Planning Policy Framework

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

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation. It points out (footnote 25) that further guidance and information, including explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010".

Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3, L1, L2, L3, HC1 and CC1

Relevant Local Plan policies: LC4, LC5, LC8, LC15, LC16, LC17, LH1.

CS Policy HC1 sets out the Authority's approach to new housing in the National Park; 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; 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 requires that development must conserve, and where appropriate, enhance or reveal the significance of architectural or historic assets. LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park. Local Plan policy LC5 requires that development within Conservation areas should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. Proposals involving demolition of existing buildings which make a positive contribution to the character and appearance or historic interest of the Conservation Area will not be permitted unless the demolition is to remove an unsightly or otherwise inappropriate modern addition to the building. LC8 sets out specific criteria applicable to barn conversions.

The Supplementary Planning Document the 'Design Guide', the recently adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) and the Authority's Landscape Strategy and Action Plan all offer further guidance on the application of Development Plan policy listed in this report.

Assessment

Introduction

This site has been the subject of several applications for the conversion of Barn 1 to a dwelling for the applicant and owner of the property. These have been refused by the Authority on the grounds that there was insufficient agricultural need for a farm workers dwelling on the site and also that the applicant had an insufficient local need case to support conversion to a local needs dwelling. Those decisions were upheld following planning appeals.

Subsequent to that planning history there is the 2015 approved scheme which remains extant and differed from those previous proposals in that it related to the conversion of Barn 2 and involved the demolition of a later modern farm building, Barn 3. That application would result in enhancement of the site and was approved subject to conditions and a S106 legal agreement to secure the enhancements and which also meant that the approved dwelling must remain ancillary to the holiday let in Barn 1. The ancillary restriction was considered necessary for amenity reasons resulting from the close relationship of the existing holiday let and the proposed dwelling, and in particular the west facing elevation, which provided access to the dwelling via the courtyard and which contained most of the proposed openings proposed in the dwelling.

The current proposal now seeks planning permission for a similar development to that which was approved in 2015, but with some minor alterations to address the previous amenity issue so the dwelling is not required to be ancillary to the holiday lets.

Notwithstanding the previous planning history on this site, this proposal needs to be assessed on its own planning merits and against the Authority's current Core Strategy and Saved Local Plan policies.

Issue 1 - Whether the principle of the proposed conversion of the barn to an open-market dwelling is required in order to achieve conservation and / or enhancement of a valued vernacular or listed building.

The Lane End Farm complex forms part of the Abney hamlet, which for the purposes of the Core Strategy policies is considered to be in 'open countryside'. In common with Government guidance in the National Planning Policy Framework, the Authority's housing policies do not permit new isolated homes in the countryside unless there are special circumstances.

In this case, the proposed dwelling house is intended to meet general demand rather than any on-site functional or local need. Therefore, the special circumstances in which permission could be granted for the current application are set out in CS Policy HC1 which says that in accordance with core policies GSP1 and GSP2 of the Core Strategy, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.

Whilst Barn 2 is not listed, it is considered to be a building of vernacular merit and together with Barn 1 makes a significant contribution to the character and appearance of the Conservation Area. Barn 2 is a traditional gritstone barn constructed in natural coursed gritstone under a natural gritstone slate roof. It has interesting opening detailing with full gritstone surrounds to the ground floor door openings, gritstone quoins and a dovecote feature within the apex of the roadside gable.

For these reasons, Barn 2 is considered to be a 'valued vernacular' building within the terms of Core Strategy policy HC1 (C)(I).

The main issue is therefore whether conversion to an open-market dwelling is 'required' to achieve its conservation and/or enhancement.

The supporting text to CS Policy HC1 explains that occasionally new housing (whether newly built or from re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building) or the treatment of a despoiled site where conservation and enhancement could only be reasonably achieved by the impetus provided by open market values.

In this case, the building is in reasonably good condition, is 'weather tight' and does not appear to have any significant structural weaknesses. The building also benefits from an extant planning permission that permits its conversion to a holiday unit and another permission which would allow for its conversion to a dwelling albeit ancillary to the holiday lets in Barn 1.

The key issue to consider is whether the proposed market dwelling is necessary to achieve the building's conservation. Previous applications have considered viability for local needs dwellings or holiday lets and concluded that it would be unlikely to be suitable for conversion to a Local Needs Affordable Dwelling or Holiday let given the investment needed to achieve the conversion and enhancement which would include demolition of Barn 3.

The application scheme would significantly enhance the character and setting of the Conservation Area through the removal of Barn 3 which is essentially a modern farm building. Despite Barn 3 being constructed with natural gritstone walling, it is of an untraditional size and form that detracts from the character and setting of Abney village and Conservation Area and is prominently sited at the entrance to the hamlet. The rear roof of this building is attached to Barn 2 and the building masks the eastern elevation of the traditional barn. A previous holiday conversion scheme, which is still extant, proposed the remodelling of Barn 3, reducing its roadside gable width and physically separating it from Barn 2. Whilst this was considered to be acceptable alterations and enhancement at the time, it still would have masked the original and much better quality Barn 2. Despite this previous approval, the complete removal of this modern later addition is considered to be significantly more preferable as would reinstate the original boundary of the built development on the eastern entrance to Abney village. It is considered that the significant enhancement of the village and Conservation Area that would result from the removal of Barn 3 is sufficient in itself to meet the 'required' terms of policy HC1 C I, in this case.

Although it is considered that the principle of conversion to an open-market dwelling meets the terms of policy HC1 C I, the previous scheme raised amenity issues which led to the requirement that the dwelling to be ancillary to the holiday lets. This current scheme therefore needs to be considered in the context of the revisions intended to address the amenity issues.

The principal difference between this scheme and the last one is that the converted Barn 2 would now only be accessed via 2 doors on the east facing elevation. By relocating the access into the building onto the eastern elevation it has changed the relationship with the adjacent holiday accommodation. There is now greater separation and officers consider that the proposed unit would enjoy a level of amenity that residents would normally expect in a dwelling. Whilst most of the outlook from the building would still be over the western courtyard (where the access to Barn 1 is located), the accommodation is arranged such that the living room and kitchen are at first floor and with only a bedroom and bathroom at ground floor level, and thus the amenity impacts from visitors to Barn 1 within the courtyard are minimized. Furthermore the proposed dwelling will benefit from its own private and separate amenity space in the garden that would be formed where Barn 3 is demolished. The proposal will not now raise an amenity issue that warrants imposing further restrictions on the proposed dwelling.

A condition removing permitted development rights is necessary as this would bring any proposed fencing/walling, extensions or outbuildings under full planning control, the absence of which could result in development harming the character, appearance or setting of the barns and the Conservation Area.

Whilst the principle of the proposed scheme is considered to be acceptable, it still has to comply with other parts of the Core Strategy and Local Plan policies in respect of the impact of the conversion on the character and appearance of the building and its setting within the Conservation Area, and also highway and ecological considerations.

Issue 2 - Whether the proposal would conserve and enhance the character and setting of the existing building in the Conservation Area and the surrounding landscape.

Policy GSP2 states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Such enhancement proposals will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other Core Policies. Opportunities should also be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings. When development is permitted, a design will be sought that respects the character of the area, with appropriate landscaping. These objectives are echoed in GSP3, L3, LC4 and LC5, particularly in respect of the need for development to preserve and, where possible, enhance the character and appearance of the Conservation Area. Additionally, within Conservation Areas, the demolition of buildings, walls or other structures will be resisted unless the demolition is to remove an unsightly or otherwise inappropriate modern addition to the building.

As already referred to in this report, Barn 2 is considered to be a valued vernacular building whose character, appearance and setting is presently diminished by the attached modern farm building. The east facing wall of Barn 2 presently forms the rear wall of the modern Barn 3. Whilst Barn 3 is constructed of natural gritstone its proximity to Barn 2, together with its overall form and corrugated-sheet roof detracts from the character and appearance of Barn 2 and the character, appearance and setting of the Conservation area. The removal of Barn 3 would reveal the eastern elevation of Barn 2, thereby restoring the traditional built form at the eastern entrance to the hamlet.

The submitted scheme only proposes two new door openings in the east elevation, but does retain two conservation roof lights. An existing flue pipe serving a log burning stove is to be removed. Given the relatively small size of the rooflights and the extent of the of the barn roof, it is not considered that they have a significant adverse impact upon the character and appearance of the roof. Overall, it is considered that the simple, robust appearance of the eastern elevation will be retained. Other proposed changes to existing openings can be controlled adequately through the attaching of appropriate minor design conditions.

The scheme proposes to use the land created by the removal of the modern building for a private garden area for the proposed dwelling. In order to minimise the impact of the proposed garden area on the character and setting of the barn and Conservation Area, it is considered that the proposed roadside boundary wall and return section of wall be maintained or built to a height of 1.5m. This would give the necessary enclosure to the street, whilst also serving to screen the full extent of the garden area from view. It is considered that although the existing walls to Barn 3 are pointed up rather than of drystone construction, they are on balance, of sufficient quality to be retained and extended as boundary walls where required, rather than totally rebuilt. This would be subject, however, to the walls being capped with half-round natural gritstone coping stones (laid dry) to reflect the local building tradition for boundary walling. In the Design and Access statement the agent makes it clear that no new tree or hedgerow planting is considered to be necessary or desirable.

Subject to these requirements, it is considered that the proposed scheme will significantly enhance the character and appearance of Barn 2 and its setting within the Conservation Area in this highly prominent village edge location. Consequently, the proposal would meet the terms of terms of their above-stated Core Strategy and Local Plan policies.

Archaeology

The Authority's Archaeologist's comments are also noted. They identify the significance of the building, noting that the recent Historic England *Historic Farmstead Project* which was completed in 2016 identified that the farmstead is 19th century, a non designated heritage asset and of high heritage potential.

They acknowledge there is a 2015 permission in place and therefore would not wish to object to the proposal but explain that it will lead to a loss of its historical significance. Therefore a basic descriptive and visual record of the building is required prior to any alteration taking place in order to mitigate the harm to the significance of this non-designated heritage asset through conversion. An appropriate condition to secure this is suggested which includes a written scheme of investigation. Officers consider that subject to that suggested condition, given the planning history the proposal is in accordance with policies LC15, LC16 and L3 insofar as they relate to the archaeology of this heritage asset.

Issue 3 – Ecological Issues

A bat report has been submitted with the application which was carried out in 2013. The Authority's ecologists are visiting the site to ascertain if the report needs to be updated, given its age. The 2013 report concludes that there is no evidence of bats using the building. The Authority's Ecologist comments on the 2013 report were as follows:

- Two buildings will be affected by the proposals. One is a corrugated sheeted building (B3 in the bat report). No evidence of bats was found and it was considered to offer very few opportunities for bats to use. This building will be demolished.
- The attached building (building B2 in the report) will remain and the only change is expected to be a new door entrance. Internally the building is well maintained with very few opportunities for roosting bats and no evidence of bat use was found. Externally this building offers many cracks and crevices that could be used by bats. However, it is understood that no works be done to the external elevations of the property where these features are present and as such should be unaffected by the development.
- It is the intention of the applicant to retain these features for future use by bats and a condition needs to be included to cover this aspect. Demolition works that immediately about the building should be undertaken with special care to ensure that any cracks and crevices in the vicinity of the retained building remain undisturbed. Any scaffolding that is used must not obscure cracks and crevices on building B2.
- Demolition of B3 should be undertaken with care and any external cracks and crevices should be thoroughly inspected for bats. If any bats are found during works, works should stop and Natural England contacted for further advice.
- Old bird nests have been recorded at building B3 and a condition will be required to ensure that breeding birds are not affected by the development. The recommendations at section 4.2 should be conditioned with the exception that the bird nesting season should be taken to be from March to September inclusive – this is to account for any breeding swallows that may be present.
- To mitigate for loss of bird nesting features it is recommended that a condition is included that requires the installation of three bird boxes at suitable locations on the retained building. The type and location to be agreed within three months of the demolition works of building B3.

It is therefore considered that subject to the verbal update to committee, it is likely that any ecological impacts resulting from the conversion of Barn 2 and the demolition of Barn 3 can be

adequately controlled through the attaching of appropriate ecological conditions. The concern raised in the representation about the Bat Survey is noted, however, the Authority's Ecologists are aware of the survey age and that the scheme includes demolition of Barn 3, and consider that subject to an inspection and appropriate planning conditions the proposal is acceptable insofar as it relates to the ecological interests of the site.

Issue 4 – Highway issues

The Highway Authority has no objections to the proposal subject to access arrangements being carried out in accordance with the previously approved holiday conversion scheme. A new vehicular access was constructed some time ago to the east of the farm complex, which has been designed to accommodate all uses on the application site and also provide access to Lane End Farmhouse. As part of the previously approved holiday conversion scheme, the central access, which has substandard visibility on to the road, was conditioned to be permanently closed to vehicles and the access into the courtyard to the west of Barn 2 was to be modified in terms of the visibility sightlines (which would require the roadside walling to be lowered down to 1m high).

The planning condition required the permanent closure of the central access to vehicles by narrowing its width to essentially a pedestrian width opening of 1.0m. Whilst the access width has been reduced by installing a central metal post, the width either side of the metal post is greater than a metre and although there is some temporary fencing on site the gap either side of that post would be sufficient to enable small vehicles to use the access. Concern is also raised that it may be possible to remove the metal post, thus enabling its continued use as a vehicular access.

It is considered, therefore, that in the event of an approval, a condition is necessary requiring that before any other works are carried out the access should be permanently closed by erecting a drystone wall to match the adjacent roadside boundary walling to the east in height and detail. This will also provide enclosure to the street frontage, which would improve the street scene and consequently the character and appearance of the Conservation Area. The existing 'new' access also requires some finishing to comply with the original approved plans/conditions and should be conditioned to be completed prior to the occupation of any new dwelling.

Environmental Management

No information has been submitted with the application in regard to Environmental Management measures as required by CC1 and the Authority's Climate Change and Sustainable Building SPD. It is no longer necessary to require development to be built to a minimum sustainability standard however it is likely that opportunities for energy and water saving measures can be integrated into the development.

For example, it may be possible to include ground or air source heat pumps. Alternatively there may be opportunities to incorporate enhanced insulation technologies or grey water harvesting. Therefore a condition to require details of these measures to be submitted and approved would be recommended.

Other matters - Disposal of foul water

As submitted the foul sewage was going to be dealt with via an existing septic tank. National Planning Policy Guidance on these matters explains that new development should connect to the mains unless not practicable or unviable. If a mains sewer is ruled out then a package treatment plant should be used. Only as a last resort would a septic tank be allowed. In this case there is no mains sewer to connect to and the applicant has accepted that a package treatment plant will need to be used. This can be required by planning condition which is an acceptable way to secure this detail and ensure the development accords with the NPPG.

Conclusion

Subject to the above mentioned conditions the proposal is considered to be in accordance with the policies of the development plan as it proposes conversion of a valued vernacular barn and will achieve conservation and enhancement of the site. Furthermore it is considered that any potential occupants of the dwelling would benefit from adequate amenity that such occupants may reasonably expect to enjoy, therefore there is no longer a planning reason to require the dwelling to be ancillary to the adjoining holiday accommodation in Barn 1. There are no other material considerations that suggest a decision should be made that is not in accordance with the development plan.

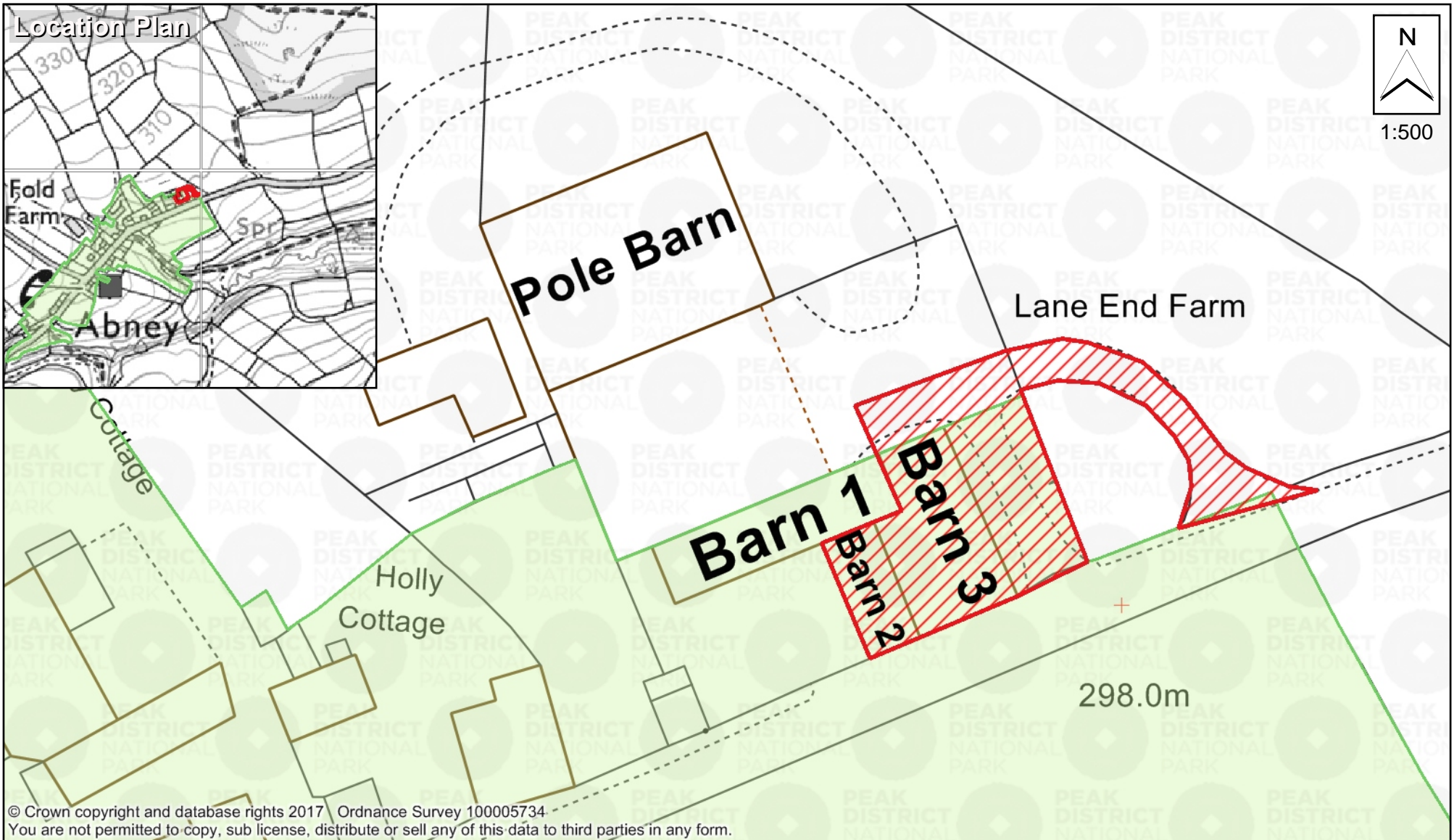
Human Rights


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:	9th Feb 2018	Title: Barn at Lane End Farm, Abney Red = Site Area Green = Conservation Area	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 11		
Application No:	NP/DDD/1117/1162		
Grid Reference:	419961, 378013		

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13. **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/0517/0458 3187283	Domestic garage and store at Swallow Cottage, Pilhough, Rowsley, Matlock, DE4 2NE	Householder	Committee
17-0054 (Enf) 3182046	Formation of a track and alteration to level of the land to create a flat area for the purposes of erecting a marquee at Land North of Mortimer Road, Bradfield	Informal Hearing	Delegated

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/0417/0424 3185405	Extension to approved balcony and screening wall at Oak Cottage, Moorlands Lane, Froggatt	Householder	Dismissed	Delegated
The Inspector considered that the proposed extended balcony and screen walling would have an oppressive and overbearing impact on the neighbours garden, and would harm the living conditions with regards to outlook and sunlight. The proposal would also be contrary to Core Strategy GSP3 and Local Plan LC4 and LH4 which together amongst other things protect residential amenity. The appeal was therefore dismissed.				
NP/DDD/0417/0440 3183270	Erection of a conservatory at Burrs Farm, Casterway Lane, Chelmorton	Householder	Dismissed	Delegated
The Inspector considered that the proposal would appear as an incongruous addition, out of keeping with the host property, and would be clearly visible from the public footpath which would result in significant harm to the local character of the area. The proposal would also be contrary to policies GSP1, GSP2, GSP3 and L3 of the Core Strategy and policies LC4, LH4 and LC5 of the Local Plan. The Inspector dismissed the appeal.				

.4 **RECOMMENDATION:**

That the report be received.

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