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Peak District National Park Authority

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



Our Ref: A.1142/1778

Date: 6 September 2018



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 14 September 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 10/08/2018 (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. Full Application - Agricultural workers dwelling at Morridge Top Farm, Blakelow Road, Onecote (NP/SM/0717/0741, P3414, 404036/354380/ 28/07/2017/TS) (Pages 13 - 30)**
Site Plan
- 7. Full Application - Single storey and two storey extension to existing care home and polytunnels and storage shed at The Lodge, Manchester Road, Hollow Meadows (NP/S/0518/0432, P.7130, 425648 / 387941, 07/06/2018/ AM) (Pages 31 - 38)**
Site Plan

8. **Full Application - Section 73 to vary condition 2 of NP/HPK/0515/0491 to cover the inclusion of a crop drying system for the potato store at Knotlow Farm, Wormhill, Buxton (NP/HPK/0618/0511 SW) (Pages 39 - 50)**
Site Plan
9. **Full Application - Change of use of site from industrial to residential; demolition of existing industrial barn; erection of new dwelling; erection of garage and erection of annex at Stone Pitts Work, Un-named Road from The Gables to Cressbrook Old School, via Lower Wood, Cressbrook (NP/DDD/0518/0403, P.6809, 416885 / 373131, 09/05/2018/AM) (Pages 51 - 62)**
Site Plan
10. **Full Application - Construction of manege at Middleton Hall, Rake Lane, Middleton by Youlgreave (NP/DDD/0618/0523, P1462, 419462/363/034, 26/06/2-18/ALN) (Pages 63 - 70)**
Site Plan
11. **Advertisement Consent Application - Erection of 12 signs at The Co-Operative Food Store, Calver Road, Baslow (NP/DDD/0618/0524 P.5887 425123/372396 15/06/2018 DH) (Pages 71 - 80)**
Site Plan
12. **Advertisement Consent Application - Information boards which will consist of three 650mm modular cubes at Holme Moss Car Park, Holme (NP/K/0718/0676 AM) (Pages 81 - 88)**
Site Plan
13. **Advertisement Consent Application - Information boards which will consist of four 650mm modular cubes at The Moorland Centre, Field Head, Edale (NP/HPK/0718/0678) AM) (Pages 89 - 94)**
Site Plan
14. **Advertisement Consent Application - Interpretation boards which will consist of five 650mm modular cubes at Dove Stone Reservoir, Greenfield, Oldham (NP/O/0818/0698 AM) (Pages 95 - 100)**
Site Plan
15. **Full Application - Renovations and alterations to vehicular access drive at Peak District National Park Authority, Aldern House, Baslow Road, Bakewell (NP/DDD/0718/0635 TM) (Pages 101 - 108)**
Site Plan
16. **Habitat Regulations Assessment in relation to enforcement action against the creation of a surfaced track on land at Mickleden Edge, Midhope Moor, Bradfield (ENF: 15/0057) (Pages 109 - 114)**
Site Plan
17. **Head of Law Report - Planning Appeals (A1536/AMC) (Pages 115 - 116)**

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.

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MINUTES

Meeting: **Planning Committee**

Date: Friday 10 August 2018 at 10.00 am

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

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr Mike Chaplin, 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

Mr Z Hamid attended to observe and speak but not vote.

Apologies for absence: Cllr J Atkin and Cllr A McCloy.

94/18 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 13 July 2018 were approved as a correct record subject to the following amendments:

Cllr J Macrae was added to the list of apologies.

MINUTE 84/18

FULL APPLICATION - CHANGE OF USE OF FORMER STATION BUILDING FROM OFFICE AND WORKSHOP TO VISITOR INFORMATION POINT AND CAFÉ, EXTENSION TO CAR PARK, STATION CAR PARK UNNAMED ROAD FROM GLEBE FARM TO B6049, MILLERS DALE

The declaration by Cllr Mrs Kath Potter was amended to state she was a member of 'CPRE' not 'Friends of the Peak District'.

95/18 URGENT BUSINESS

There were no items of urgent business.

96/18 MEMBERS DECLARATIONS OF INTEREST

Item 9

Cllr A Hart declared a personal and prejudicial interest as he had been lobbied by the applicant by telephone and email. He stated he would leave the room when the item was being considered.

Item 12

It was noted that all Members knew the applicant, Cllr David Chapman, as a Member of the Authority.

Cllr D Chapman declared a personal and prejudicial interest as the application was made by his wife and himself. He stated he would leave the room when the item was being considered.

97/18 PUBLIC PARTICIPATION

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

98/18 FULL APPLICATION - PROPOSED OPEN GENERAL PURPOSE AGRICULTURAL BUILDING TO HOUSE LIVESTOCK AND STORE FODDER AND IMPLEMENTS AT MAYFIELD FARM, LITTON SLACK

This application had been deferred from the May meeting to allow the Officers and the Applicant to consider alternative sites and other improvements. It was noted that officers accepted that there was agricultural need but there would be substantial harm to the landscape by the proposal which could not be overcome by conditions.

The following spoke under the public participation at meetings scheme:

- Mr T Howe, Applicant.

Members were concerned that despite the deferral a satisfactory conclusion had not been reached. A motion for approval of the application, contrary to the officer recommendation, was moved and seconded.

Members were supportive of the need for the development as it supported agriculture and accepted the applicant's view that the proposed site was the best location for meeting the agricultural need and the needs of that business.

Members concluded that approval of the application would need conditions relating to:

- Landscaping scheme
- Building to be limestone with timber cladding, details including colour to be agreed
- Location to be near road
- Removal of building when no longer needed

In response to Members' queries the applicant clarified that he had no intention to put a hardstanding into the adjoining field, although officers advised that this might be able to be carried out as permitted development in any case.

The recommendation for approval subject to conditions, with conditions to be finalised in consultation with the Chair and Vice Chair of Planning Committee, was voted on and carried.

RESOLVED:

That authority to APPROVE the application, subject to the following conditions, be delegated to the Director of Conservation and Planning in consultation with the Chair and Vice Chair of Planning Committee:

1. Landscaping scheme.
2. Building to be limestone with timber cladding, details including colour to be agreed.
3. Location to be near road.
4. Removal of building when no longer needed.

The meeting adjourned for at short break at 1100 and reconvened at 1105.

99/18 FULL APPLICATION - PROPOSED CHANGE OF USE FROM PUBLIC HOUSE TO B & B GUEST HOUSE WITHIN PART OF THE MAIN BUILDING, WITH THE REMAINDER BEING LANDLORD RESIDENTIAL ACCOMMODATION. ALSO INCLUDING ADDITIONAL BUILDINGS WITHIN THE GROUNDS TO HOUSE A CAFE, SHOWER BLOCK, STABLES (INCREASED IN SIZE AND REPOSITIONED FROM PREVIOUS PERMISSION), GARAGE AND 4 NO. CAMPING PODS (INCLUDING ONE ACCESSIBLE POD). PROVISION IS BEING ALLOWED FOR 3 NO. CAMPERVAN 'HOOK-UP' POINTS AND 4 NO. TENT PITCHES AT STANHOPE ARMS, DUNFORD BRIDGE, SHEFFIELD

The Planning officer reported that since the report had been written 3 further letters of objection had been received, 2 were from a neighbour and 1 was from the adjacent landowner, who was also speaking at the meeting. The letters were summarised for the Committee. It was noted that there were 4 houses nearby, not 3 as stated in the written report.

The following spoke under the public participation at meetings scheme:

- Mr S Sykes, Objector
- Mr T Beckett, Applicant

The recommendation for approval subject to conditions was moved and seconded.

In response to Members' queries, officers stated that the café opening hours were as requested in the application and the condition relating to camper van pitches was for temporary consent so that issues such as noise could be monitored. It was agreed to extend the camper van pitches condition to the end of 2021.

It was agreed that further conditions or amendments to conditions were needed regarding:

- Outdoor lighting
- Stable block and management of waste
- Car park details
- Garage restriction for owners and employees
- Boundary scheme to be agreed
- Omit timber cladding from cafe replace with stone

The motion for approval subject to conditions, as amended, was voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. 3 year time limit for commencement of development.

2. **Development in respect of the camper van pitches shall be for a temporary period until the end of 2021.**
3. **Specify approved amended plan numbers.**
4. **28 day maximum holiday occupancy restriction for all staying visitors.**
5. **Specify minor building details – eaves, gutter, rain water goods, pointing and minor design details.**
6. **Submit and agree sample walling panels and all external finishes including paint finishes for all new buildings. Render shown on amended plans to be omitted in favour of natural gritstone.**
7. **Submit and agree full details of all new windows and doors.**
8. **Restrict café opening hours to between 8 am and 6pm.**
9. **Stable block use to be ancillary to Stanhope Arms and restricted to owners or staying visitors horses only.**
10. **Submit and agree details of muck storage and disposal.**
11. **Camping pods to be timber construction with no facilities other than lighting; Prior to their installation full details, including precise siting and external finish shall be submitted for written approval by the Authority.**
12. **Car park layout to be submitted for approval.**
13. **Submit and agree full details of an external landscaping scheme for the site and which contains specific measures to strengthen the existing planting between the car park and the adjacent residential dwelling.**
14. **Submit for agreement details of the disposal of all spoil/waste from the site.**
15. **Submit and agree details of safe cycle parking facilities.**
16. **Garage restricted to parking of the Stanhope Arms owners and employees domestic vehicles only. Parking spaces retained for designated use throughout lifetime of development.**
17. **First floor of garage to be used solely for ancillary domestic purpose by the owners of the Stanhope Arms only.**
18. **Omit proposed alteration to window opening to bedroom 5 and the proposed balcony outside.**
19. **Submit and agree details of smaller conservation roof lights in the main roof.**
20. **Submit and agree full details of the café and B and B kitchen extract ventilation/odour filtration system.**
21. **Agree precise details of solar PV panels on café and garage.**

22. Agree precise details of the means of disposal of sewage and business waste from the site.

23. Omit proposed timber cladding on rear of garage and café in favour of natural gritstone.

24. Outdoor lighting

25. Stable block and management of waste

26. Car park details

27. Boundary scheme to be agreed

100/18 FULL APPLICATION - SINGLE STOREY AND TWO STOREY EXTENSION TO EXISTING CARE HOME AND POLYTUNNELS AND STORAGE SHED AT THE LODGE, MANCHESTER ROAD, HOLLOW MEADOWS

The following spoke under the public participation at meetings scheme:

- Mr Canello, Applicant.

Members were supportive of the work that the applicants do but were concerned that there was no clear plan for development on the site. They would be supportive of suitability located poly tunnels, in a different location, and a modest extension but not of any further development.

A motion to defer the application to allow for further discussion with the applicants was moved, seconded, voted on and carried.

RESOLVED:

That the application be DEFERRED to allow for further discussion with the applicants.

Mr Z Hamid left the meeting at 1230.

101/18 FULL APPLICATION - AGRICULTURAL WORKERS DWELLING AT MORRIDGE TOP FARM, BLAKELOW ROAD, ONECOTE

Cllr A Hart left the room due to his prejudicial interest in this item.

The following spoke under the public participation at meetings scheme:

- Ms S Harper, Applicant.

Officers stated that although they felt there was not enough agricultural justification for a dwelling they were willing to extend the temporary caravan permission to enable the applicants to try to build their business and increase the justification.

The recommendation for refusal was moved and seconded.

However, Members were concerned on the basis of the speaker's participation that they may not have the most up to date agricultural information in the report. Therefore the motion for refusal was withdrawn and a motion for deferral to allow for further examination of viability was moved and seconded. This was voted on and carried.

RESOLVED:

That the application be DEFERRED to allow for further examination of viability.

Cllr A Hart returned to the meeting.

Cllr H Laws left the room at 1255.

Cllr D Chapman and Cllr Mrs K Potter left the meeting at 1255.

The Committee voted to continue the meeting beyond 1300, in accordance with Standing Orders.

102/18 OUTLINE APPLICATION - PROPOSED EIGHT AFFORDABLE/LOCAL NEED FLATS AND FOUR OPEN MARKET FLATS. PLOT 3 AND 11A, DEEPDALE BUSINESS PARK, BAKEWELL

The following spoke under the public participation at meetings scheme:

- Mr D A Clapham, Applicant.

Cllr H Laws re-joined the meeting at 1305.

The recommendation for refusal was moved and seconded. The motion was voted on and carried.

RESOLVED:

That the application be REFUSED for the following reasons:

1. **Core Strategy policy E1 part D requires safeguarding of the existing land and buildings for business use where they are in high quality suitable locations such as Deepdale Business Park. As the location is considered to be appropriate for business use, the proposal is contrary to policy E1 part D.**
2. **Policy HC1 does not permit new open market housing other than as an enhancement to a previously developed site. As this proposal offers no enhancement it is contrary to policy HC1. Furthermore, it is considered that the development would not deliver affordable housing that would meet the identified local need to help justify new open market housing and is therefore also contrary to the National Planning Policy Framework and the guidance provided within English National Parks and Broads: UK Government Vision and Circular 2010.**

103/18 FULL APPLICATION - SINGLE STOREY SIDE EXTENSION TO EXISTING SEMI-DETACHED DWELLING, NEW FRONT PORCH, INTERNAL ALTERATIONS AND EXTERNAL LANDSCAPING AT 1 THE GABLES THE NOOK, EYAM

The following spoke under the public participation at meetings scheme:

- Ms L Furness, Objector
- Ms M Wiles, Objector
- Mr T Warburton, Supporter
- Mr R Williams, Applicant

In response to Members' queries officers stated that the distance between the proposed new build and the neighbouring property was 5.8m.

The recommendation for approval subject to conditions was moved and seconded. This was then voted on and carried.

RESOLVED:

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

- 1. Standard time limit.**
- 2. Development in complete accordance with the submitted plans P/01F, P/02F, P/03C, P/04E, P/05D, and specifications, subject to the following conditions or modifications.**
- 3. Stonework natural gritstone to match the existing.**
- 4. Where render is shown on the approved plans this shall be finished to match the existing render on the property.**
- 5. Timber windows painted white or off white and permanently so maintained.**
- 6. The dining area window to the west facing elevation of the extension hereby approved shall be obscure glazed and non-opening and shall be permanently so maintained.**
- 7. Any exposed walls/retaining walls for the terrace shall be faced with natural gritstone and permanently so maintained.**
- 8. The roof shall be clad with natural blue slate to match the existing.**
- 9. Remove permitted development rights for alterations to the west facing gable end of the extension hereby approved.**

104/18 FULL APPLICATION - BIKE AND BIN STORE AT THE GREEN, MAIN STREET, CHELMORTON

It was noted that Cllr David Chapman, the applicant, had already left the meeting.

The officer reported that there was no impact on the access to the holiday cottage by the proposed development.

It was agreed to add an extra condition regarding details of drainage.

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

RESOLVED:

To **APPROVE** the application subject to the following conditions:

1. The development hereby permitted shall be begun within 3 years from the date of this permission.
2. Carry out in accordance with specified plans.
3. All new stonework including lintels, sills, quoins and surrounds shall be in natural stone, coursed, laid and pointed to match the existing dwelling house.
4. The new roofs shall be clad with natural blue slate to match the dwelling house. The roof verge(s) shall be flush cement pointed, with no barge boards or projecting timberwork.
5. Details of drainage to be provided.

105/18 HEAD OF LAW REPORT - PLANNING APPEALS

The report on appeals lodged and decided during the month was received.

Both Members and officers were disappointed with the Planning Inspector's decision relating to Walker Edge Farm, Bolsterstone.

RESOLVED:

That the report be received.

The meeting ended at 1.40 pm

6. FULL APPLICATION: AGRICULTURAL WORKERS DWELLING AT MORRIDGE TOP FARM, BLAKELOW ROAD, ONECOTE (NP/SM/0717/0741, P3414, 404036/354380/28/07/2017/TS)

APPLICANT: SJ & SP HARPER

UPDATE:

1. The application was discussed at the Planning Committee meeting on 10 August 2018 and was deferred because Members were concerned that, on the basis of the applicant's participation, they may not have had the most up to date agricultural information in the report. The first part of this report is therefore intended to give an up to date appraisal of the existing farm business. Since the August Planning Committee meeting, the applicant has submitted an updated Agricultural Appraisal and has also submitted further written information. The following section is therefore based on the most up to date information that has been submitted. This report then goes to re-assess the proposal in light of the new information that has been received.

Size of Farm (land)

2. The farm holding at the application site (Morrige Top Farm) is 10 acres which is owned by the applicant.
3. The applicants also rent 116.5 acres of additional land which is spread over 5 land parcels as follows:
 - Cauldon Low (4.5 acres)
 - Ellastone Road (34 acres)
 - Leek (34 acres)
 - Meerbrook (6 acres)
 - Longnor (38 acres)
4. The applicants therefore farm 126.6 acres of land at present according to the most recent information that has been provided. Maps of the rented land have not been provided. However it is clear that the Cauldon Low, Ellastone Road and Leek sites are all outside of the National Park. It is not known if the Meerbrook site falls within or outside of the National Park boundary. The sites are all physically separate from Morrige Top Farm and from each other, but within about a 7 mile radius of Morrige Top Farm.

Stock Numbers

5. As of 15 August 2018 (the date of the updated Agricultural Appraisal) the stocking numbers of the farm were as follows:
 - 59 Sheep
 - 55 Cattle comprising: 8 suckler cows; 15 bulling heifers, 5 rearing calves and 27 'Other Cattle' made up of in calf heifers, fattening cattle and a bull.

Labour Demand

6. The Agricultural Appraisal dated 8 May 2018 previously submitted by the applicant, and which formed the basis of the report to Committee in August, set out that the farm business generates a labour demand equivalent to 131 days, which is less than half of a full time job (275 days is equivalent to a full time job).

7. The updated Agricultural Appraisal dated 15 August 2018 includes a re-calculation of the labour demand generated by the farm business. The reason given for this re-calculation is as follows:

“This has changed due to a slight increase in livestock numbers over the summer period and a more indepth review on field and forage labour requirements, due to the labour-intensive nature of this hill farm (please see labour demand section of this report). Apologies about any confusion this may have caused, this has been a mis-communication between myself and Simon & Sharon Harper.”

8. The revised appraisal sets out that that the farm business in fact generates a labour demand of 286 days, which is the equivalent of just over 1 full time job and so is roughly double the figure given in the May 2018 appraisal. 31 of the additional days are because of the increase in stock numbers and the additional 124 days are for ‘Permeant Pasture’ work which comprises of yearly maintenance and hay making.

Financial Sustainability

9. Information has been provided that shows the farm business made a very small profit in the financial year ending April 2018. The business made a loss in 2017 and a profit in 2016. It has therefore been profitable for two out of the last three years. The submitted supporting information outlines that the loss that was made in 2017 was as a result of an outbreak of pneumonia at the farm.

Updated Assessment

10. The key consideration remains whether there is an established functional need for a permanent on-site full time farm workers dwelling and whether granting permission for a permanent farm workers dwelling would constitute sustainable development in the context of the farm business that it would be associated with.

Functional Need and Sustainability of the Farm Business:

11. The report to the August Planning Committee meeting (included below) set out concerns that the scale of the farm business does not generate a job for a full time agricultural worker and as such a functional need for an agricultural workers dwelling cannot be said to exist. Policy is clear that there must be an established existing functional need for a full time worker to live on site in order for an exception to be made to the normal presumption against granting permission for isolated new homes in open countryside.
12. Concerns were also raised about the ability of the farm business to fund the cost of building a new dwelling which raises further doubt about the scale of the farm business being sufficient to justify a permanent dwelling and the sustainability of granting a permanent agricultural workers dwelling for it.
13. In terms of the scale of the farm business and the labour demand generated by it, as outlined above, an updated appraisal has been submitted which sets out that the farm business does in fact generate a full time job and that the previous appraisal (which stated only half a full time job is created) was incorrect. There has been a small increase in the stocking numbers since the April appraisal was submitted but the majority of the additional labour demand is from field work that was not previously taken into account.

14. It is accepted that the April appraisal did not take field work into consideration and it is correct to re-assess the labour demand to account for the regular field work that is required to operate a farm, particularly an isolated hill farm like this one. It is therefore accepted that the labour demand is likely to be more than the figure previously reported.
15. However, this still needs to be considered in the context of the functional need for a full time agricultural workers dwelling at Morrridge Top Farm. The functional need is a need for an on-site dwelling. If the farm work does not generate a need for an on-site presence then the functional need is not met. As such, the existence of a full time job alone does not in itself justify a dwelling. The key test is whether or not there is a functional need for a dwelling at Morrridge Top Farm.
16. Morrridge Top Farm is clearly the centre of the farm business as this is where the farm buildings are located. The main functional need for a dwelling here is for animal care and welfare purposes at short notice. The farm business involves calving and lambing, with calving taking place year round. It is acknowledged that this requires an on-site presence to provide care for animals at short notice. However, this work in itself does not amount to a full time job, based on the information that has been provided.
17. The field work activities that comprise almost half of the total labour demand set out in the most up to date agricultural appraisal do not all happen at the Morrridge Top site and will be spread around the 5 parcels of rented land that make up the farm business. Whilst no breakdown of what field work is done at each of the 6 sites, given that Morrridge Top is only 10 acres, it is reasonable to assume that very little of the field work takes place here. As such, whilst there is a reasonable requirement for an on-site presence to support security and animal care at short notice, the work load generated by this still only equates to just over half of a full time job. The rest of the work that makes up the full time job as set out in the latest Agricultural Appraisal takes places away from the site where travel to and from would still be required and permitting a dwelling at Morrridge Top Farm would be of no functional benefit.
18. It is acknowledged that it is not uncommon for farm businesses to be spread across 2 or more land parcels and this does not in itself mean that the application is unacceptable. However, given that the land parcel at Morrridge Top is so small, that the rest of the farm business is made up of land at 5 locations that are all separated from each other and that none of the other land is within the applicants' ownership, this does raise further doubts about the functional need for a full time agricultural workers dwelling at Morrridge Top.
19. The view is taken that the updated Agricultural Appraisal does suggest that the farm business is closer to being of a scale that would justify a permanent dwelling than the April 2018 appraisal previously suggested. However, given that a significant amount of the full time job that the updated appraisal sets out is carried out well away from this site and is made up of field work activities that are non-income generating, a concern still remains that the farm business is still not of a scale that justifies or can sustain a permanent dwelling at this time.
20. In terms of financial sustainability, as noted above the farm generated a very small profit in the last financial year. The farm business does not receive any subsidies because the amount of land in ownership is below the required size threshold.
21. There is a clear policy requirement for financial tests to be passed before a farm workers dwelling can be approved. Current Local Plan Policy LC12 states that:

“size and construction costs are commensurate with the established functional requirement and likely sustainable income of the business”

22. Emerging policy DMH4 clarifies the expectation further and states that:

“Before permitting worker accommodation, the Authority will require financial evidence that the business has been operating for at least three years, that it is currently profitable and that it has been so for at least one of the last three years, and that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling.”

23. Since the previous Planning Committee meeting the applicant has been invited to provide an explanation of how the profit from the farm business can sustain the cost of the proposed new dwelling.

24. The applicants have reiterated that the cost of the new dwelling will be met by income from the other non-agricultural work that both the applicants engage in. The applicants have also set out that the business has been in existence for 14 years and has also recovered from a loss making year in 2017 following a serious outbreak of pneumonia and that this therefore demonstrates that the business is sustainable. The applicants' assertions in this respect are fully acknowledged. However, the construction of a new dwelling would be a major undertaking for the business and the previous resilience of the business alone therefore does not demonstrate that the financial tests are passed. The fact that the costs of the dwelling are to be met by work outside of the farm business continues to raise concern that the farm business is not of a scale that justifies a permanent dwelling and doubts that the farm business can sustain the cost of a new dwelling also remain.

25. When weighing up the land management benefits of the farm business, it must also be acknowledged that the majority of the land farmed by the applicants is outside of the National Park. As such, whilst it is understood that this is a logical location to site a dwelling for the applicants, as it is close to the existing farm buildings, it would amount to a farm worker's dwelling within the National Park to help support land management activities that are largely outside of the National Park.

Other Updates

26. The previous report and recommended reason for refusal made reference to the site being within the Natural Zone. The site is indeed currently in the Natural Zone. However, a review of the Natural Zone has recently been undertaken and it has been recommended that the area of the site in which the track, yard and farm buildings are located (including the area on which the proposed new dwelling would be sited) should be removed from the Natural Zone. This will be actioned when the emerging Development Management Policies document is formally adopted.

Updated Conclusion and Recommendation

27. It is acknowledged that the updated Agricultural Appraisal sets out that the farm business is of a larger scale than was previously set out in the previously submitted information in terms of stock numbers and the labour demand generated by the farm. However, concerns still remain that the scale of the farm business does not justify an essential need for a permanent farm workers dwelling and that it has not been demonstrated that the business can sustain the costs of the proposed dwelling. It is therefore recommended:

28. That the application be REFUSED for the following reason:

The scale of the farm business as existing does not generate a functional need for a permanent agricultural workers dwelling. Furthermore, the application has not demonstrated that the farm business can sustain the ongoing cost of the proposed new dwelling. The construction of a new dwelling in this isolated location in the open countryside is therefore not justified and is contrary to policies HC1 and HC2 of the Core Strategy, Policy LC12 of the Local Plan, Policy DMH4 of the emerging Development Management Policies Document and the guidance contained within the National Planning Policy Framework.

REPORT TO AUGUST 2018 PLANNING COMMITTEE BELOW:

1. Site and Surroundings

1.1 Morridge Top Farm is situated in an isolated, upland location just to the east of the high ridge known as Morridge, which forms the south western boundary of the National park. The application site is comprised within a group of farm buildings that form part of holding that has expanded incrementally since 2004 when permission was first granted for a new access track to the application site and a farm building on what was previously a bare field site.

1.2 There is currently a static caravan on the site that was previously granted planning consent for a temporary period of three years. The applicants and their family live in the static caravan.

1.3 The farm comprises of the existing buildings and about 10 acres of land surrounding them. The site is within the Natural Zone. The surrounding area is predominantly characterised by open countryside and agricultural land. The nearest neighbouring properties are Moorside Farm, approximately 300 metres to the north east, Birdsgrove Farm approximately 300 metres to the north and Hopping Head, approximately 320 metres to the north west.

2. Proposal

The application is seeking full planning permission for an agricultural workers dwelling. The proposed dwelling would be to provide a permanent on-site dwelling in order to replace the temporary accommodation that has been provided by the existing static caravan.

The proposed dwelling would be sited just to the south of the existing farm buildings next to the existing farm access track. The dwelling would be a bungalow with first floor accommodation set within the roof space.

3. RECOMMENDATION:

That the application be REFUSED for the following reason:

The scale of the farm business does not generate the need for a permanent full-time employee and as such there is not an established existing functional need for a permanent agricultural workers dwelling. The construction of a new dwelling in this isolated location in the open countryside, within the Natural Zone, is therefore not justified and is contrary to policies HC1 and HC2 of the Core Strategy, Policy LC12 of the Local Plan and the guidance contained within the National Planning Policy Framework.

4. **Key Issues**

- Whether development within the Natural Zone would be acceptable
- Whether there is an established functional need for a permanent farm workers dwelling
- The impact of the development on the landscape character and special qualities of the National Park.
- Whether the proposals are acceptable in planning terms with regard to ecology; highway issues and impact on amenity of local residents.

5. **Relevant Planning History**

The following planning history is considered to be the most relevant to the current application:

- | | |
|------|---|
| 2004 | Planning permission granted for erection of agricultural building for storage and livestock housing and construction of track |
| 2011 | An application for a temporary agricultural workers dwelling (static caravan) was refused due to lack of evidence of a functional need. |
| 2013 | Planning permission granted for extension and erection of agricultural buildings for livestock accommodation and covered manure storage |
| 2014 | Temporary planning permission granted for siting of caravan as an agricultural workers dwelling for a temporary period of 3 years. |

6. **Consultations**

County Council (Highway Authority) – no comments received

Onecote Parish Council – Object to the application on the following grounds:

1. National and local planning and conservation policies have a presumption against new building in open countryside where no dwellings exist.
2. Allowing the proposed development would set a precedent for similar development in the surrounding area.
3. Whilst the Parish Council applauds Mr and Mrs Harper's hard work and determination to succeed, it does not feel that the current business case for a permanent dwelling has been demonstrated given that the permanent land holding has not increased since the previous application.

7. **Representations**

received

8. Policies

8.1 National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

8.2 National Planning Policy Framework

8.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published on 24 July 2018. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

8.4 Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

8.5 Paragraph 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

8.6 Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply, including when there is an essential need for a rural workers, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

8.7 Paragraph 172 includes footnote 54, which notes that further guidance on how National Parks should be managed is provided in the English National Parks and Broads: UK Government Vision and Circular 2010 (the Vision and Circular). In paragraph 78 of the Vision and Circular, the government recognises that National Parks are not suitable locations for unrestricted housing. This is consistent with the Authority's own housing policies, which focus on meeting affordable housing needs within the National Park, as detailed below.

8.8 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 8.9 Paragraph 83 states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.

8.10 Development Plan

8.11 Core Strategy

- 8.12 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.
- 8.13 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.
- 8.14 Policy DS1 is the development strategy and sets out that the majority of new development will be directed into Bakewell and named settlements. DS1 also establishes that development in the Natural Zone will be resisted other than in exceptional circumstances.
- 8.15 Policy HC1 establishes that provision will not be made for new housing solely to meet open market demand. Exceptionally, new housing can be accepted where it provided for key workers in agriculture.
- 8.16 Policy HC2 sets out the broad criteria that must be applied to applications for agricultural workers dwellings as follows:
- A. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
 - B. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
 - C. It will be tied to the land holding or rural enterprise for which it is declared to be needed.

The supporting text to policy HC2 states that justifying a new home outside of a settlement depends on essential functional and financially sound needs of an enterprise for full-time employees and not on personal preferences or circumstances.

8.17 Saved Local Plan Policies

Policy LC1 sets out that development in the Natural Zone will only be approved in exceptional circumstances, including where it is essential for the management of the Natural Zone.

8.18 Policy LC12 states that:

The need for a new agricultural or forestry worker's dwelling will be considered against the needs of the farm or forestry business concerned and not the personal preferences or circumstances of any individuals involved. Development will be permitted provided that:

“a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements;

and there is no suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker(s) concerned;

and size and construction costs are commensurate with the established functional requirement and likely sustainable income of the business;

and it is close to the main group of existing buildings and does not require obtrusive new access tracks or driveways;

and a satisfactory mechanism is put in place to secure long term control by the business of the dwelling in question and of any other dwelling that meets an agricultural need of the business;

and occupancy of the dwelling in question (and of any other dwelling that meets an agricultural need of the business) is restricted to persons solely or mainly working in the locality in agriculture or in forestry, or to the same occupants when they have stopped such work, or a widow or widower of such a person, and any resident dependants;

and stated intentions to engage in or further develop farming or forestry are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation;

and sufficient detail is provided to enable proper consideration of these matters.”

8.19 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.

8.20 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.

8.21 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.

8.22 Emerging Development Management Policies

8.23 The Authority's emerging Development Policies Document has now undergone examination in public. Whilst the document has not yet been adopted, and therefore cannot be given full weight in the assessment of the application, given the advanced stage it is considered that some weight can be given to the emerging policies. Policy DMH4 is of particular relevance to essential worker dwellings and sets out criteria that are very similar to those in existing Local Plan policy LC12. Significantly through, Policy DMH4 clarifies the requirements of the financial test that should be applied to applications for agricultural workers dwellings as follows:

“Before permitting worker accommodation, the Authority will require financial evidence that the business has been operating for at least three years, that it is currently profitable and that it has been so for at least one of the last three years, and that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling.”

9. Assessment

9.1 *Issue 1 – Development within the Natural Zone*

The application site lies within the Natural Zone. It must be recognised however that the proposal is for an agricultural worker's dwelling within an existing group of farm buildings, so it does not represent the introduction of development in an area of the Natural Zone where none presently exists. In considering the 2004 application for the creation of this farmstead, the case officer's report noted that: *“Officers consider that there will be significant conservation gains if the application for the road and building is granted. The field is a semi-improved grassland with a thin peaty soil on thick clay surface deposits. As a result it is very wet in the winter. The sward is rush infested and of moderate ecological interest with a few areas of special interest where wet heath species occur. If the situation is left as it is there will be significant damage to the site. The building and road are necessary for the efficient management of the site and would allow areas of ecological interest to be safeguarded from poaching in damp conditions, therefore this part of the Natural zone would be conserved”*. The view was therefore taken that exceptional circumstances existed to justify development in the Natural Zone as it was in the interest of its conservation. Given that the current application is for an agricultural workers dwelling, it is considered that the further development in the Natural Zone would be acceptable for the same reason if it can be demonstrated that there is an essential functional agricultural need for it. Without a clearly demonstrable essential functional agricultural need, there would be no justification for the construction of a new dwelling within the Natural Zone.

9.2 *Issue 2 - Whether there is an established functional need for a permanent agricultural workers dwelling*

9.3 Background and Principle of Development

9.4 A farm unit at the site was created around 2004 when planning permission was granted for an agricultural building and an access track. In 2011 an application for a static caravan to provide accommodation for a farm worker was refused because a functional need for it had not been demonstrated. A subsequent application for a static caravan to provide farm workers accommodation was approved in 2014 for a temporary period of three years. The applicants and their family now live in this caravan. However, the permission for the caravan has now expired and it is therefore currently unauthorised. The current application seeks permission for a permanent dwelling and this would replace the existing static caravan.

9.5 Under the 2014 application for the static caravan, it was acknowledged by the applicant that the farm business at that time was not at a stage where a permanent dwelling could be justified within the terms of local and national policy. However, it was demonstrated that an on-site presence was necessary to develop the farm business. Policy LC12 allows for temporary accommodation when there is uncertainty about the sustainability of a proposal. The Committee report for that application noted that:

“In this case, the uncertainty around the current proposals partly arises from the fact that much of the applicant’s land is currently rented, and it is only in the event that capital is released from the applicants’ existing house to buy more land that the farm business is likely to develop as anticipated in the submitted agricultural appraisal. Therefore, a temporary permission for the static caravan would allow the applicants to develop the existing farm business but there also remains some uncertainty that the business plan for the holding can be achieved despite the clear intentions of the applicants.

This is an especially important consideration because a temporary consent for a static caravan would be unlikely to be renewed at the end of the three years sought by this application but the temporary accommodation is now needed if the applicants’ aspirations to develop their farm business and increase their land holding are going to be achieved.”

9.6 The temporary permission for the static caravan was therefore justified in order to allow the applicants to grow the farm business with the intention of reaching a scale where a permanent on site dwelling may be justified.

9.7 The 2014 application was accompanied by an agricultural appraisal that included a business plan that set out the applicants’ intentions for developing the business. This included a statement that the granting of permission for a temporary caravan would allow the applicants’ previous property to be sold and proceeds invested in the farm business. In addition, as the farm business grows additional finance through a farm mortgage will provide sufficient capital investment.

9.8 According to the agricultural appraisal and business plan, in 2014 the applicants owned the 10 acres at Morrridge Top Farm and rented a further approximately 50 acres. It was also stated that the applicants owned a further 7 acres of land at Bottomhouse, but it is now known that the purchase of this land fell through sometime after the appraisal was compiled so this is not in fact within the applicant’s ownership. The business plan states that it was intended that approximately 50 acres of additional land would be taken on within the next 3 years and that this would either be rented or purchased depending on the circumstances and location. Also at that time, the farm comprised of 25 cattle, with the intention to grow the herd to 100 in the three year period of the temporary static caravan.

9.9 A new agricultural appraisal of the farm business as exists today has been submitted with the current application. This sets out that the applicants still own just the 10 acres of land around the buildings at Morrridge Top Farm, but 114 acres of land in four different land parcels are now rented. The total land farmed by the applicants is therefore 124 acres. There has therefore been a significant increase in land farmed by the applicant, but no increase in the land in ownership or in land in the immediate locality of the proposed farm workers dwelling.

9.10 In terms of livestock numbers, the number of cattle has increased to 55. This is below the anticipated increase to 100 cattle that was forecast in the 2014 business plan. The applicants have however developed a flock of 56 breeding sheep, which was not forecast in the previous business plan so represents an additional activity. Overall therefore, it is fully acknowledged that there is evidence of the farm business having developed since temporary planning permission was granted for the static caravan. It is however concerning that no additional land

has been purchased as there is little security that the rented land will remain part of the farm business in the long term.

9.11 Functional and Financial Tests

9.12 Having established the size of the farm holding as exists today and the nature of the farm business, it is necessary to consider whether there is now a genuine functional need for a permanent on-site farm workers dwelling. The submitted appraisal includes a breakdown of the labour demand of the farm business. This sets out that the numbers of livestock in the business, plus demand for repairs and general maintenance generates a labour demand of 131 standard man days in a year. This is the equivalent of just less than half of one full time job. The appraisal sets out that there is an intention to purchase another 30 cattle in the next 12 months and this would increase the labour demand to about 66% of one full time job. Significantly therefore, the farm business as it exists now and as it is predicted to be in 12 months does not generate full time employment for one agricultural worker. The supporting text to policy HC2 makes it clear that justifying a new home outside of a settlement depends on essential functional and financially sound needs of an enterprise for **full-time employees** and not on personal preferences or circumstances. The supporting information confirms that both of the applicants work off the farm in order to support the farm business so neither is a full time employee of the farm business. Given that the farm business does not generate full time employment for at least one agricultural worker it cannot be said that a genuine functional need for a permanent farm workers dwelling exists. The proposal is therefore clearly contrary to policy HC2 and cannot be supported.

9.13 It is acknowledged that a need for on site presence for animal welfare purposes, particularly during calving and lambing still exists. However, this in itself does not justify a permanent farm workers dwelling if that dwelling is to be occupied by someone that is not a permanent full-time employee of the farm business.

9.14 The submitted supporting information sets out that the beef and sheep numbers are to be expanded in the next 3 years and that the applicants will be in a better position to buy land if planning permission for a dwelling is approved as the site will be worth more to borrow against in order to raise finance that can be used to expand the business. The applicants have made it clear during the course of the application that it will not be possible to significantly expand the farm business any further unless planning permission for the new dwelling is granted as it will not be possible to raise capital to do so without being able to borrow using the dwelling for security.

9.15 There are two issues with this approach: firstly; it contradicts the statement in the 2014 appraisal that capital from the sale of the applicants' previous property and a farm mortgage would provide sufficient capital investment to be able to grow the business. Secondly, and most significantly; policy is very clear that the functional need for a dwelling must be **existing**. It is not acceptable to allow a permanent dwelling to be approved on the basis that a business will expand in the future to a size to justify a dwelling. Taking this approach would be highly unsustainable. Agricultural workers dwellings are only acceptable as exceptions to the general presumption that new houses won't be allowed in the open countryside when a genuine need exists as unrestricted housing would be severely harmful to the conservation of the National Park. It is fully acknowledged that the NPPF encourages the growth and expansion of rural businesses. However, the emphasis is on sustainable growth and expansion and it is considered that granting permission for an agricultural workers dwelling in anticipation of the farm business growing in the future is not a suitable practice.

9.16 In terms of financial tests, the supporting text to emerging policy DMH4 clarifies what is expected in order for the financial test to be passed as follows:

Before permitting worker accommodation, the Authority will require financial evidence that the business has been operating for at least three years, that it is currently profitable and that it has been so for at least one of the last three years, and that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling.

9.17 Business accounts have been submitted for the last three years. These show that the business generated a small profit in the last financial year and has been profitable for two out of three of these years. A loss was made in one year but the applicant has explained that this was due to an outbreak of pneumonia and the business has now recovered from this. The application has therefore clearly demonstrated that the business has been established for at least three years and has been profitable for at least one of the last three years. However, based on the small level of profit the business generated last year, there has to be uncertainty about the ability of the business to sustain the construction costs of a new dwelling. The supporting information explains that income from employment away from the farm would help to fund the building of the property, rather than profits from the farm building itself. This is acknowledged but raises further doubt about the scale of the farm business being sufficient to justify a permanent dwelling and the sustainability of granting permission for a permanent agricultural workers dwelling for it.

9.18 There is some sympathy for the position that the applicants find themselves in. It is clear that this is not a 'hobby farm' or simply a lifestyle choice and that the applicants' aspirations to develop the business to a level whereby they can become full time employees of the farm business are clear. However, it is not clear how the applicants can grow the farm business to a scale at which they (or at least one of them) could become full time employees of the business. Policy and guidance is quite clear that there must be an **existing** functional need for a full time agricultural workers dwelling in order for an exception to the presumption that planning permission will not be granted for new dwellings in the open countryside to be justified. It is clear that the functional need for a full-time agricultural workers dwelling does not exist at this time. The proposal is therefore contrary to policies HC1, HC2, LC12 and emerging policy DMH4.

9.19 Issue 3: The impact of the development on the landscape character and special qualities of the National Park.

9.20 Design and Landscape Impacts

9.21 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.

9.22 Construction of a new permanent dwelling in this prominent and isolated location would clearly have an impact on the character of this part of the national park and could not be said to conserve or enhance valued characteristics of the park. This is in part why robust appraisal of the need for agricultural workers dwellings must be carried out as the construction of new dwellings in the open countryside is only justified when the greater benefit of assisting with important land management purposes can be realised. In this case, had a genuine functional need for an agricultural workers dwelling been demonstrated, it is likely that the view would be taken that the relatively low level of harm that would be caused by the construction of a new dwelling would be outweighed by the benefits of assisting with wider land management. However, as that justification does not exist, the construction of a new dwelling here cannot be said to accord with policy GSP3.

9.23 The proposed dwelling would be a simple, stone built pitched roof bungalow with first floor accommodation set within the roof space. It is acknowledged that bungalows are not a traditional feature of the National Park, particularly in the open countryside. However, given the

remote and elevated nature of the application site it is considered that a traditional two storey dwelling would potentially appear too prominent in the landscape. Given that there is no overriding character to the built form in the locality, and the dwelling would be set against the modern agricultural buildings, it is considered that a bungalow is acceptable in this location and would not result in any harm to the landscape character of this part of the National Park. It is considered that the windows to the gable ends are overly-numerous and result in a suburban appearance. However, if the general principle of the development had been acceptable then these matters would have been addressed with the applicant.

9.24 Issue 4: Whether the proposals are acceptable in planning terms with regard to ecology; highway issues and impact on amenity of local residents.

9.25 Impact on Amenity

9.26 Given that the proposed dwelling would be over 300 metres from the nearest existing dwelling in the locality, it is considered that there would be no resultant harm to residential amenity by way of overlooking, overshadowing or oppressive impacts. Furthermore as the proposed dwelling would be part of a small but established farm holding, it would not result in any intensification in activities that would result in harm to the amenity of the locality. It is considered that the proposals meet with the requirements of policy LC4 with regard to impacts on residential amenity.

9.27 Highways

9.28 The proposed dwelling would utilise the existing farm access and would have parking for at least two cars. As the dwelling would provide accommodation for the farm business, it is considered that the development would not increase existing levels of traffic movements. In fact, an on site dwelling is likely to result in a reduction in vehicular movements compared to the scenario of there being no on site accommodation. It is considered that the proposal would not be harmful to highways safety,

9.29 Ecology and Protected Species

9.30 Given that the proposed dwelling would be sited within the existing farm stead, on an area that is currently used for storage, it is considered that there would be no harm to protected species or ecological interest in this instance.

10. Conclusion

It is acknowledged that the farm business has grown since the previous temporary permission for a static caravan was granted. However, the submitted information clearly demonstrates that the existing scale of this farm business does not generate employment for a full time agricultural worker. As such, there is not functional need for a permanent agricultural workers dwelling. The applicants' intentions to further development the farm business are acknowledged. However, permanent agricultural workers dwellings should only be approved when there is a genuine existing need, and not based on a forecast need in the future. In the absence of a demonstrable existing functional need, the proposal is contrary to policies HC1, HC2, LC12 and the guidance contained within the NPPF which restricts new build dwellings in isolated locations in the countryside unless they are essential for key workers.

Human Rights

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

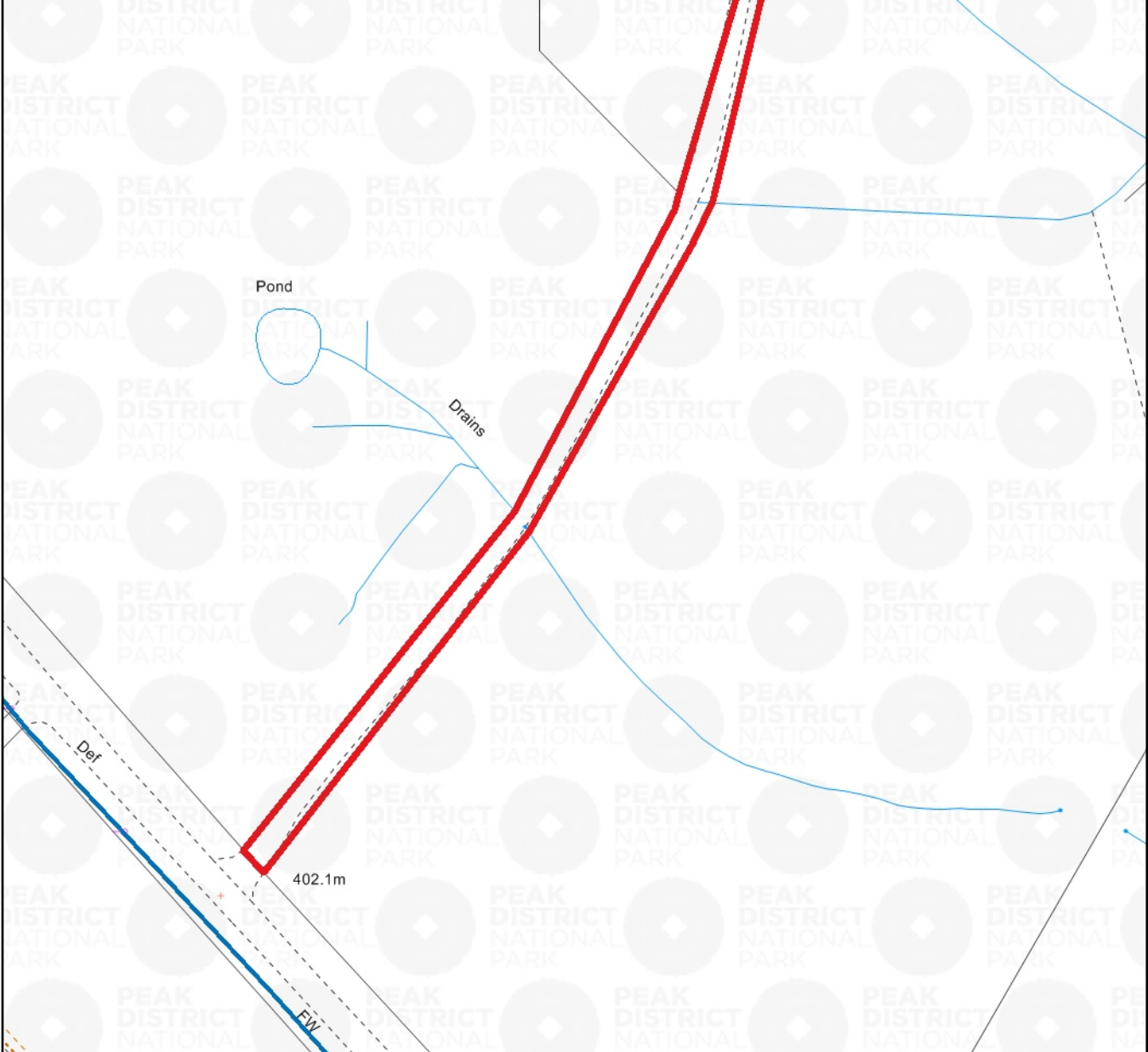
List of Background Papers (not previously published)

Nil


Report Author and Job Title

Tom Shiels, Planning Manager

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Committee Date:	14th September 2018	Title: Morridge Top Farm, Onecote	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6		
Application No:	NP/SM/0717/0741		
Grid Reference:	404036, 354380		

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7. FULL APPLICATION - FULL APPLICATION – SINGLE STOREY AND TWO STOREY EXTENSION TO EXISTING CARE HOME AND POLYTUNNELS AND STORAGE SHED AT THE LODGE, MANCHESTER ROAD, HOLLOW MEADOWS (NP/S/0518/0432, P.7130, 425648 / 387941, 07/06/2018/ AM)

This application was deferred at the August meeting to allow time for Officers to discuss the proposed polytunnels and storage shed with the applicant. The agent has submitted revised drawings which show the polytunnels and storage shed omitted from the scheme.

APPLICANT: MOORVILLE RESIDENTIAL

1. Proposal

- 1.11 The erection of a two storey and single storey extension to the existing care home.
- 1.12 The two storey extension would project from the rear of the original building between two existing elements on this elevation. The extension would have a pitched roof and would be built from materials and windows to match the main building. This extension would provide space for a hydro spa at ground floor and a larger bedroom at first floor.
- 1.13 The single storey extension would extend to the west from the recently approved extension. This extension would have a pitched roof and would be built from materials to match the main building and extension. This extension would provide for a bedroom with part of the approved extension being re-configured to provide space for a sensory room.

2. Site and Surroundings

- 2.1 The Lodge is located to the north of the A57 at Hollow Meadows. The property is a former dwelling now converted to a residential care home which was granted planning permission last year and more recently granted planning permission for extensions (see planning history section of the report). The property was originally associated with the old Hollow Meadows hospital located immediately to the east (now converted to housing).
- 2.2 The building is two storey and constructed in natural gritstone under a blue slate roof. The Lodge is set well back from the A57 and is accessed by a private driveway. The nearest neighbouring properties are the dwellings located in the former hospital to the east.

3. RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **It is considered that by virtue of its form, design and siting that the proposed development would harm the character and appearance of the existing building contrary to Core Strategy policies GSP1, GSP2, GS3, DS1, L1, HC4 and E2, saved Local Plan policies LC4 and LE4 the Authority's adopted design guidance and the National Planning Policy Framework.**

4. Key Issues

The design and scale of the proposed extension and the impact upon the character, appearance and amenity of the existing building, its setting and that of neighbouring properties.

5. History

1987: Planning permission granted for extension.

2007: Planning permission refused for two storey rear extension.

2011: Planning permission granted for conversion of garage to gym and granny flat.

2015: Planning permission granted for first floor extension over existing kitchen.

2017: Planning permission granted for change of use to care home for adults with autism and learning difficulties and retention of access.

2018: Planning permission granted for extension to care home.

6. Consultations

Highway Authority – No response to date.

District Council – No response to date.

Parish Council – No objections.

7. Representations

7.1 A total of nine representations have been received to date. Six representations support the proposed development and three representations object to the development. Four of the representations in support of the application are in the form of a questionnaire completed by residents at the site and state support for the building of the proposed facilities.

7.2 The material planning reasons given for support or objection are summarised below. The letters can be read in full on the website.

Support

- The proposals will enhance facilities and opportunities for enabling meaningful experience for individuals on site in a safe and manageable environment.

Object

- Proposed two storey extension will potentially increase activity in the courtyard area which is in close proximity to neighbouring gardens.
- Concern over potential future uses of proposed garden store.
- Proposed polytunnels will have an adverse visual impact.
- Proposed polytunnels will increase green waste from the site and harm the amenity of neighbouring properties.

8. Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, E2, L1 and T2

Relevant Local Plan policies: LC4, LE4, LT10 and LT18

National Planning Policy Framework

8.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published on 24 July 2018. The Government's intention is that

the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

- 8.2 Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
- 8.3 Paragraph 172 includes footnote 54, which notes that further guidance on how National Parks should be managed is provided in the English National Parks and Broads: UK Government Vision and Circular 2010 (the Vision and Circular).
- 8.4 Paragraph 83 states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.
- 8.5 Chapter 12 of the revised NPPF, "Achieving well-designed places", sets out the Government's policy on design: "*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". Paragraph 130 states: "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents*".

Development Plan policies

- 8.7 Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.8 Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 8.9 Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

8.10 There is no specific relevant policy within the Authority's Development Plan covering care homes generally or for adults with autism and learning difficulties. Policy HC4 enables the provision of community services but these are encouraged within sustainable locations within settlements, elsewhere proposals to provide community facilities or services involving change of use of traditional buildings or replacement buildings achieving enhancement will be encouraged.

9. Assessment

Principle

9.1 The use of the site as a care home was granted by the Authority last year and planning permission was granted earlier this year for substantial extensions with the approved scheme allowing for a maximum occupancy of 10 persons in care within the main building and in the detached annex at the rear.

9.2 This application proposes further extensions to the existing care home and the Authority's development plan does allow for extensions to existing buildings in principle. Policy HC4 does not refer specifically to extensions to existing community facilities in the open countryside but HC4. B indicates that community facilities should involve the change of use of traditional buildings or a replacement of an existing building where there is enhancement. Policy E2 and LE4 together say that the expansion of existing businesses will be carefully considered in terms of landscape impact and should be a modest scale in relation to existing activity and/or buildings.

9.3 Therefore it is considered that relevant policies do offer support in principle an extension to the existing care home provided that the design, scale and landscape impact was acceptable and that the development was acceptable in all other respects.

Design and Landscape Impact

9.4 This application proposes further extensions to the care home over and above those approved by the Authority earlier this year. The design of the approved extension is unchanged by this proposal.

9.5 Officers do have concerns about the design and location of the proposed single storey side extension.

9.6 The proposed single storey side extension would extend off the recently approved extension and further westwards away from the original building. When read as a whole with the approved extension would have a comparable footprint to the original building and visually from the front elevation would be wider than the original building and therefore a more dominant element. Furthermore the gable width of the extension would be wider than the main gable of the original building and approved extension and consequently would have a taller roof.

9.7 The single storey side extension would result in the approved extension becoming more dominant than the original building and the width of the gable and consequent taller roof of the extension would not harmonise with the original building or the extension. The design and siting of the single storey extension is therefore considered to be contrary to the Authority's adopted design guide.

9.8 The proposed two storey extension would be located to the rear of the original building between two existing extensions and would be sub-ordinate to it in scale and height and therefore would not be a dominant addition. The design and form of this element would also reflect the existing rear gables. Officers therefore have no objections in principle to this

element of the design and welcome the amended plans which show the rear wall of the extension is inset from the adjacent extension which is in accordance with Officer advice.

- 9.9 The polytunnels and storage shed originally proposed in the application have been omitted from the scheme. These would be sited on part of the field to the west of the care home rather than within its curtilage. Officers had strong concerns that siting these buildings within the field would result in an adverse visual and landscape impact by their use of non-traditional materials and because the buildings would encroaching into the open field where the structures would be visible from the highway and the surrounding landscape.
- 9.10 Officers consider that the proposed single storey extension would not be in accordance with the Authority's adopted design guidance and would result in the extensions as a whole having a greater and more dominant impact upon the original building. The proposed extension would harm the character and appearance of the building contrary to policies GSP3, HC4, E2, LC4 and LE4.
- 9.11 If permission is granted then Officers would recommend conditions to secure the amended plans which show the polytunnels and storage shed omitted as these elements would encroach into the countryside contrary to policies GSP3, L1 and LC4. Conditions to secure matching materials for the extensions would also be recommended.

Amenity and Highway Safety

- 9.11 The proposed extensions would not result in any increase in the permitted number of residents at the property. There is ample parking space to accommodate the proposed development and it is considered that the proposal would not result in any substantial increase in activity, traffic or other issues such as waste over and above the existing.
- 9.12 Given the position of the proposed extensions to the north and west of the lodge and away from neighbouring properties which lie to the east and the intervening distances, there are no concerns that the extension would lead to any loss of privacy or amenity to neighbouring properties. Officers note the concerns raised about the potential future intentions of the applicant in regard to the polytunnels and storage shed, however the application must be determined on its own merits.
- 9.13 Therefore it is considered that the proposed development would not harm the amenity, privacy or security of neighbouring properties or harm highway safety.

Other Considerations

- 9.14 A number of representations have been received which emphasise that the proposed facilities will improve opportunities and experiences for individuals on site. Officers are sensitive to these points and recognise the importance of the accommodation provided by the applicant for residents and for people with autism who would benefit from the opportunity to live independently with care. Therefore approving the application would provide a public benefit of enhancing the existing accommodation at the site.
- 9.15 The Authority's policies do allow in principle for extensions to the existing building and in principle Officers welcome proposals to improve the accommodation provided at the lodge. However, significant concerns in regard to the design and impact of the proposal remain.
- 9.17 Therefore, while the potential benefits of allowing the scheme are understood and recognised it is considered that these benefits can be provided in a different way which is in accordance with the Authority's design and conservation policies. The National Park has the highest level of landscape protection, and the Authority's policies in relation to design and conservation cannot be put aside because the use has benefits in other respects,

particularly where these benefits could be realised in a scheme which would not be detrimental to the National Park.

10. Conclusion

- 10.1 It is therefore concluded that the proposed extensions by virtue of its form and design would harm the character and appearance of the existing building contrary to relevant development plan policies and adopted design guidance.
- 10.2 Officers recognise the benefits of the accommodation and care provided on site to occupants and the wider community and in principle welcome development to enhance this accommodation and the National Park.
- 10.3 However these benefits are not considered to outweigh or override the conflict identified with the Authority's conservation policies and in the absence of further material considerations it is therefore concluded that the proposed development is contrary to the development plan. The application is therefore recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

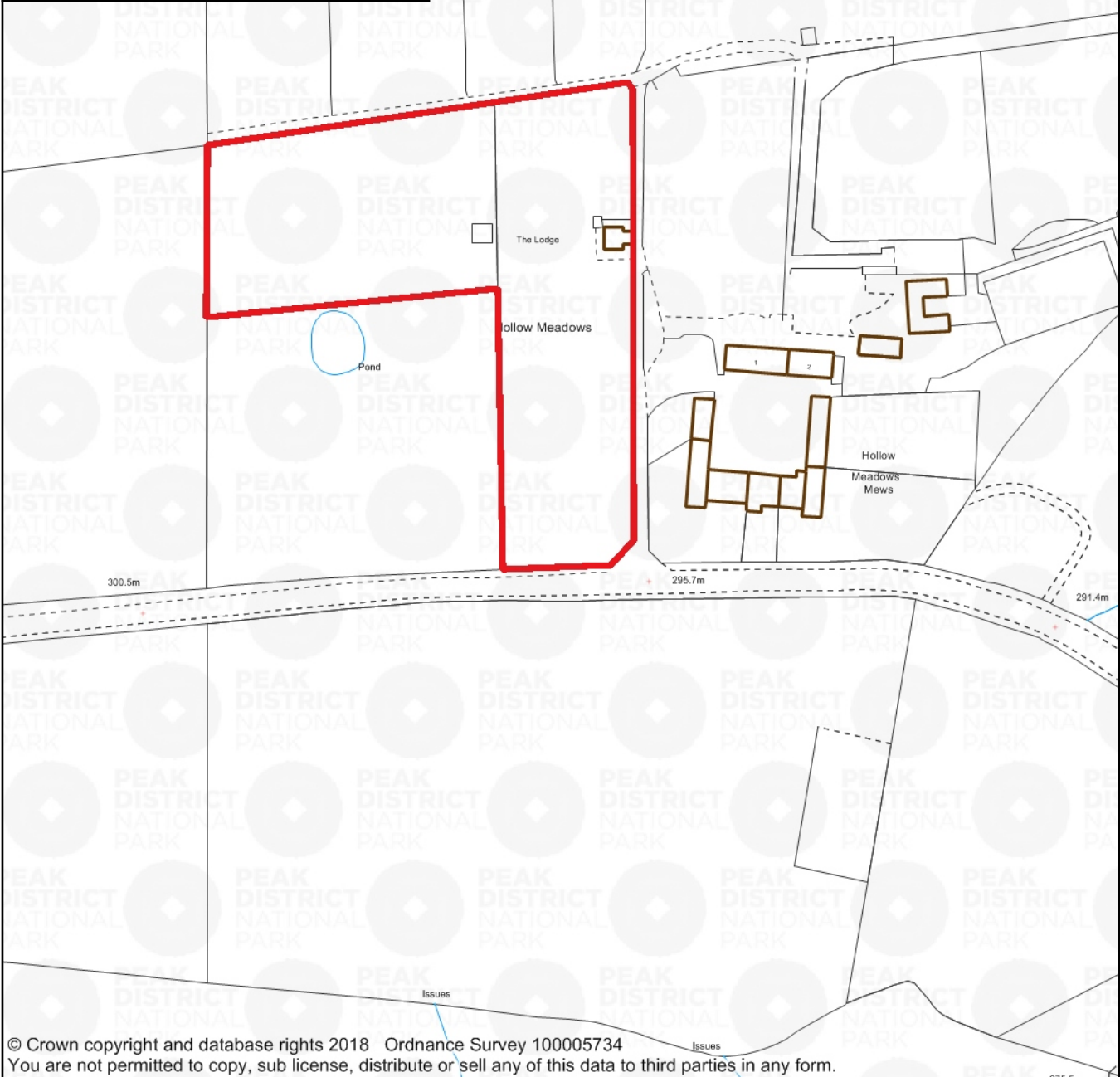
Nil

Report Author


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Committee Date:	14th September 2018	Title: The Lodge, Hollow Meadows	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 7		
Application No:	NP/S/0518/0432		
Grid Reference:	425648, 387941		

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8. FULL APPLICATION - SECTION 73 TO VARY CONDITION 2 OF NP/HPK/0515/0491 TO COVER THE INCLUSION OF A CROP DRYING SYSTEM FOR THE POTATO STORE AT KNOTLOW FARM, WORMHILL, BUXTON (NP/HPK/0618/0511 SW)

APPLICANT: MR GLEN MOSELEY

Site and Surroundings

1. The site is located in Wormhill at Knotlow Farm. The house and traditional barns on the site benefit from being Grade 2 listed in their own right or from being within the curtilage of the listed building. The majority of the group of farm buildings are also within the designated Conservation Area. The application site itself is outside but adjoins the Conservation Area. The building has been erected and the crop drying system which is the subject of this application has been installed. The application is therefore retrospective.
2. Two PROW footpaths converge close to the site. The site of the proposed building will not affect a PROW. There is another path shown to the rear of the building that may have been affected, but this is not shown on the Authority's mapping system as a PROW or to have any other designation.
3. The nearest properties to the site are Holly House to the south west of the site, and The Old Vicarage and a cottage to the south of the site which are both also Grade 2 listed buildings. The boundary to Holly Houses garden is approximately 5m away from the building, with a public footpath between the building and the boundary to that property's garden.
4. There are mature trees to the south of the site, outside the applicant's ownership.

Proposal

5. The proposal is to vary the approved plans to permit the installation of a crop drying system which externally requires the installation of three cowls/vents.
6. The cowls/vents and crop drying system are already installed, they were at or shortly after the point of construction, the application seeks to regularise these. The application includes supporting information including a noise impact assessment which explains that alterations to the installation are required to mitigate the noise it generates. This includes the installation of silencers.
7. As submitted there were no elevation drawings, but these have now been provided.

RECOMMENDATION:

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

1. **Standard time limit**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans 'SIDE ELEVATION', 'SOUTH ELEVATION' and specifications, subject to the following conditions or modifications.**

- 3. Prior to the development hereby approved being brought into use, noise mitigation measures no less effective than those outlined within the submitted Noise Impact Assessment (Peak Acoustics ref: PA482, dated 8th March 2018) shall be implemented, and tested to the written satisfaction of the Authority which shall include submission to the Authority of an appropriate noise mitigation validation report for consideration. If the mitigation is found to be less effective than outlined it will need to be upgraded to be as effective as outlined. Once the results of the Noise Mitigation Validation Report has been found to be satisfactory the building can be brought into use and thereafter the approved mitigation shall be maintained for the life of the development.**
- 4. Rated noise from the development shall not exceed the background noise levels as determined in the submitted Noise Impact Assessment (Peak Acoustics ref: PA482, dated 8th March 2018), of 27dB(A); when measured (or calculated) at the façade of any noise sensitive premises. Measurements and calculations shall be undertaken in accordance with the procedures outlined in BS4142:2014.**
- 5. Rated noise from the development shall not exceed the background noise levels as determined in the submitted Report Reference CH1910171NR (Peak Acoustics 17th August 2018), of 36dB(A); when measured (or calculated) at the boundary of any dwelling's garden. Measurements and calculations shall be undertaken in accordance with the procedures outlined in BS4142:2014.**
- 6. The sheeting for the roof and walls and the finish of the cowls/vents shall be factory colour-coated to BS 5252 Ref. No. 18B29 and thereafter these shall not be repainted or replaced other than that colour without the prior written approval of the National Park Authority.**
- 7. The sheeting for the walls shall overlap or replace the concrete panels down to ground level.**
- 8. The landscaping tree and shrub planting shown on 'Landscape Plan' and 'Landscape Plan Supplementary Details' which were received by the Authority on the 3rd January 2018 and approved by application NP/DIS/0917/0930 shall be carried out in the first planting and seeding seasons following occupation of the building or completion of the development whichever is the sooner. Any walling or surfacing shown on the plans approved by that decision shall be completed before the building is first occupied. Any trees or plant which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species or in accordance with an alternative scheme previously agreed in writing by the National Park Authority.**
- 9. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any order revoking and re-enacting that order) the building hereby permitted shall not be used for any other purpose other than for the purposes related directly to agriculture as defined by s.336 of the Town and Country Planning Act 1990.**

10. **When the building hereby permitted is no longer required for the purposes of agriculture it shall be dismantled, removed from the site and the site shall be restored to its original condition.**
11. **The building hereby permitted shall not be used for the rearing or keeping of livestock at any time during the lifetime of the development hereby permitted.**
12. **No chemicals shall be brought into the building (hereby approved) for use on the crop stored within or introduced to the crop drying/ventilation system of the building or applied to the crop stored within the building.**

Key Issues

- The impact of the crop drying system on its setting in particular how it may affect the amenity of neighbouring properties; and design and impact on buildings setting.

History

8. NP/HPK/0700/103 Erection of agricultural building. Granted conditionally.
9. NP/HPK/0713/0618 Erection of agricultural building for implement shed and to cover midden. Granted conditionally.
10. In 2015 planning permission was granted for the building via application NP/HPK/0515/0491. This was implemented but not carried out as approved as a ventilation system was installed resulting in 3 external vents on the south east facing elevation. Planning conditions included roof and walls to be dark blue 18B29, the sheeting for the walls to overlap and replace the concrete panels down to ground level, submission of a landscaping scheme, remove PD rights for change of use, remove building when no longer required, shall not be used for the rearing or keeping of livestock throughout the lifetime of the development.
11. In 2017 a landscaping scheme was accepted via a discharge of conditions application to agree the details of the landscaping scheme required by condition 5 of the 2015 permission.
12. In 2017 a non-material minor amendment application was refused for fitting 3 ventilation cowls to the south-east elevation of the building. This was because during the processing of this application some significant complaints have been received in relation to noise from the mechanical extract system in the building. They were advised that a planning application would be needed to vary the relevant condition and that any such application would need to include replacement plans and a noise impact assessment to assess the impact of the noise on neighbouring properties and that this be carried out by a suitably qualified acoustician.
13. In 2017 an enforcement case was created in relation to breach of conditions 4 and 5 of planning permission NP/HPK/0515/0491 and unauthorised vents.

Consultations

14. Highway Authority – No comments
15. District Council – No response to date.

16. District Council Environmental Health Officer – The Environmental Health Department has no objection to the proposed development subject to their suggested conditions being applied to any permission granted.
17. The proposed development could lead to an increase of noise experienced at noise sensitive domestic premises, and a loss of general amenity in the area. The submitted Noise Impact Assessment (Peak Acoustics ref: PA482, dated 8th March 2018) suggests that noise impact can be mitigated to limit impact to residential premises. To achieve this, conditions are recommended to ensure that best practice is employed to protect general amenity of the area.
18. Wormhill Parish Council – Unable to recommend approval of the application and will need to have more detailed information from the Authority to the effect that the system being operated in the building meets with all local and legal requirements, including health and safety issues prior to any material judgement being made by the Parish Council on the planning application.

Representations

19. Seven representations in objection to the scheme have been received. None have been received which are in support of the scheme.
20. Objections are raised on the following grounds :
 - Size and scale of the building and proximity to nearby dwellings, listed buildings and Conservation Area and footpaths.
 - Noise impact on amenity in the nearby dwellings Holly House, The Old Vicarage Bagshaw Arms and Wellhead Farm it also being audible from within some of these dwellings.
 - Noise impact on its general setting.
 - Independent tests by the Environmental Health Officer have shown that the noise level from the crop drying system indicate a significant adverse impact.
 - The fans are on for over 24 hrs at a time, both day and night, audible at all times. The stated times of operation are not correct.
 - The possible use of chemicals now or in the future and their impact on health and amenity for nearby residents including applying these in the building or them escaping from the building from the pre-treated crop.
 - Retrospective nature of the application for the crop drying system, which appears to have been withheld from the original application given that it appears to have always required this 'Essential' system.
 - There are discrepancies between the Environmental Health Officer's findings and the submitted noise impact assessment which brings into question the suitability of the proposed silencer to mitigate the noise generated by the crop drying system.
 - The crop drying system is not essential. The applicant has been growing potatoes for many years without the potato store and associated crop drying system.
 - What might have been tolerated as an agricultural store now turns out to be a process plant more suited to an industrial development.
 - Some errors in the forms in relation to proximity to footpaths.
 - Contrary to what the design and access statement suggests the approved landscaping scheme was not designed to take account of the proposed cowls.
 - Irritation of the eyes and skin following a 'chemical' smell experienced in a nearby neighbours' garden at 'The Old Vicarage', the odour apparently emanating from the potato shed.
 - The noise impact assessment states that the units would exceed background noise levels by 11.1dB, however the tables in the report show that it would be 15.1dB over. The objector considered this difference to be significant as it is a logarithmic scale.

- Testing of any attenuated system should be carried out before it is allowed to operate to assess if the mitigation measures are effective. This should be built into the planning conditions.
- Any sound attenuation measures should be based on the fan at maximum speed as the speed of the fan is automatic and cannot be controlled.
- Objectors remain unconvinced that the proposed sound attenuation measures will be sufficiently effective to reduce the noise level of the crop drying system to below ambient noise.

Main Policies

21. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L1, L3, T6.
22. Relevant Local Plan policies: LC3, LC4, LC5, LC6, LC13, LC21, LT20.
23. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
 - Conserve and enhance the natural beauty, wildlife and cultural heritage
 - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.
24. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.
25. National Planning Policy Framework
26. The revised National Planning Policy Framework (NPPF) was published in July 2018 and replaced the 2012 NPPF with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
27. Paragraph 172 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.'*
28. Development Plan Policies
29. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

30. Policy GSP2 explains that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.
31. Policy GSP3 explains that all development must conform to the following principles: Development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Amongst other things particular attention will be paid to: Impact on the character and setting of buildings; scale of development appropriate to the character and appearance of the National Park; siting, landscaping and building materials; design in accordance with the National Park Authority Design Guide; impact on living conditions of communities.
32. GSP4 explains the Authority will consider the use of planning conditions to aid the achievement of the spatial outcomes of a scheme.
33. 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.
34. Local Plan Policy LC4 requires that the detailed treatments of development is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area. Particular attention is paid to: scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting; the degree to which design detail, materials, and finishes reflect or compliment the style and traditions of local buildings; the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features and an appropriate mix of species suited to both the landscape and wildlife interests of the locality; the amenity, privacy and security of the development and of nearby properties.
35. LC13 deals specifically with agricultural developments and it is permissive provided they are close to the main group of buildings wherever possible and it relates well to them. It must avoid harm to the areas valued characteristics including local views, making use of the least obtrusive or otherwise damaging location and must not require obtrusive access tracks, roads or services. These need to be designed with particular respect for the landscape and its historic patterns of land use and movement, and any landscape change likely to result from agricultural or forestry practices.
36. Local Plan Policy LC5, LC6 and Core Strategy policy L3 would not permit development that harmed the significance of the Conservation Area or Listed Building.
37. LC21 deals with pollution and disturbance. Development that presents a risk of pollution or disturbance that could adversely affect amongst other things the amenity, ecology or other valued characteristic of the area will not be permitted unless adequate measures to control emissions within acceptable limits are put in place and (when the permitted use finishes) appropriate removal of any pollutants from the site is assured.
38. If the proposal affected the definitive route of a PROW Core Strategy Policy T6 in combination with Local Plan Policy LT20 would only permit development which provides an alternative which is of equal or better quality than the original.
39. The Authority has produced an SPG for agricultural buildings. This explains at paragraph 2.17 that farm development must be fully explained and justified and at paragraph 2.18 that failure to supply adequate information may lead to refusal. The SPG explains the basic requirements for an application. Paragraph 3.1 explains that because of the natural beauty of the National Park, new agricultural buildings can have a very damaging impact on their

surroundings without careful thought to siting, design and appearance. Paragraph 3.4.5 this explains that it is best to keep new agricultural buildings close to the existing ones, relate well to them and make the best use of trees, walls and other landscape features. Paragraph 3.6.3 explains the use of dark tones will help to reduce a buildings impact.

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

41. **Assessment**

42. Considering the above, the Development Plan and other material considerations are generally supportive of agricultural development where it is necessary, provided it would not harm the amenities or valued characteristics of the area. Appropriate design, siting and landscaping are required.
43. The justification for the building and its general scale, massing and siting have all been accepted previously through the 2015 permission which this application seeks to vary. The principle of the development is not a matter for consideration in this application. Refusal of this application would not result in the building itself being refused (as this already had permission via the 2015 application), only the alterations to the external appearance of the building to facilitate the crop drying system, which if refused, would be open to enforcement action.
44. The submitted justification explains that the crop drying system is essential. The building was not permitted with the external components to facilitate a crop drying system so this is the first opportunity that the Authority have had to consider the planning issues that this system raises.
45. The site is open to public and private views. In particular it is open to view from the adjacent footpaths and from the rear gardens of the nearby residential properties.
46. The appearance of the cowls/vents on the south east elevation are functional and utilitarian in appearance. They are finished to match the rest of the building so their visual impact is already considered to be as limited as possible. In the context of the existing building they do materially alter the external appearance of the building, so are development requiring planning permission, but do not have an unacceptable visual impact when considered in the context of the whole building. Officers would not support a refusal on aesthetic grounds or for their impact on the character and appearance of the adjoining Conservation Area.
47. The Authority have received complaints in relation to the noise from the existing crop drying system. An enforcement case was opened and led to the submission of this application seeking to regularise the development.
48. In its present form the crop drying system is loud relative to background noise levels in the area. The submitted noise impact assessment explains that background noise levels at the nearest noise sensitive receptor are 25.5dB (LA90 15min) and the proposed crop drying system is 11.1 dB higher than this. Therefore the noise from the crop drying system is classified as a 'significant adverse impact' under the relevant BS Standard.

49. The submitted noise impact assessment explains that mitigation is necessary. This comprises installing silencers designed to attenuate the noise and which the report concludes would result in the system being classed as low impact, which means that it would be at or below the background noise levels. The actual predicted noise level is a reduction from 41.6 dB LAr to 17.1 dB LAr which is 9.4dB below the lowest measured background level. This is based on noise diminishing at a distance of 40m from the noise source, so relevant for all the nearby noise sensitive dwellings (but not their gardens). An addendum to the Noise Report has been submitted which clarifies this.
50. The District Council's Environmental Health Officer (EHO) has been consulted on the scheme and advised that the development could lead to an increase of noise experienced at noise sensitive domestic premises and a loss of general amenity in the area if unmitigated. Conditions are recommended to secure the mitigation, and subject to those conditions they do not object to the proposal.
51. It is noted that one of the EHO's recommended conditions limits the months during which the crop drying equipment is used, which is in line with the submitted Planning Statement. However, on discussing this with the applicant, there may be exceptional times when operation of the crop drying system is needed outside of those stated months. The applicants are therefore reluctant to accept such a condition (notwithstanding that it forms part of their proposal) unless it is absolutely necessary. Planning officers consider that given the conclusions of the noise report, and the other EHO suggested conditions, that these will provide adequate mitigation to ensure that the noise from the crop drying system will be attenuated and amenity protected. Therefore it is not necessary in planning terms to limit the months of operation.
52. Officers note that there are objections raised in relation to the impact of the noise from the crop drying system on the amenity of nearby residents. The issues raised in the objections relate to the existing noise impact but also raise concerns that the silencers potentially may be ineffective. The Environmental Health Officer considers that subject to their suggested conditions the noise impacts will be reduced to an acceptable level. There is no reason to doubt that the silencers will not work as predicted; however, if the noise levels exceed that set out in planning conditions then the site would be open to enforcement action.
53. An objection also raises issue with the identification of the nearest noise sensitive property not including their garden which is nearer to the noise source than the house. Additional information has been provided which shows background noise levels for the outdoor spaces (based on the hours of 07:00 to 23:00) to be 36.3dB. At 5m the noise level of the fan would be 35.1dB; this is lower than the background noise level for the amenity space and the impact can be classed as low impact. The fan noise level diminishes to 29.1dB at 10m, 23.1dB at 20m and 19.6 dB at 30m. Therefore, officers consider the impact of the noise on the neighbouring properties outdoor amenity spaces to be acceptable. Its impact on the adjacent footpath is also considered to be acceptable. Planning conditions can ensure the background noise levels are not exceeded at the boundary to the nearby dwelling's gardens.
54. Objectors have also raised concerns that the noise impact assessment does not clearly set out that the noise of the system has been tested at all speeds of operation. The planning agent has explained that there is only one speed of operation, it is either on or off. Officers consider that the controls being placed on the system by virtue of the conditions suggested by Environmental Health relate to levels of noise, so if this is exceeded then the development would be in breach of the relevant planning condition and be open to enforcement action.
55. Objectors also raise the issue of chemicals being used in the building or escaping from the building from the pre-treated crop via the crop drying system. The applicant has submitted statements which explain that the plants are treated for potato blight in the fields, but no chemicals are used on the harvested potato crop itself and that no chemicals are used in the

building. Treating the crop for potato blight in the fields is outside the control or consideration of this application, and as no chemicals are used in the building, this seems to satisfy much of the general concern of the objectors. It does not address the potential escape of chemicals from a pre-treated crop, via the crop drying system; however as the plant is treated rather than the crop itself, this concern is allayed.

56. Objectors also have concerns over whether the applicant chooses to use chemicals in the future. Such chemicals are controlled by other regulatory bodies but there is a planning crossover where it could relate to amenity for example by virtue of odour or other nuisance. Given that the applicant's statements that no chemicals are used in the building it would serve a genuine planning purposes to secure this by planning condition. This would be in the interests of the amenity of nearby residential properties. It is also considered to meet the other tests for planning conditions and be in accordance with development plan policies in so far as the seek to protect amenity and control pollution including LC4, LC21 and GSP3.
57. This type of development is one which is only permitted with an agricultural justification. It is therefore considered reasonable and necessary to ensure that the building is retained for the purposes of agriculture throughout its lifetime and require the building to be removed if it is no longer required for the purposes of agriculture. This is in accordance with Core Strategy Policies GSP2 and GSP4.
58. Subject to the planning conditions set out above, the proposal is considered to be in accordance with the policies of the development plan as it is necessary for the purposes or agriculture and will not harm the character or appearance of its setting including the Conservation Area and will not harm the amenities of the site or nearby residential properties.

Conclusion

59. The current application is recommended for approval subject to conditions, because, subject to the conditions suggested in the above report, the proposals do not conflict with the Authority's development plan or national policies in the NPPF.

Human Rights

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

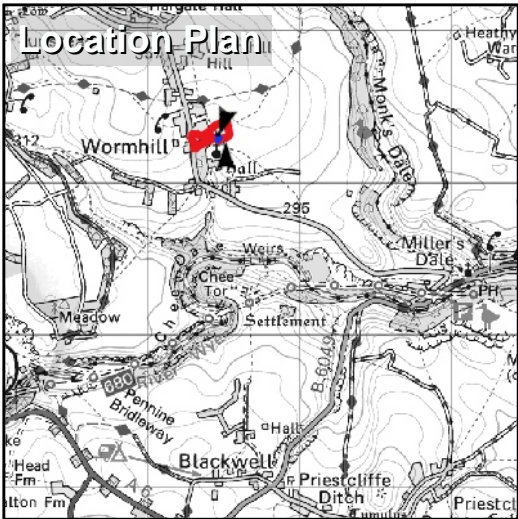
List of Background Papers (not previously published)

Nil

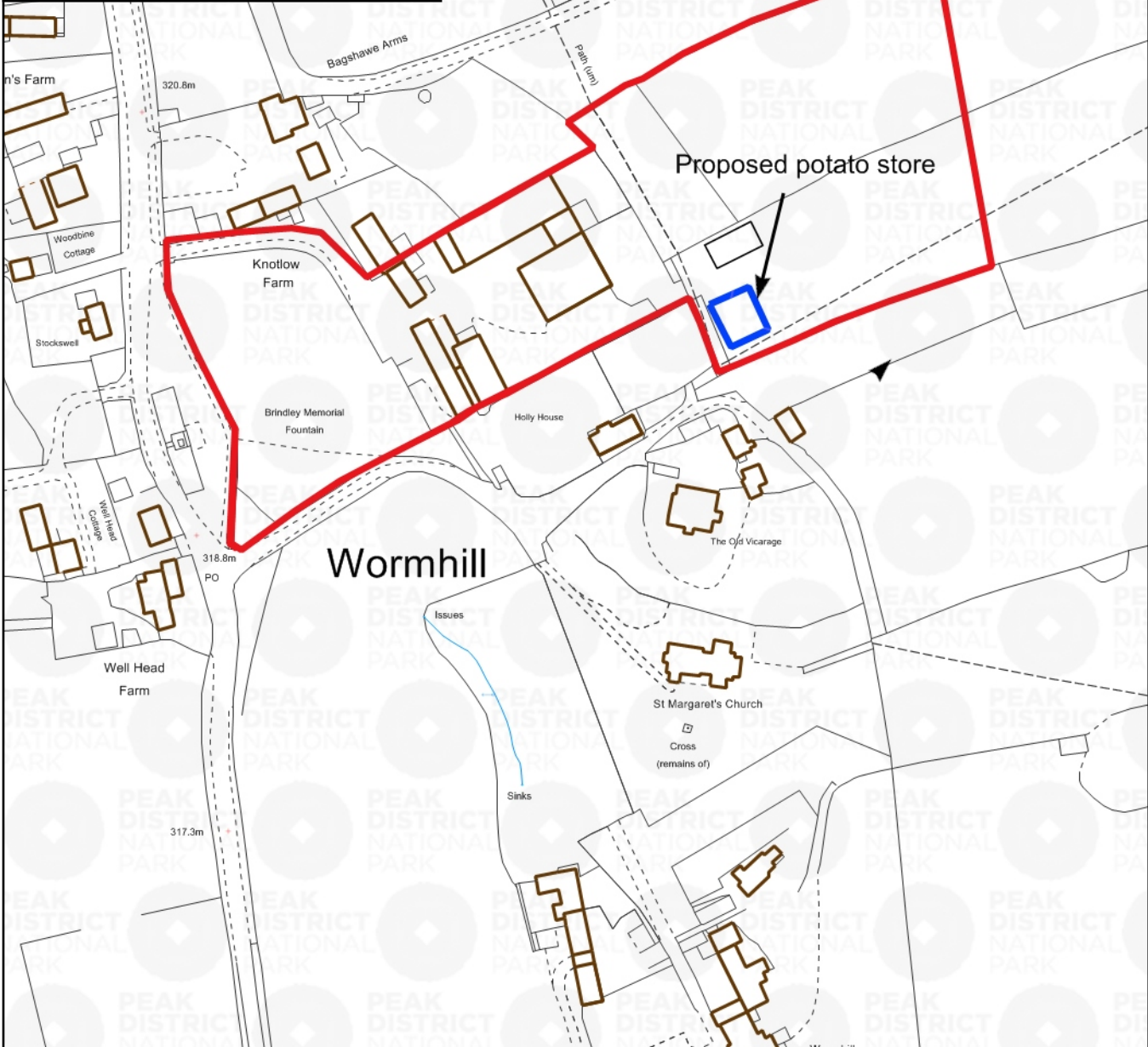
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Committee Date:	14th September 2018	Title: Knotlow Farm, Wormhill, Buxton	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 8		
Application No:	NP/HPK/0618/0511		
Grid Reference:	412346, 374313		

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9. FULL APPLICATION – CHANGE OF USE OF SITE FROM INDUSTRIAL TO RESIDENTIAL; DEMOLITION OF EXISTING INDUSTRIAL BARN; ERECTION OF NEW DWELLING; ERECTION OF GARAGE AND ERECTION OF ANNEX AT STONE PITTS WORK, UNAMED ROAD FROM THE GABLES TO CRESSBROOK OLD SCHOOL VIA LOWER WOOD, CRESSBROOK (NP/DDD/0518/0403, P.6809, 416885 / 373131, 09/05/2018/AM)

APPLICANT: MR WILL GRIFFITHS

Site and Surroundings

1. The application site comprises the base of a former shallow quarry located above the village of Cressbrook, between the steep wooded valleys of Cressbrook Dale and the River Wye which converge to the south east. The lower slopes of the valley are occupied by terraces of mill cottages to house the workers of Cressbrook Mill. The application site is approximately 50m to the west of the highest part of the terrace known as Top Cottages. The application site is outside, but adjacent to, the designated Cressbrook and Ravensdale Conservation Area.
2. The western boundary of the application site has a frontage onto Bottomhill Road which turns sharply east some 20 metres south of the application site to drop steeply towards Cressbrook and the valley bottom. The road is narrow and without footways in the vicinity of the application site. Some 100m to the further to the north is a small isolated group of buildings comprising St. John's Church and a cottage.
3. The former quarry benefits from planning permission granted in 1994 for light industrial and storage uses (Use Classes B1 and B8). Two of the industrial units approved in 1994 have been erected back onto the northern boundary of the site which is also the former quarry face. Two concrete open fronted aggregate stores and two concrete water stores are also positioned on the site. Planning permission was granted in 2016 for the demolition of the existing buildings and erection of a market dwelling but this has not been implemented to date.

Proposal

4. This application seeks planning permission for the redevelopment of the site to create a single dwelling house. A detached garage building and a detached annex are also proposed as part of the scheme.
5. Amended plans have been submitted during the course of the application and this report is written on the basis of the amended plans.
6. This is a different design to that previously approved by the Authority in 2016 (see planning history). The proposed dwelling would have a total of four bedrooms with a further two bedrooms provided within the annex. The majority of living space would be at ground floor with a 'gloriette' providing further living space at first floor.
7. The dwelling would have a 'U' shaped plan form with a flat roof formed with a fascia and piers clad with natural limestone. The roof would be planted with substrate from the site to grow wild flowers. The walls would be clad with a combination of natural limestone and dark stained vertical timber cladding. Windows would have aluminium frames.
8. There would be a terrace formed within part of the ground floor plan with a limestone clad chimney rising above. The first floor 'gloriette' would be flat roofed and formed with satin grey / blue anodised metal or anthra-zinc.
9. Access to the site would use the existing opening onto Bottomhill Road with three

spaces for parking proposed within the garage.

10. The domestic curtilage of the house would be limited to within the former quarried area. Parking and turning areas around the house would be surfaced with limestone chippings over hardstanding. New drystone walls are proposed along the access and to form the boundaries for the proposed parking and turning areas. The area to the south of the house is proposed to be grassed. Tree planting is proposed to the east of the dwelling. New hedge planting is also proposed behind the boundary walls adjacent to the access.

RECOMMENDATION:

APPROVE subject to the following conditions or modifications:

1. **Statutory 3 year time limit for implementation.**
2. **Development to be carried out in accordance with specified amended plans.**
3. **Prior to commencement of the development hereby approved submit and agree details of construction compound, storage of plant and materials, site accommodation, loading and manoeuvring of goods vehicles and parking during construction.**
4. **Prior to commencement of the development hereby approved submit and agree details of vehicular access including visibility sightlines which shall be retained throughout the lifetime of the development.**
5. **Prior to the completion or first use of the development hereby approved a detailed scheme for landscaping to be submitted and approved.**
6. **Prior to the completion or first use of the development hereby approved full details of the proposed location of calcareous grassland habitat and a management plan for these areas (to include details of cutting dates, methods to allow seed to shed and methods of removing cut material) shall be submitted and approved.**
7. **Prior to completion or first use of the development hereby approved full details of the seed mixture for the green roof and a management plan shall be submitted and approved.**
8. **Prior to the completion or first use of the development hereby approved full details of the establishment methods and aftercare of the tree planting scheme shall be submitted and approved.**
9. **Prior to the completion or first use of the development hereby approved full details of the package treatment plant shall be submitted and approved.**
10. **All new service lines to be underground.**
11. **Approve sample panels for natural limestone walls and natural limestone cladding prior to erection.**

- 12. Prior to the erection/provision of any doors, windows or gates, a detailed scheme for the external finish of the window and door frames and gates shall be submitted to and approved.**
- 13. Remove permitted development rights for domestic alterations and extensions.**

Key Issues

- Whether the proposed development is acceptable in principle.
- The design and scale of the proposed development and the impact upon the scenic beauty of the landscape and the significance of the adjacent Cressbrook and Ravensdale Conservation Area.

Relevant Planning History

1977: NP/WED/1177/469: Planning permission refused for the erection of two dwellings.

1978: Appeal against the above refusal dismissed on the grounds that the site is in open countryside and that the development of the two proposed dwellings would be contrary to the Authority's housing policies and harmful to the landscape.

1989: NP/WED/289/99: Planning permission refused for the erection of two dwellings.

1989: Appeal against the above refusal dismissed on the grounds that the site is in open countryside and that the development of the proposed two dwellings would be contrary to the Authority's housing policies and harmful to the landscape. The inspector also considered that the condition of the buildings which were on the site at that time did not justify the establishment of another form of inappropriate development.

1990: NP/WED/190/45: Planning permission refused for the erection of two dwellings.

1991: Appeal against the above refusal dismissed on the same grounds as the previous decisions. The inspector noted that a number of proposals for housing had been refused on this site and dismissed at appeal and that there was no good reason to come to a different decision.

1992: Certificate of lawful use issued for the use of the site for storage and distribution (Use Class B8).

1993: NP/WED/1193/533: Planning permission refused for erection of dwelling.

1994: NP/WED/0594/227: Planning permission granted conditionally for the demolition of existing building and erection of replacement building for industrial purposes.

The 1994 permission was granted subject to conditions to limit the use to within use classes B1 and B8, limiting hours of operation, implementation of a scheme of landscaping and noise mitigation, access and parking and design details.

The 1994 permission was implemented but has not been completed. The first two units have been constructed and the foundations for the remainder of the buildings have been laid. The site has and constructed buildings have only been occupied sporadically and the agent advises that the site is currently vacant other than a tenant who periodically repairs specialist cars.

2015: NP/DDD/0515/0460: Outline Planning Permission refused for re-development of site to residential uses; alterations to industrial building to form a dwelling, erection of workshop / boiler house, alterations to / conversion of water tank to ancillary accommodation and erection of solar panel array.

2016: NP/DDD/0616/0539: Planning permission granted conditionally for change of use of site from industrial to residential; erection of new dwelling; erection of garage/store/workshop; and erection of solar panel array.

2018: NP/DDD/0817/0822: Planning permission refused for change of use of site from industrial to residential; demolition of existing industrial barn; erection of new dwelling; erection of garage and erection of annex.

2018: ENQ 32296: Pre-application advice in regard to amendments to the above application in preparation for the submission of the current application.

Consultations

11. Highway Authority – No objection subject to conditions to secure details of construction site compound, provision of access and visibility sightlines and parking.
12. District Council – No response to date.
13. Parish Council – Support the application. The site has been derelict for a number of years and is currently a real eyesore. The proposal makes it a more useful space and can only improve the look of the area. Consideration needs to be given to residents of Cressbrook whilst the building work is underway.
14. Natural England – Raise no objection because it is considered that the proposed development will not have significant adverse impacts on designated sites.
15. PDNPA Ecology – Raise no objections subject to conditions to require locations of proposed additional calcareous grassland habitat to be submitted along with a management plan. Details of the establishment methods and aftercare of the tree planting scheme must also be submitted.

Representations

16. Seven representations have been received to date, five letters object to the application, two letters support the application. The comments on the planning merits of the scheme made are summarised below, the letters can be read in full on the Authority's website.
17. Object
 - The proposal is unsuited to the area and situated on the wrong part of the plot.
 - The proposal would change the feel of the village and also the view from across the valley where it will be an eyesore.
 - The proposed design is inappropriate and incongruent. A domestic dwelling in keeping with the village would be more appropriate.
18. Support
 - The proposed design is a beautiful 21st century approach to modern living and will

transform an industrial site of a former quarry into a useful after use.

- The proposal develops an ugly and disused site.
- Views from the path across the hillside is already intruded upon by several prominent buildings which have become sanctified with age. This proposal requires no alterations to these and will intrude far less than any of these buildings. The proposal will make a small addition to the landscape which already demonstrates the presence of inhabitants.
- Building techniques have moved on and there is no reason to be ashamed of using modern techniques within good modern design.
- The proposed development will be equally acceptable if not an improvement on the approved development.

Main Policies

19. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC1, E2 and HC1
20. Relevant Local Plan policies: LC3, LC4, LC5, LC17, LH1, LH2, LT11 and LT18.
21. Development Plan
22. Policies HC1, LH1 and LH2 set 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; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.
23. E2 is relevant for businesses located in the countryside. E2 says that businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads and in groups of buildings in sustainable locations. Proposals for estate or farm diversification will also be acceptable in principle. Proposals for business use in an isolated existing or new building in the countryside will not be permitted.
24. L1, L2, L3 and LC17 seek to ensure that all development conserves and where possible enhances the landscape character (as identified in the Landscape Strategy and Action Plan), biodiversity and cultural heritage of the National Park. LT11 and LT18 set out the requirement for adequate parking and safe access as a pre-requisite for any development within the National Park.
25. The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.
26. Of particular note is the fact that at paragraph 59 the Framework says that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting, for example, which are similar criteria that are set out in HC1 (C) I.

27. The fact that the site is within the National Park is important because the Framework maintains within paragraphs 172 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage within our National Parks.
28. Therefore it is considered that policies within the development plan are up-to-date and in accordance with the more recently published National Planning Policy Framework and therefore should be afforded full weight in the determination of this planning application.
29. The Cressbrook and Ravensdale Conservation Area Appraisal was adopted by the Authority in September 2011 and therefore forms a material consideration in the consideration of this application.

30. Assessment

31. Principle

32. For the purposes of the Development Plan the application site is considered to lie in open countryside because of the distance between the application site and any nearby named settlement (DS1 and LC3). There is an existing business use on the site which is considered to be isolated given the position of the site in open countryside, the narrow and restricted nature of the nearby road network and the distance of the site to any named settlements. In common with the Framework, the Authority's housing policies do not permit new isolated homes in the countryside unless there are special circumstances.
33. There is no evidence within the submitted application which demonstrates that the proposed dwelling is intended to meet any functional need or any eligible local need for affordable housing. It is therefore considered that the proposed house is intended to meet general demand rather an established local need or to house a worker to meet the essential functional need of a rural enterprise.
34. Therefore, the special circumstances in which planning permission could be granted are set out in policy HC1(C) I. HC1 (C) II does not apply in this case because the application site is not in a settlement listed in policy DS1. HC1 (C) says in accordance with policies GSP1 and GSP2 that, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where (I) it is required in order to achieve conservation and / or enhancement of valued vernacular or listed buildings.
35. The supporting text to policy HC1(C) says that occasionally new housing (whether newly built or from the re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building or listed building) where conservation and enhancement of the building could only be reasonably achieved by the impetus provided by open market values.
36. The application site is a former quarry which has an extant planning permission for the erection of four units for use as either light industrial uses (within use class B1) or for storage and distribution (within use class B8). The development of the site has not been completed and while two of the industrial units on site have been built the site is not occupied for the approved uses and is currently vacant.
37. The completed industrial building is a modern industrial unit which does not possess any architectural or historic merit. There are no other vernacular or listed buildings on the application site or evidence that the development is required to achieve the conservation or enhancement of any other valued vernacular or listed building. It is therefore considered clear in this case that the principle of the proposed development is in conflict with policies DS1 and HC1.

38. Emerging development management policy DMH6 does offer scope for the re-development of previously developed land outside of the named settlements for housing provided that the development conserves and enhances the landscape and the valued characteristics of the National Park. Given the advanced stage of the development management policies it is considered that weight can be given to this emerging policy.

39. Impacts and benefits of proposed development

40. The Authority approved planning permission for the erection of a dwelling on the site in 2016 because it was considered that the benefits of the scheme meant that the proposal was acceptable and when taken as a whole was in accordance with the development plan. The 2016 permission has not been implemented but remains extant and therefore is a material planning consideration in this case.

41. Officers accept that the existing industrial site is not well located either in terms of the likely functional requirements of potential businesses which would occupy the site or in terms of highway safety. The site is in an isolated location which would not normally be considered acceptable under policy E2 for the creation of a new business use and is not served by good road links or public transport. The highways leading to and from the site in both directions are narrow and vehicles exiting to the south would need to pass through Cressbrook. Furthermore despite being located in the former quarry, the existing building on site (along with activity if the site was in active use) is prominent from the adjacent roadside and from more distant vantage points from access land looking north across the site towards Litton.

42. Therefore Officers remain of the view that a proposal to redevelop the site could offer the potential to enhance the built development, biodiversity and landscaping of the site itself and to significantly reduce potential vehicle movements to and from the site along the unsuitable local road network. In approving the 2016 scheme the Authority concluded that the high architectural quality of the design and the enhancement that would be achieved by allowing the proposed development meant that, when taken as a whole, the proposed development would be in accordance with the development plan.

43. This application seeks permission for a dwelling of a different but nonetheless contemporary design and therefore the key issue in the determination of this application is the acceptability of the design and impact upon the local area, adjacent Conservation Area and the wider landscape. In these respects there is some support from the Parish Council and in some representations to the acceptability of the design and the potential impact upon the landscape in particular.

44. The approved scheme (the 2016 scheme) used a palette of local traditional building materials and was considered to fit comfortably within the landscape and respond to the constraints of the site by being set back into the site, with a sloping green roof which continued the topography of the field above with a two storey element at the east side built from natural stone. For these reasons the design was considered to be in accordance with the Authority's adopted design guide.

45. The current application proposes a different design and the amended plans that have been submitted follow extensive discussions between Officers, the agent and the applicant in regard to the siting of proposed buildings, the form and the proposed materials.

46. The proposed dwelling would be single storey with a flat green roof punctuated by a metal clad 'gloriette' at first floor. The use of a flat roof is not normally acceptable or in accordance with the Authority's design guidance, but in the context of the former

industrial site and the desire to minimise overall height and prominence in the wider landscape this is considered to be an acceptable design approach.

47. Officers have sought amendments to the materials for the proposed dwelling. Brick walls and concrete for the roof fascia and pillars were originally proposed but the amended scheme now proposes natural limestone cladding and a narrower stone clad fascia which clearly reflect the materials used in this landscape and nearby Cressbrook. The use of vertical timber boarding is limited to the rear private elevations which is appropriate. Natural limestone is also proposed for walling within the curtilage.
48. Officers have also sought amendments to the position of the proposed annex which was initially proposed to the front of the dwelling on the south side of the access. Officers were concerned that this element would be prominent and would visually close-off views from the road due to the height of the building and proximity. Officers suggested moving the annex to the rear of the dwelling to create a 'U' shaped plan to avoid this impact and the amended plans now propose this.
49. The proposed 'gloriette' and chimney would project above the flat roof and these elements would be more prominent from nearby vantage points and from wider views in the landscape, especially from the south. The proposed chimney would be a vertical element clad with natural limestone and not unduly obtrusive or incongruous. The proposed 'gloriette' would be the larger of the two elements but would be a relatively simple structure clad with dark blue coloured metal and therefore would be a recessive design element.
50. The amended scheme when taken as a whole is considered to be a good example of a contemporary design which is well sited to take advantages of the opportunities and constraints of this particular former quarry site which is located in an elevated and prominent position adjacent to Cressbrook. The design is contemporary rather than seeking to reflect or replicate the local built tradition but utilises traditional materials so that the design is anchored in the valued characteristics of the local area rather than appearing alien.
51. In nearby views the development would not be viewed in the context of neighbouring buildings. The site and proposed dwelling would be visible on the approach to the Conservation Area but would not have any detrimental impact upon setting. In the wider landscape the site is most prominent from the far side of the Wye valley where there are relatively distant public views from access land and footpaths. However the low height of the building would minimise visual impact and although the dwelling and its design would be noticeable and different to the buildings within Cressbrook it is not considered that the design would be incongruous or harmful either in terms of impact upon the landscape or the setting of Cressbrook.

52. CONDITIONS

53. Environmental Management

54. The application states that the envelope of the building will be highly insulated and has been designed and will be constructed to passivhaus specification. The house will include a mechanical ventilation and heat recovery system which will greatly reduce energy required for space heating. A wood burner will be installed and the potential to install heat pumps will also be explored. The house has been positioned and orientated to exploit solar heating and shading and to maximise daylighting. LED lighting and smart metering will also be provided.

55. Pre-fabrication technologies will be explored to reduce waste at source. Any surplus material will be carefully managed for off-site recycling. Existing materials on site will be re-used where possible. All timber will be sourced from sustainably managed forests.
56. The proposed environmental management measures are considered to be in accordance with the Climate Change and Sustainable building SPD and are welcomed.
57. Other Issues
58. The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect the interest and features of these sites. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). The application site is in close proximity to the Cressbrook Dale Site of Special Scientific Interest (SSSI) and Derbyshire Dales National Nature Reserve (NNR) and the Wye Valley SSSI which form part of the wider Peak District Dales Special Area of Conservation (SAC) which is a European site.
59. The agent has submitted an ecological appraisal and further information in respects of the proposed drainage scheme. Officers agree with Natural England that on the basis of the submitted information that the proposed development would not have significant adverse impacts on these designated sites. Further information has also been submitted in regards to assessment of bat habitation and impact upon ephemeral species-rich vegetation and therefore subject to conditions recommended by the Authority's Ecologist to secure details of habitat and management the ecological impact of the development is considered to be acceptable.
60. The proposed development would be served by ample off-street parking and would utilise the existing access which would be modified to provide visibility splays. The proposed house would generate considerably fewer vehicle movements than the lawful use of the site and therefore Officers agree with the Highway Authority that the development would not harm highway safety or the amenity of road users. If permission is granted conditions would be recommended to require details of the construction compound, and implementation of access and parking as recommended by the Highway Authority.
61. Given the distance between the application site and the nearest neighbouring properties it is not considered that the development would have any harmful impact upon the privacy, security or amenity of any neighbouring property or land use.

62. Conclusion

63. The proposed development would not be in accordance with policy HC1 because the development is not required to achieve conservation of a valued vernacular or listed building. However in the context of the existing lawful use of the site, the current and future potential impacts of that use upon the landscape and poor access to the site it is considered that re-development of the site to the dwelling proposed in the application would represent an opportunity to secure significant enhancement to the landscape character of the National Park in accordance with GSP2 and emerging development management policy DMH6.
64. The proposed development would lead to the re-development of a redundant / disused site and the enhancement of its immediate setting which is one of the special circumstances in which paragraph 172 allows for the erection of a new dwelling in the countryside.

65. It is therefore considered that when taken as a whole, and taking into account all relevant material considerations the development is in accordance with the development plan. In the absence of any further material considerations the proposal is therefore recommended for approval subject to the following conditions.

66. Human Rights

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

68. **List of Background Papers** (not previously published)

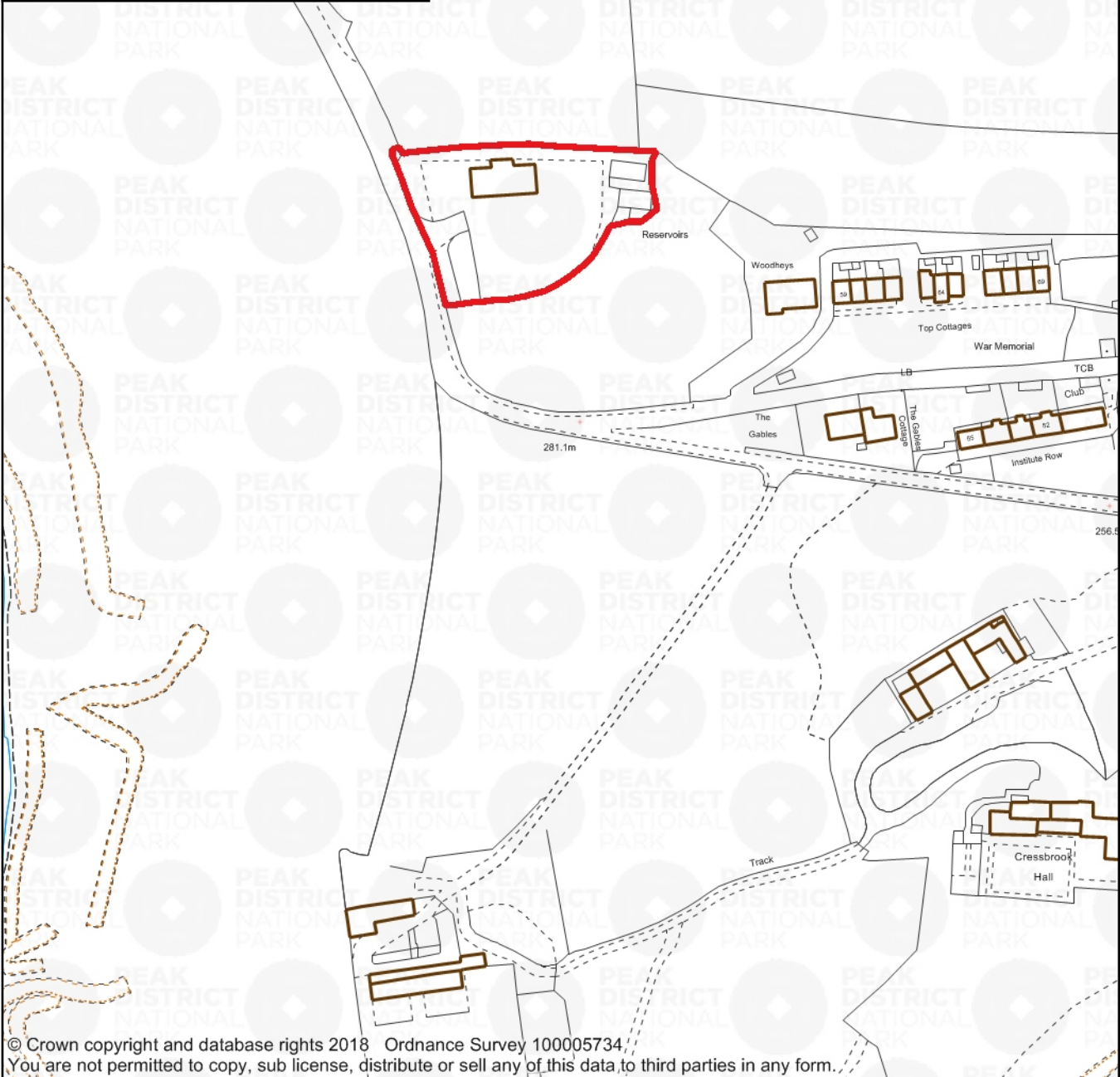
Nil

69. Report Author and Job Title


Adam Maxwell, Senior Planner



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Committee Date:	14th September 2018	Title: Stone Pitts Work, Cressbrook	 PEAK DISTRICT NATIONAL PARK
Item Number:	item 9		
Application No:	NP/DDD/0518/0403		
Grid Reference:	416789, 373169		

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10. FULL APPLICATION – CONSTRUCTION OF MANEGE AT MIDDLETON HALL, RAKE LANE, MIDDLETON BY YOULGREAVE (NP/DDD/0618/0523, P1462, 419462/363/034, 26/06/2-18/ALN)

APPLICANT: Mr Alex Bell

Site and Surroundings

Middleton Hall is located on the southern edge of the village of Middleton by Youlgreave. It is a grade II listed building and the house and its associated gardens and parkland are within the Middleton by Youlgreave Conservation Area. The parkland extends to approximately 0.5 hectares in area and is located to the south, west and east of the Hall

Approximately 40m to the north of the Hall is a two storey former stable and coach house. The application site lies directly to the north of this building within a former orchard. The orchard is enclosed by high stone walls on the western and northern sides, a low stone wall on the east side (facing the main access driveway) and by the coach house on the southern side. The stable and coach house building and the boundary walls to the orchard are considered to be curtilage listed.

Rakes Lane, the main road through the village, runs along the northern boundary of the site.

Proposals

Planning permission is sought for the construction of a horse exercise manege within the walled former orchard. The submitted plans show that the manege would measure 40m by 25m wide. It would be roughly rectangular in footprint with each corner 'rounded off'. The levelling of the site would be achieved by 'cut and fill' earthworks to a maximum of 0.75m in depth. The arena would be surfaced in dark coloured sand. The design and access statement states that no lighting, fencing or other boundary treatments are proposed and that the manege would be for the private use of the occupants of the Hall.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The development would cause harm to the significance of the Middleton by Youlgreave Conservation Area, and the setting of the grade II listed buildings, with no secure and enduring public benefit, contrary to Core Strategy policies GSP3 and L3, Saved Local Plan policies LC4, LC5, LC6, LC16 and LR7, and paragraphs 193-196 of the National Planning Policy Framework.**

Key Issues

1. Impact on the significance of designated heritage assets.
2. Impact on Archaeological Interest.

History

December 2017 – planning permission refused for the construction of a manege within the parkland to the west of the Hall on the grounds of harm to the significance of the Conservation Area and the setting of the listed building and due to insufficient information to assess the impact of groundworks on archaeological interest. (NP/DDD/0917/0952).

April 2018 – pre-application advice sought for alternative site for construction of manege. The current application site was identified as the least harmful site on the land in ownership but officers and Conservation Officer advised that the proposals would nevertheless cause harm to the setting of the listed building and the Conservation Area.

Consultations

Highway Authority – no objections subject to use remaining private and ancillary to Middleton Hall.

District Council – no response

Parish Council - supports this application in its new location noting that its only concerns of possible light pollution and commercial use are clearly stated in the application as not applicable so is happy to fully support it.

Authority's Conservation Officer – The proposals would lead to harm to the character of the former orchard as part of the conservation area, and to the setting of the Grade II listed Hall and/or stables and boundary walls as listed buildings. The proposals do not represent the optimum viable use and although public benefits are for others to weigh, suggests that the letter of support submitted with the application does not represent a secure or enduring public benefit.

Authority's Archaeologist – The site is of archaeological interest and has the potential for Roman and Medieval remains. However the act of creating and planting the orchard, as well as the root action from the trees will have damaged or disturbed surviving archaeological remains. The proposed levelling of the site has the potential to impact on any surviving below ground remains. Recommends the submission and agreement of Written Scheme of Investigation.

Main Policies

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

Relevant Local Plan policies: LR7, LC4, LC5, LC15, LC16.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published on 24 July 2018. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

Development Plan Policies

Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits).

Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest. Core Strategy policy L1 seeks to conserve and enhance valued landscape character.

Saved Local Plan policy LR7 states that facilities for keeping and riding horse will be permitted provided that the development does not detract for the landscape or valued character of the area; is located adjacent to existing buildings to groups of building; is not likely to cause road safety problems; and does not constitute a nuisance to local residents, landowners or farmers by noise, smell or other adverse impact. Policy LC5 seeks to protect the character and appearance of Conservation Areas; and LC6, amongst other things, seeks to conserve the setting of listed buildings.

Assessment

Issue 1: Impact on the significance of designated heritage assets.

Following refusal of planning permission by the Planning Committee for a manege to the west of the Hall in December 2017 the applicant sought pre-application advice from officers with regard to an alternative site. Two sites were identified by the agent – a site on the western edge of the Parkland between Whitefield Lane and a mature belt of trees, and the current application site within the former orchard.

The land off Whitefield Lane is quite significantly sloping and would require a fairly substantial engineering operation to make the ground flat and suitable for a horse riding arena. It is not located within the Conservation Area but it is a prominent site at the entrance to the village. Officers advised that a manege in this location would be open to landscape objections as the engineering work required and the constrained location of the site mean that a manege would appear as a prominent and artificial intrusion into this pastoral landscape when viewed from the highway at the approach to the Conservation Area. The site is also close to mature trees within the shelter belt which could be affected by encroachment beneath their canopies.

The current application site differs from the site off Whitefield Lane in that it is screened from the road by the high walls that surround the former orchard. As a result it does not have such significant impact on the open landscape as than the other site. However, the current application site is within close proximity of the listed and curtilage listed building and is located within the Middleton by Youlgreave Conservation Area and therefore raises issues with regard to impact on these heritage assets.

The orchard is an attractive space, on sloping ground, enclosed by to the north and west by 3m high stone walls, with a lower wall to the east and the Grade II listed stable and coach house block to the south. The Adopted Conservation Area appraisal notes the view of the listed stables across the orchard. Only a few orchard trees remain, but the enclosure is still laid to grass and clearly legible as a garden space that enhances the amenities of the Hall in general, aesthetically as well as practically. The orchard walls are of individual interest in their own right, with recessed bee boles (recesses that were made to house coiled straw 'sleps'). The keeping of bees was complementary to the use of the orchard. The orchard appears to have changed little since the early 19th century. The proposal would involve levelling the space and resurfacing it for use as a manege and it is considered that this would damage the significance of the orchard in relation to both the listed building and the conservation area. The existing walls and structures respect, and work with, the natural contours of the space within, which would be disrupted by the introduction of an engineered manege. The loss of the grass would break up the unity of the space and would also change the character of the space from being a garden space with an aesthetic role to being more in the nature of a service yard. The aesthetic significance of the site would therefore be impaired, including a view specifically noted in the Conservation Area Appraisal. It is accepted that the manege would not be visible from outside of the grounds of the Hall itself but nevertheless the harm to the integrity of the setting of the listed buildings from views within the site must be given considerable weight.

In conclusion, the proposed manege would cause harm to the character of the former orchard as part of the Conservation Area, and to the setting of the Grade II listed Hall and/or stables and boundary walls as listed buildings. The NPPF sets out that developments that would result in substantial harm to heritage assets should be refused unless wholly exceptional circumstances exist. In this case, it is acknowledged that the degree of harm would be below the 'substantial' threshold, but any harm still requires clear and convincing justification.

Paragraph 196 of the NPPF states that *'Where 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 proposals and where appropriate securing it optimum viable use.'* With regard to optimum viable use, the agent has stated that the site is no longer viable as an orchard to justify the upkeep of the boundary walls; due to the distance from the house it is no use as a garden; and it has no agricultural value. The Authority's Conservation Officer has responded by stating that it is artificial to take this part of the grounds in isolation and claim that a viable use is necessary. The productivity of country house grounds was often secondary to their function of providing settings for the buildings within them (including areas not directly visible from the house), and providing a setting may still be the optimum viable use of a piece of land as part of a complete viable property.

With regard to public benefits, the Design and Access Statement states that an arrangement would be made with a company called Elmcare Ltd, (who are based in Chesterfield and provide specialist learning disability care), where residents would be given access to the manege for half a day each week. A letter from the company in question has been submitted stating that they would be interested in such an offer. It is acknowledged that this offer may provide some limited public benefit to a group of people based outside of the National Park but little detail has been provided in these respects and officers do not consider that the benefits are substantial or secure enough to outweigh the identified harm in this case.

At the pre-application stage officers did identify a portal framed building currently located to the west of the Hall, which is used for storage in association with horses and which causes significant harm because of its intrusion into the historic parkland surrounding the Hall. Officers advised that if the applicant were to offer the removal of this building and re-instatement of the land to parkland then these direct public benefits to the Conservation Area, and the setting of Middleton Hall itself might outweigh the less than substantial harm caused by the proposed manege. However the applicant has not taken up this suggestion.

In conclusion the proposals would cause harm to the significance of designated heritage assets and the offered public benefit does not offset and outweigh the identified harm. The proposals are therefore contrary to policies L3, LR7, LC4, LC5, LC6 and the NPPF.

Issue 2: Impact on Archaeological Interest

The Authority's Archaeologist advises that the current application site is less archaeologically sensitive than the previous site to the west of the Hall that was refused in December 2017. However, it is still of archaeological interest, and has archaeological potential for both Roman and Medieval remains (finds have been recorded from within the orchard). The historic use of the site as an orchard will have a bearing on the likely condition and state of preservation of any earlier archaeological remains surviving at the site. The act of creating and planting the orchard, as well as the root action from the trees will have damaged or disturbed surviving archaeological remains, so that it is not anticipated that remains would be of more than regional significance. The application is supported by a poor level of heritage and archaeological information. The supporting statements on heritage and archaeology in the Design and Access statement do not represent proper assessments of these considerations with respect to the heritage significance and value of the site and do not meet the requirements of para.189 of NPPF.

The orchard site is currently sloped, and the groundworks required to create a level site have the potential to encounter, damage and destroy archaeological remains. This would result in permanent harm to the archaeological interest and significance of the site. Contrary to the assertions of the Design and Access statement, the maximum depth of excavation required at the site of 750mm is more than sufficiently deep to extend beyond the topsoil, through the subsoil and into the area where archaeological remains would be expected.

However, the Authority's archaeologist advises that if the application is acceptable in all other respects the archaeological impacts above could be addressed through a conditioned scheme of archaeological work. This would need to initially take the form of a small scale archaeological field evaluation (trial trenching) to ensure that the nature and significance of archaeological remains will be sufficiently characterised, so that if required an appropriate strategy for preservation in situ or further investigation and recording can be formulated and implemented to minimise and mitigate the harm to the archaeological interest of the site. This is in accordance with NPPF, and saved policies from the Local Plan LC15 and LC16. A condition requiring the submission, agreement and implementation of a Written Scheme of Investigation would therefore be necessary and reasonable.

Other Issues

Impact on Residential Amenity

The nearest residential property is 'Rock Farm', which lies immediately to the west of the former orchard. The farmhouse is positioned approximately 5m away from the western boundary wall of the site. However, due to the height of the wall (3m) it would not be possible to see into the application site from Rock Farm and it is considered that the wall would provide an adequate buffer for any noise that might emanate from the private use of the manège. Consequently it is not considered that the proposals would cause unacceptable harm to the residential amenity of the occupiers of Rock Farm.

The coach house and stable block is itself in residential use as a holiday let but is within the control of the owners of Middleton Hall and therefore it is not considered that there would be unacceptable impact upon the amenity of this property. The proposals therefore accord with policies GSP3 and LC4 in these respects.

Conclusion

The proposed manege would cause harm to the character of the former orchard as part of the Conservation Area, and to the setting of the Grade II listed Hall and stables and boundary walls as listed buildings. Whilst this would be “less than substantial harm”, there would be insufficient public benefit to offset and outweigh the harm identified contrary to adopted Development Plan policies and the NPPF. The application is therefore recommended for refusal.

Human Rights

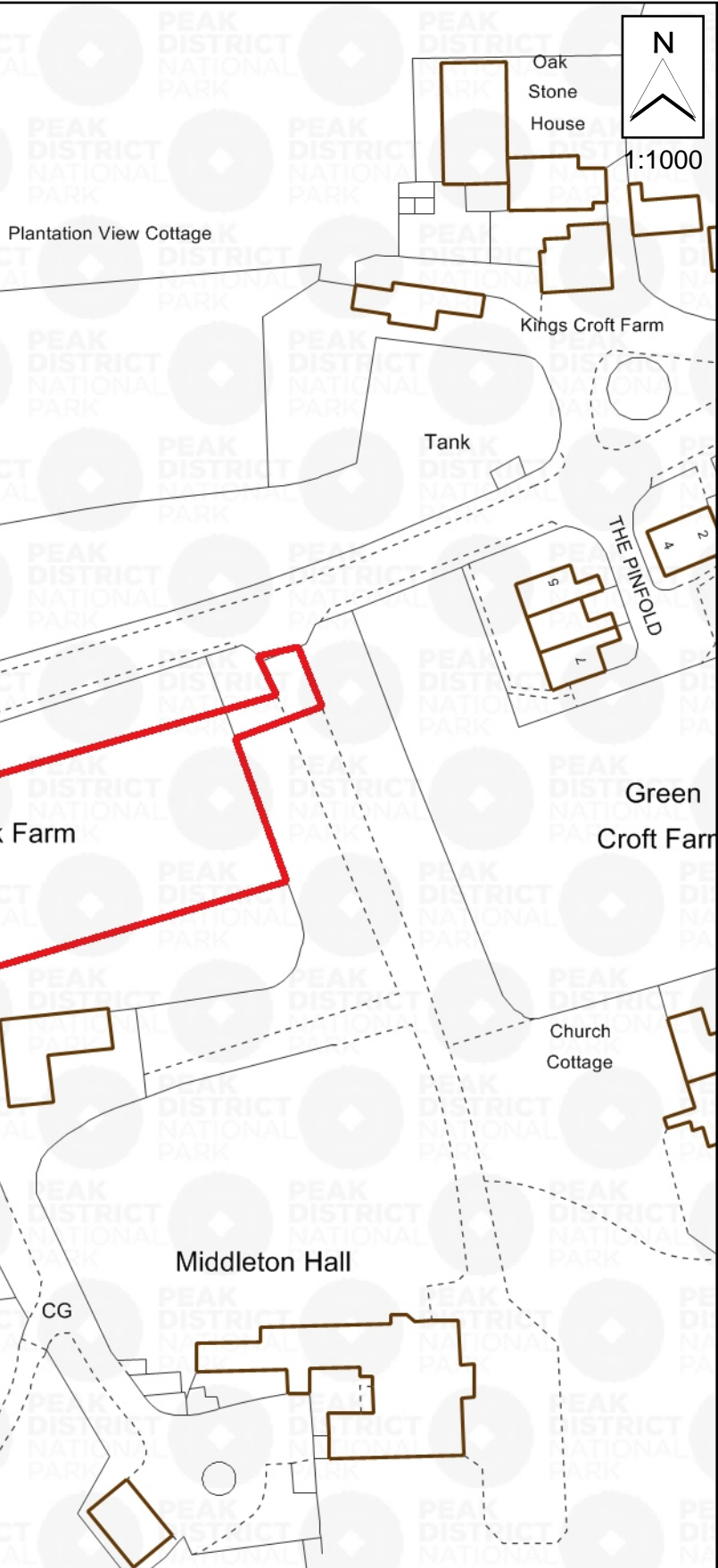
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


Nil

Report Author and Job Title

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Committee Date:	14th September 2018	Title: Middleton Hall, Middleton By Youlgreave	 PEAK DISTRICT NATIONAL PARK
Item Number:	item 10		
Application No:	NP/DDD/0618/0523		
Grid Reference:	419462, 363034		

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11. ADVERTISEMENT CONSENT APPLICATION: ERECTION OF 12 SIGNS AT THE CO-OPERATIVE FOOD STORE, CALVER ROAD, BASLOW. (NP/DDD/0618/0524 P.5887 425123/372396 15/06/2018 DH)

APPLICANT: Co-operative Food

Site and Surroundings

The application site is the former Rutland Arms public house which occupies a prominent position in the centre of the village of Baslow. The building stands on the corner between the road through the village (the A623) and the C17th Grade I listed bridge over the River Derwent leading to Bubnell Lane. The Grade II* listed St Anne's Church is to the south-east, the Lych Gate, which is listed Grade II in its own right is approximately 33m to the south-east of the building. The site is within the designated conservation area boundary.

The building is constructed of coursed gritstone under a slate roof, with gritstone quoins and window and door surrounds. There is a car park to the north-west of the building which is enclosed, except for the two access points, by a low gritstone wall. In 2015 planning permission was granted to change the use of the former public house to a convenience store (A3 to A1 use). The permission has not yet been implemented, but an application to discharge the conditions is registered with the Authority and the agent has confirmed that work will commence before 22 October 2018.

The nearest neighbouring residential properties are Toll Bar Cottage on the opposite side of the bridge to the south-east, The Mill House to the north-west on the far side of the car park, and the houses on the opposite side of the A623.

Proposal

The application is for Advertisement Consent to display 12 signs. The scheme comprises:

Sign A - "Welcome to Baslow Co-op" in glazing above entrance doors in north-west gable. The sign is 750mm by 2511mm, the background is an aluminium panel powder coated in traffic grey (RAL 7043) with white acrylic text. Non-illuminated.

Sign B - Co-op logo above doors in north-west gable. The sign comprises individual timber letters painted silver (RAL 9006) with blue vinyl faces. Overall size 1321mm by 1400mm. Externally illuminated by downward and inward facing LED trough lights.

Sign C – Co-op logo on south-east gable. The sign comprises individual timber letters painted silver (RAL 9006) with blue vinyl faces. Overall size 1321mm by 1400mm. Externally illuminated by downward and inward facing LED trough lights.

Sign D (*Re-lettered to Sign N in 10 July revised scheme*) – Co-op logo projecting sign on roadside (north-east) elevation. The sign comprises individual timber letters painted silver (RAL 9006) with blue vinyl faces. Overall size 472mm by 500mm. Externally illuminated by downward and inward facing LED trough lights.

Sign E - "Remember your reusable bags" on roadside (north-east) elevation. The sign is 450mm in diameter, blue background in anti-graffiti laminate with white applied vinyl lettering. Non-illuminated.

Sign F - "Goods Delivery" by delivery door on north-west elevation. The sign is 600mm by 600mm, blue background in anti-graffiti laminate with white applied vinyl lettering. Non-illuminated.

Sign G – "Parking Disclaimer" on south-east wall of car park. The sign is 600mm by 600mm, blue background in anti-graffiti laminate with white applied vinyl lettering. Non-illuminated.

Sign H – "Parking Disclaimer" on post next to south-west boundary of car park. The sign is 600mm by 600mm, blue background in anti-graffiti laminate with white applied vinyl lettering. Non-illuminated.

Sign I – "Disabled Parking Space" on post on north-east side of car park. The sign is 600mm by 600mm, blue background in anti-graffiti laminate with white applied vinyl lettering. Non-illuminated.

Sign J – "Parent and Toddler Parking Space" on post on north-east side of car park. The sign is 450mm in diameter, blue background in anti-graffiti laminate with white applied vinyl lettering. Non-illuminated.

Sign K – Co-op logo on northern end of roadside (north-east) elevation. The sign comprises individual timber letters painted silver (RAL 9006) with blue vinyl faces. Overall size 1038mm by 1100mm. Externally illuminated by downward and inward facing LED trough lights.

Sign L – Has been omitted from the revised scheme.

Sign M - The double sided sign is sited on a silver (RAL 9006) 'L' bracket on a 3527mm high pole finished in traffic grey (7043) at the entrance to the car park. It is a simple aluminium rectangle measuring 600mm by 900mm with a background colour of traffic grey, an applied vinyl Co-op logo in blue and a white 'P' and arrow to the car park. Externally illuminated by downward and inward facing LED trough lights.

The scheme also indicates positions for a paypoint projector and lotto projector. No details of these are given, but they are small in size and standardised designs.

The original scheme also showed a Banner Frame on the roadside elevation, which has been omitted from the revised scheme.

RECOMMENDATION:

That the application be APPROVED subject to the standard conditions applicable to Advertisement Consent, and the following non-standard condition:

- **That the scheme shall be in complete accordance with that which is specified on the amended plans, received by the Authority 10 July 2018.**

Key Issues

In dealing with applications for advertisement consent, the key issues are public safety and safeguarding amenity, taking into account the provisions of the Development Plan and any other relevant factors. Considerations regarding public safety would be the likely impact of advertisements on road traffic and pedestrians. In assessing amenity the local characteristics of the area must be taken in account, whether it is in keeping with scenic, historic, architectural or cultural features of the area.

History

NP/DDD/0115/0040 – Change of use and alterations to external elevations to create Class A1 convenience store with associated servicing, refuse, plant and parking areas – Granted subject to conditions - 22/10/2015

NP/DDD/0216/0116 – Section 73 application for the variation of condition 8 on NP/DDD/0115/0040 (hours of delivery) – Refused - 03/06/2016 – Appealed – Allowed with conditions - 14/12/2016

NP/DDD/0317/0226 - Section 73 application for the variation or removal of condition 2 - amended plans on appeal APP/M9496/W/16/3157101 - Granted subject to conditions - 17/05/2017

NP/DIS/0718/0646 – Discharge of condition 6, 10, 11, 12, 18 and 19 on NP/DDD/0317/0226 – Not determined to date

Consultations

Derbyshire County Council (Highway Authority): No response to date

Derbyshire Dales District Council: No response to date

Baslow & Bubnell Parish Council: Initially objected for the following reasons:

- There seem to be too many signs for the property.
- Sign L (totem sign in car park) seems unnecessary
- Sign C (logo on gable) would be improved if they were the same size as sign K (logo on roadside elevation).
- The wording for sign A ('Welcome to Baslow's Co-op') gives the impression this is somehow a community shop.

Officer comment: Although twelve signs sounds excessive, six of the signs are small informative signs round the car park, 'goods delivery entrance', 'disabled space' etc.) Amendments to the scheme were requested during the course of the application and Sign L is now a much smaller sign. The size of Sign C is proportionate to the wall face it is to be displayed on, as is Sign K, additionally, as there is only one sign on the gable it will not be cluttered. With regard to the wording of Sign A, the Town & Country Planning (Control of Advertisements) Regulations 2007 states that, among amenity considerations, the local planning authority must not include the subject matter of an advertisement.

Amendments to the scheme were requested during the course of the application, the changes to the scheme comprise:

- *The materials are now more traditional.*
- *The banner frame on the principal elevation has been omitted from the scheme.*
- *The totem sign in the car park (Sign L) has been amended to a much smaller sign whose design acknowledges the former use of the building as a public house.*
- *All internal illumination to the proposed signs has been omitted.*
- *The signs are to be externally illuminated by small downward and inwards facing trough lights; the illumination is no more than 400cdms².*

The Parish Council and other interested parties were informed of the amended scheme, and the PC clerk has stated that the majority of the councillors are much happier with the proposal.

Representations

To date the Authority has received 12 representations regarding the proposal. One was a general comment on the signage. One did not comment on the current application for signage, merely stated their opposition to a shop on that site. Eight representations were objections, and when the interested parties were advised of the amended scheme, two of the objectors submitted further comments, one maintaining their original objection, the other acknowledging the improvements but maintaining the objection to the wording of Sign A.

The concerns raised by the objectors include:

- The change of use to a shop is still considered to be unacceptable.

This is not material consideration regarding the current application. However, it is pertinent in so far as if the building had remained a public house the signs would all benefit from deemed consent

- Road safety as the car park access is close to a bend
Again, this is not a material consideration for the current application
- The wording/content of Sign A, 'Welcome to Barlow's Co-op'
The Town & Country Planning (Control of Advertisements) Regulations 2007 states that, among amenity considerations, the local planning authority must not include the subject matter of an advertisement
- The extent of the signage is unnecessary and should be restricted to the building itself
The signs which are not attached to the building are all small informative signs round the car park, ('goods delivery entrance', 'disabled space' etc.) with the exception of Sign M, which has been reduced considerably, from 1060mm wide and 3505mm high (formerly Sign L) to just 600mm by 900mm mounted on a pole. Therefore the amount of signage is not considered to be excessive
- The signage is too large
See above
- The signage is of an inappropriate design and materials, too urban, too brightly coloured, too corporate, and not in keeping with the aesthetics of the village
The scheme has been revised considerably to address similar concerns raised by officers on receipt of the application, prior to any representations being received
- The illumination is out of keeping and will project light into the properties opposite
All the signs which were originally proposed to be illuminated have been revised and now are externally illuminated by downward and inward facing LED trough lights
- The footway along the frontage of the building is narrow, therefore use of ATM would limit pedestrian passage, and the ATM would be a security risk
There is no ATM shown on the proposed or revised plans
- Sign E, Paypoint, and Lotto signs are not necessary and could easily be accommodated within the building
The Town & Country Planning (Control of Advertisements) Regulations 2007 specifically states that the subject matter of advertisements should not be among amenity considerations when dealing with applications for Advertisement Consent
- The Totem sign is an eyesore
This has now been omitted from the scheme at the request of officers
- The Banner Frame whose content would alter on a regular basis would be a distraction to passing drivers
This has now been omitted from the scheme

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L1, L3

Relevant Local Plan policies: LC3, LC4, LC5, LC11

The NPPF states in Chapter 12 that the creation of high quality buildings and places is fundamental to what the planning process should achieve. Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It goes on to say that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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

Wider Policy Context

The National Park has a statutory duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks, and to promote opportunities for understanding and enjoyment of its special qualities.

Policy LC11 is supported by the wider range of design and landscape conservation policies in the Development Plan including GSP1, GSP2 and GSP3 of the Core Strategy and LC4 of the Local Plan which requires all development in the National Park to be of a high standard of design that is sensitive to the locally distinctive character of its landscape setting.

Core Policy L3 and Saved Local Plan Policy LC5 deals with applications for development or works which are within designated Conservation Areas.

Supplementary Guidance

The Authority has a Supplementary Planning Document (SPD) on shopfronts, which gives detailed design advice. It states that materials should be timber or metal, not plastic or Perspex. Hanging signs can be used effectively to supplement signs on the building and can play an important role in both attracting customers and adding interest to the street scene, however, they should not be too bulky. With regard to lighting, this should be used sparingly, if at all. It should also be low energy lighting.

Assessment

Advertisements are ordinarily subject to control under the Town & Country Planning Act 1990 (the 1990 Act), and the Town & Country Planning (Control of Advertisements) Regulations 2007. Some forms of outdoor advertising benefit from deemed consent and are excluded from control of the planning authority provided certain conditions are fulfilled, express consent is required for signage which does not fall within the categories and conditions specified in the Regulations. However, the Co-operative store at the former Rutland Arms requires express Advertisement Consent for all signage due to condition 16 on NP/DDD/0317/0226, which states, *“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) no alterations to the external appearance of the building shall be carried out without the National Park Authority's consent and no extensions, porches or ancillary buildings whatsoever shall be erected on the site without the Authority's prior written consent.”*

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

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

Principle – In principle, provided the signage complies with saved Local Plan policy LC11, proposals for signage at businesses will be acceptable.

Siting – The positions of the signs on the building and within the car park will not be a public safety hazard to pedestrians or traffic. They are appropriately located relative to the building and associated parking facility on which they are displayed. The signs are considered to be in compliance with LC11 as they are of a scale which is not disproportionate to the area of wall they occupy or any other signage in the vicinity.

Design - The designs of the signs, as amended, retain the corporate image and colour scheme, but are now proposed to be constructed from more traditional materials which respect the fact that the building is within a conservation area and close to listed buildings.

All internal illumination to the proposed signs has been omitted, the banner frame on the principal elevation has been omitted, and the totem sign (L) in the car park has been amended to a much smaller sign (M) whose design acknowledges the former use of the building as a public house, and is therefore more in keeping with the area.

Six of the signs (E, F, G, H, I, and J) are informative and very modest in scale, the largest being 600mm by 600mm. The other signs, displayed on the building itself, are proportionate in scale to the wall faces they are displayed upon. The larger signs which are to be lit (B, C, D, K, and M) are on the building itself and will be externally illuminated by small downward and inwards facing trough lights, the illumination is no more than 400cdms².

The signage scheme, as amended, is considered to comply with saved Local Plan policy LC11.

Amenity - In dealing with applications for advertisement consent, the key issues are public safety and safeguarding amenity. Considerations regarding public safety would be the likely impact of advertisements on road traffic and pedestrians. In assessing amenity the local characteristics of the area must be taken in account, whether it is in keeping with scenic, historic, architectural or cultural features of the area.

Due to the property being in the centre of a named settlement in Core Strategy policy DS1 there is no impact on the wider landscape setting.

The building is prominently located within the Baslow Conservation Area, fronting the main road through the village, with views of the north, south, and east elevations. The area has a range of both residential and commercial premises with signage. The display of advertisements on commercial premises is appropriate, indeed, it should be noted that had the premises remained a public house, they would have been able to display more signs than are proposed without the benefit of express Advertisement Consent. It is therefore concluded that the signage scheme, as amended, does not detract from features of architectural or historic importance or other valued characteristics of the area. The signs will have no significantly negative impact on the character and appearance of the property, or its setting within the conservation area, and will not detract from the amenity of the local area as it is sensitive to the locally distinctive character of the property's setting.

Considerations regarding public safety would be the likely impact of advertisements on road traffic and pedestrians. As the majority of the signs are fixed to the building and the walls enclosing the car park, and the projecting signs are well above the head height of any pedestrians they would not pose any concerns relating to public safety. Any proposed lighting is directed directly downwards on to the signs, therefore they should not be a distraction to road traffic through the village.

It is therefore considered that the proposed signs do not present a hazard to public safety, nor do they detract from the surroundings by having any significant detrimental effect on the site itself or its setting or the character and appearance of the local area.

The proposal is in line with saved Local Plan policy LC11 and national planning policies in the National Planning Policy Framework. It is also in line with policies GSP1, GSP2, and GSP3 of the Core Strategy and saved Local Plan policies LC4 and LC5.

Conclusion

It is therefore concluded that the signage scheme, as amended, is in compliance with save Local Plan Policy LC11 and national planning policies in the National Planning Policy Framework. The scheme is also in line with policies GSP1, GSP2, and GSP3 of the Core Strategy and saved Local Plan policies LC4, and LC5. Accordingly, the application is recommended for conditional approval.

Human Rights

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

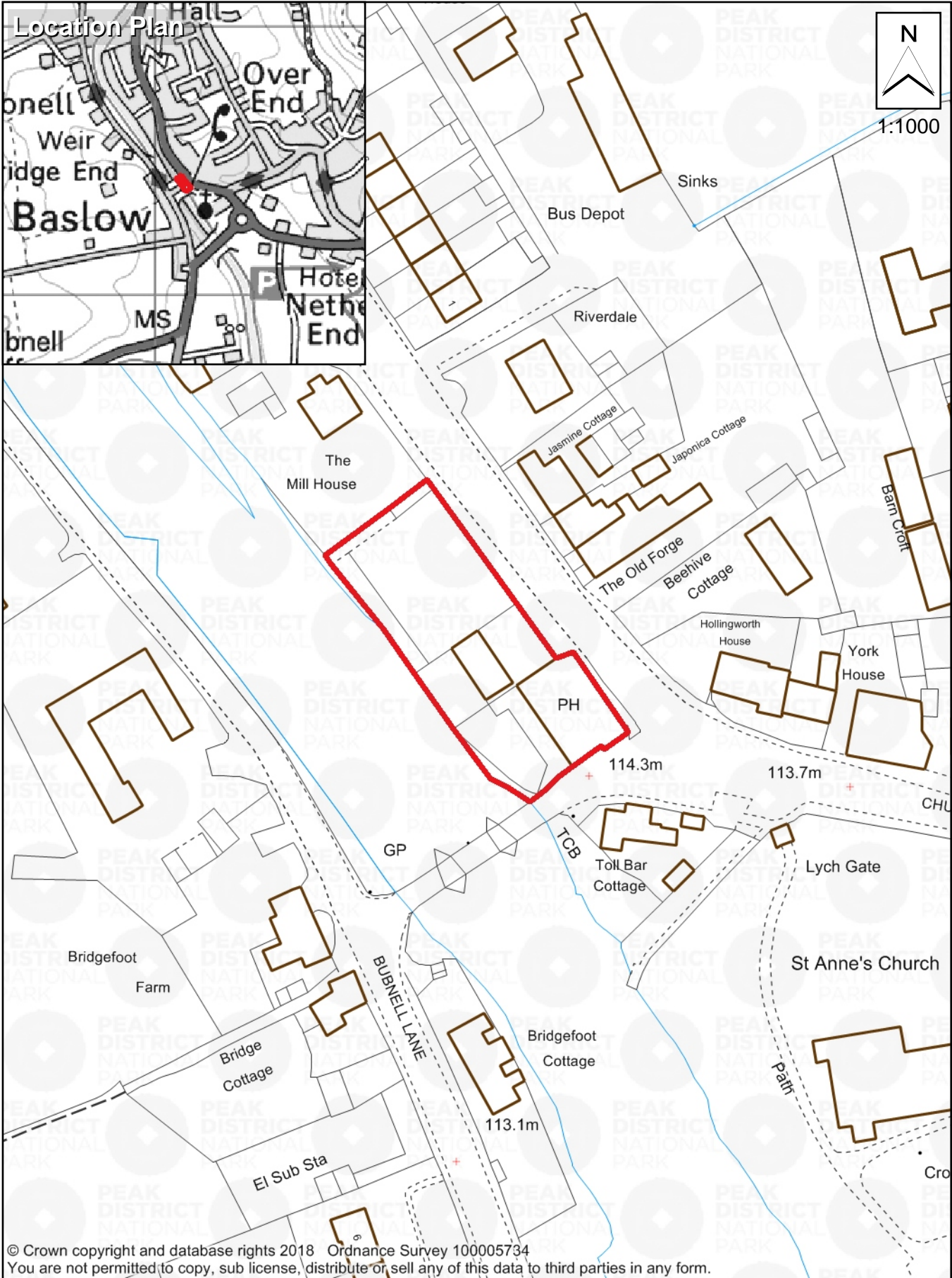
List of Background Papers (not previously published)


Nil

Report Author and Job Title

Denise Hunt, Planning Assistant

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Committee Date:	14th September 2018	Title: Co-op Store, Calver Road Baslow	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 11		
Application No:	NP/DDD/0618/0524		
Grid Reference:	425123, 372396		

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12. ADVERTISEMENT CONSENT APPLICATION: INFORMATION BOARDS WHICH WILL CONSIST OF THREE 650MM MODULAR CUBES AT HOLME MOSS CAR PARK, HOLME. (NP/K/0718/0676 AM)

APPLICANT: MOORS FOR THE FUTURE PARTNERSHIP

Proposal

1. The erection of an information board on the southern edge of Holme Moss car park.
2. The plans show that the information board would consist of three interpretation panels, each measuring 0.52m by 0.52m mounted within oak frames and posts.
3. The information boards would contain information about the blanket bog moorlands of the National Park and South Pennines.

Site and Surroundings

4. Holme Moss car park is location at the top of Wilmer Hill opposite from the transmitting station and with access off Woodhead Road.
5. The car park and surrounding land is located within the South Pennine Moors Special Area of Conservation (SAC), the Peak District Moors Special Protection Area (SPA) and the Dark Peak Site of Special Scientific Interest (SSSI). The land around the car park is Section 3 Moorland and designated as Natural Zone for the purposes of the development plan.

RECOMMENDATION:

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

1. **Standard conditions (statutory requirement of the advertisement regulations).**
2. **The development shall not be carried out other than in complete accordance with the specified approved plans.**

Key Issues

- The impact of the proposed advertisements upon amenity and highway safety.

History

6. None relevant.

Consultations

7. **Officer note: this report was published before the end of the public consultation period. If any further consultation responses or representations are received by the Authority then the Committee will be updated verbally by Officers.**
8. Highway Authority – No response to date.
9. District Council – No response to date.

10. Parish Council – No response to date.
11. Natural England – No response to date.
12. PDNPA Ecology – No response to date.

Representations

13. No representations have been received to date.

Main Policies

14. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1 and L2
15. Relevant Local Plan policies: LC1, LC4, LC11 and LC17
16. National Planning Policy Framework
17. The National Planning Policy Framework (NPPF) was revised in July 2018. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'
18. Paragraph 172 of the NPPF states that '*great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*'
19. Paragraph 132 of the NPPF states that '*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.*'
20. Peak District National Park Core Strategy
21. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

22. Policy GSP3 and LC4 set out development management principles and state that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
23. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted. Policy L2 and LC17 together seek to ensure that all development conserves and enhances the biodiversity of the National Park and that other than in exceptional circumstances development which would harm biodiversity will not be permitted.
24. Policy LC11 is directly relevant for proposals for advertisements and says that they will be granted provided that they (a):
- are as near as possible to the business or activity concerned (an exception may be made for community information boards or finger-post schemes in designated Local Plan Settlements); and
 - do not result in a proliferation of signs inappropriate to the building or locality; and
 - do not pose a hazard to public safety or unduly harm the amenity of neighbouring properties; and
 - are in proportion and appropriately located relative to the building on which they are displayed and/or to nearby buildings; and
 - are of a high standard of design, materials and construction; and
 - their scale, setting and design do not detract from features of architectural or historic importance or other valued characteristics of the area

Internal illumination will not be granted consent. External illumination will not be granted consent unless it is during opening hours in a predominantly commercial area; or is at public houses, restaurants or other similar premises open after dark. Advertisements for the purposes of announcement or direction will not be granted consent unless they are reasonable required having regard to the nature and location of that which they advertise.

Assessment

25. Principle

26. An application for Advertisement Consent is through a separate process within the planning system. When determining an application for Advertisement Consent only two issues can be taken into consideration, which are amenity and public safety. In assessing amenity the local characteristics of the area must be taken in account, whether it is in keeping with scenic, historic, architectural or cultural features of the area. Considerations regarding public safety would be the likely impact of advertisements on road traffic and pedestrians.
27. The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, it also repeats the regulatory provision that advertisements should be subject to control only in

the interests of amenity and public safety, taking account of cumulative impacts. The key issues in the determination of this application therefore are the impact of the proposal upon amenity and public safety.

28. Amenity

29. The site is located in a very exposed position on top of Wilmer Hill and the car park is surrounded by open moorland. The surfaced area of the car park is surrounded by a grass verge enclosed by a number of rocks with the moorland which is open to public access beyond.

30. The proposed information board would be sited adjacent to the car park on the grass verge within the rocks. The proposed board would therefore be well related to the existing development of the car park rather than being an isolated and intrusive feature within the open moorland and natural zone beyond.

31. The proposal board would provide information to members of the public in regard to the surrounding moorland and therefore the advertisement would be located as close as possible to the activity concerned and would be appropriately located and not result in a proliferation of signs inappropriate to the locality. The design of the proposed adverts is of a high standard with appropriate materials and construction details and would not detract from the scenic beauty of the surrounding landscape.

32. The site and the whole of the existing car park is located within the South Pennine Moors Special Area of Conservation (SAC), the Peak District Moors Special Protection Area (SPA) and the Dark Peak Site of Special Scientific Interest (SSSI). However, the proposed advertisements would be adjacent to the car park on the grass verge and therefore would not impact upon any habitat or species related to these designations. The information board would provide information for members of the public already at the site and therefore would not act as an attraction or generate additional visitors which could impact the designated sites.

33. Officers are therefore satisfied that the proposed board would not have any harmful impact upon these designated sites or any other protected species.

34. Public safety

35. The proposed board would be sited a satisfactory distance from the highway and beyond the edge of the car park and therefore the proposal would not cause any physical obstruction to users of the highway. The proposed sign would not obscure or hinder the interpretation of any traffic sign or hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle. The proposed sign would not be a hazard for pedestrians walking around the site.

36. Therefore the proposed sign would not pose a hazard to public safety.

Conclusion

37. The proposed information board would be well designed and sited to avoid harm the scenic beauty of the landscape and the biodiversity of designated sites and would not pose a hazard to public safety.

38. The application is therefore considered to be in accordance with relevant development plan policies and in the absence of any further material considerations is recommended for approval subject to the standard conditions which are a requirement of the advertisement regulations and a condition to specify the approved plans.

Human Rights

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

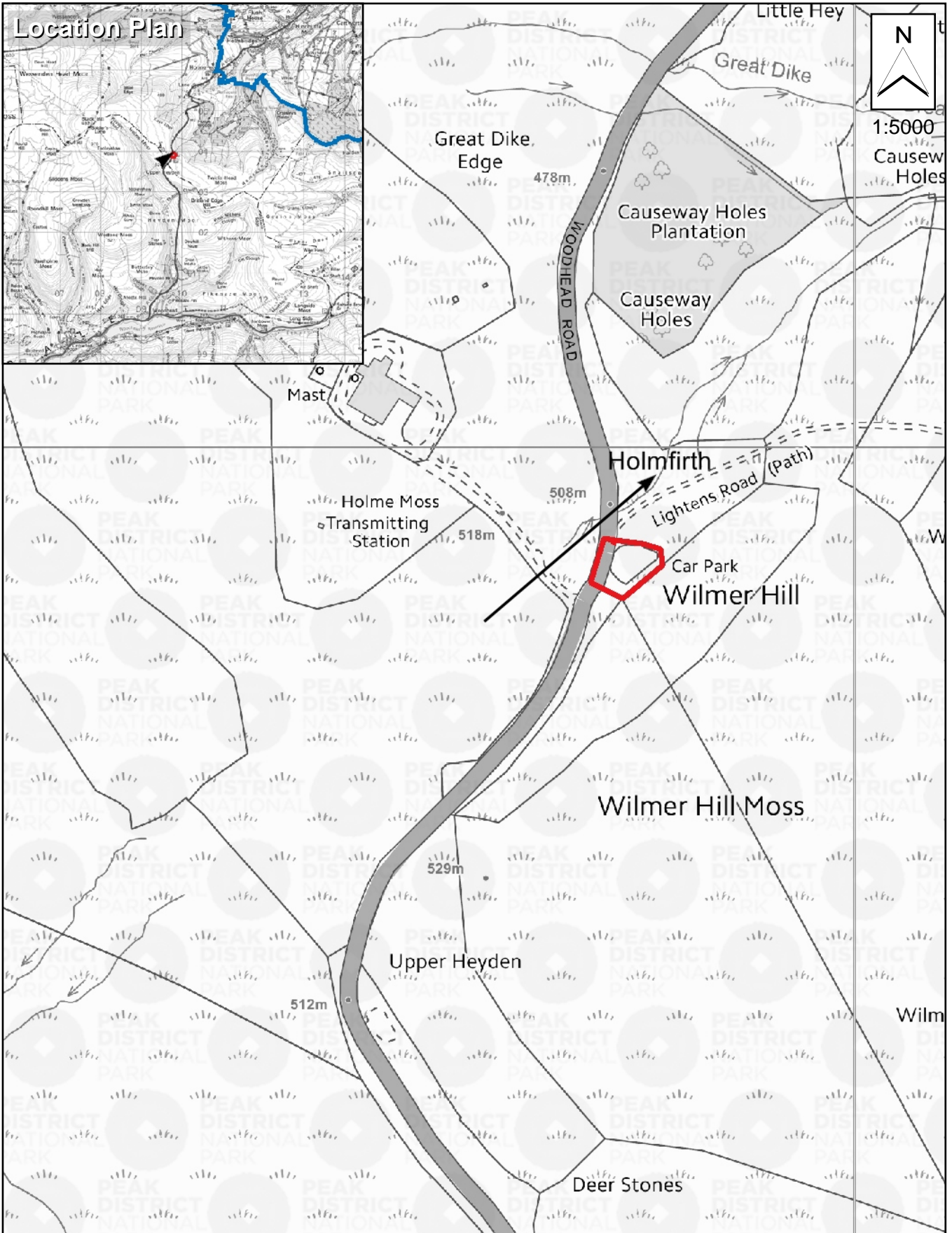
List of Background Papers (not previously published)

Nil


Report Author and Job Title

Adam Maxwell, Senior Planner

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Committee Date:	14th September 2018	Title: Holm Moss Car Park, Holm	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 12		
Application No:	NP/K/0718/0676		
Grid Reference:	409550, 404052		

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13. ADVERTISEMENT CONSENT APPLICATION: INFORMATION BOARDS WHICH WILL CONSIST OF FOUR 650MM MODULAR CUBES AT THE MOORLAND CENTRE, FIELD HEAD, EDALE (NP/HPK/0718/0678) AM)

APPLICANT: MOORS FOR THE FUTURE PARTNERSHIP

Proposal

1. The erection of an information board to the within the curtilage of the Moorland Centre.
2. The plans show that the information board would consist of four interpretation panels, each measuring 0.52m by 0.52m mounted within oak frames and posts.
3. The information board would contain information about the blanket bog moorlands of the National Park and South Pennines.

Site and Surroundings

4. The Moorland Centre is located within Edale, approximately 130m south east of Holy Trinity Church and within the designated Edale Conservation Area. The proposed advertisement would be sited to the west of the building adjacent to the pathway and access.

RECOMMENDATION:

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

1. **Standard conditions (statutory requirement of the advertisement regulations).**
2. **The development shall not be carried out other than in complete accordance with the specified approved plans.**

Key Issues

- The impact of the proposed advertisements upon amenity and highway safety.

History

5. None relevant.

Consultations

6. Highway Authority – No objections subject to no impact upon parking or visibility for visitors.
7. District Council – No response to date.
8. Parish Council – No response to date.

Representations

9. No representations have been received to date.

Main Policies

10. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1 and L3
11. Relevant Local Plan policies: LC1, LC4, LC5 and LC11
12. National Planning Policy Framework
13. The National Planning Policy Framework (NPPF) was revised in July 2018. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.
14. Paragraph 172 of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
15. Paragraph 132 of the NPPF states that *'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'*.
16. Peak District National Park Core Strategy
17. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
18. Policy GSP3 and LC4 set out development management principles and state that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
19. Policies L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted. Policy L3 and LC5 say that development must conserve and enhance the cultural heritage of the National Park.

20. Policy LC11 is directly relevant for proposals for advertisements and says that they will be granted provided that they (a):

- are as near as possible to the business or activity concerned (an exception may be made for community information boards or finger-post schemes in designated Local Plan Settlements); and
- do not result in a proliferation of signs inappropriate to the building or locality; and
- do not pose a hazard to public safety or unduly harm the amenity of neighbouring properties; and
- are in proportion and appropriately located relative to the building on which they are displayed and/or to nearby buildings; and
- are of a high standard of design, materials and construction; and
- their scale, setting and design do not detract from features of architectural or historic importance or other valued characteristics of the area

Internal illumination will not be granted consent. External illumination will not be granted consent unless it is during opening hours in a predominantly commercial area; or is at public houses, restaurants or other similar premises open after dark. Advertisements for the purposes of announcement or direction will not be granted consent unless they are reasonable required having regard to the nature and location of that which they advertise.

Assessment

21. Principle

22. An application for Advertisement Consent is through a separate process within the planning system. When determining an application for Advertisement Consent only two issues can be taken into consideration, which are amenity and public safety. In assessing amenity the local characteristics of the area must be taken in account, whether it is in keeping with scenic, historic, architectural or cultural features of the area. Considerations regarding public safety would be the likely impact of advertisements on road traffic and pedestrians.

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

24. Amenity

25. The proposed information board would be located in on a grass picnic area adjacent to the existing building and would be viewed be visitors approaching the Moorland Centre and also by users of the campsite. The proposed boards would be well related to the pathway, the building and the existing car park rather than being an isolated and intrusive feature within the open countryside.

26. The proposal information boards would provide information to members of the public in regard to the moorland which the valley and therefore the advertisement would be located as close to the activity concerned and would be appropriately located and not result in a proliferation of signs inappropriate to the locality and the Conservation Area. The design of the proposed adverts is of a high standard with appropriate materials and construction details and would not detract from the scenic beauty of the surrounding landscape.

27. Public safety

28. The proposed information panels would be sited a satisfactory distance from the highway and beyond the edge of the car park and therefore the proposal would not cause any physical obstruction to users of the highway. The proposed panels would not obscure or hinder the interpretation of any traffic sign or hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle. The proposed panels would not be a hazard for pedestrians walking along the footpath.

29. Therefore the proposal would not pose a hazard to public safety.

Conclusion

30. The proposed information panels would be well designed and sited to avoid harm the scenic beauty of the landscape or the significance of the Conservation Area and would not pose a hazard to public safety.

31. The application is therefore considered to be in accordance with relevant development plan policies and in the absence of any further material considerations is recommended for approval subject to the standard conditions which are a requirement of the advertisement regulations and a condition to specify the approved plans.

Human Rights

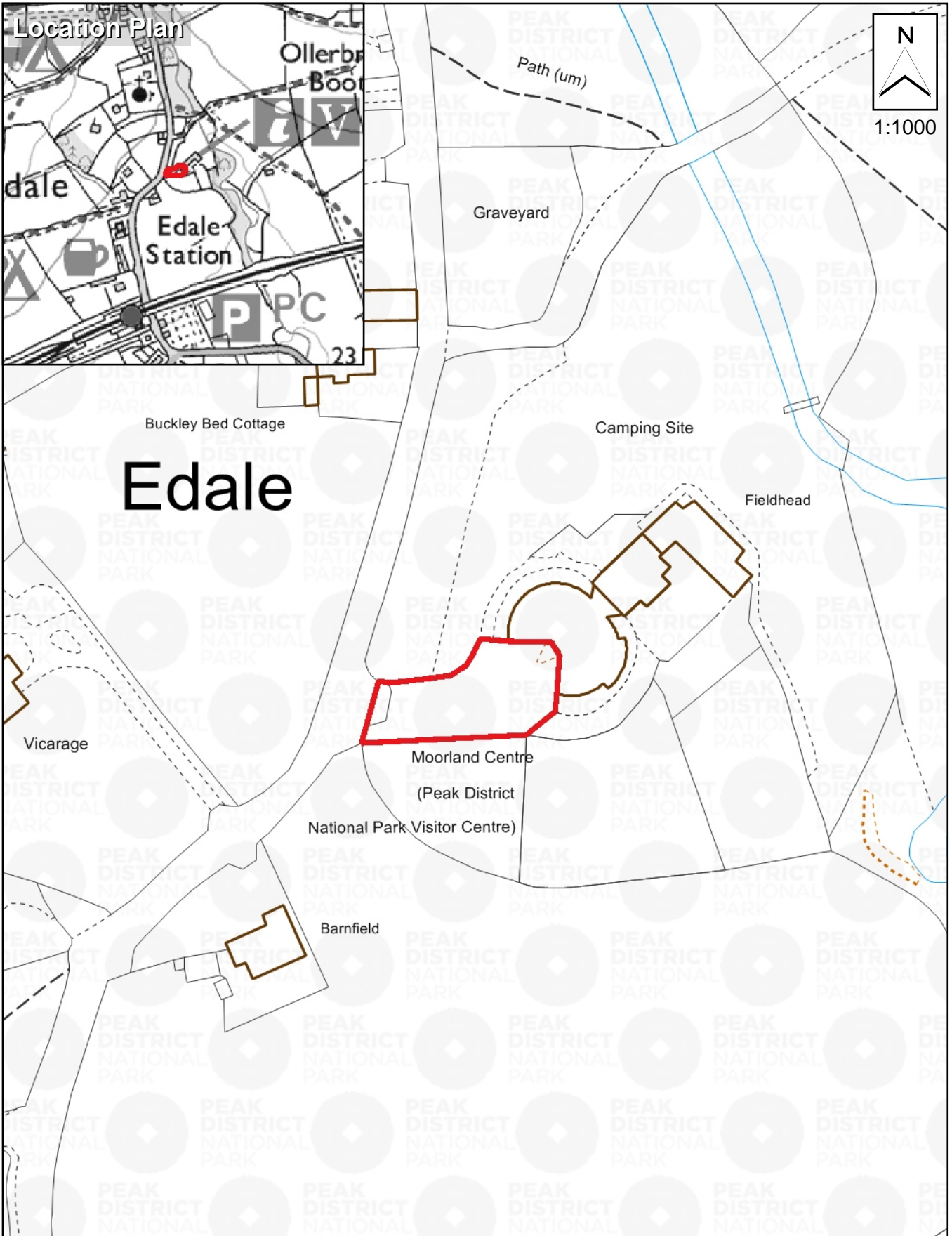
32. Any human rights issues have been considered and addressed in the preparation of this report.


List of Background Papers (not previously published)

Nil

Report Author and Job Title

Adam Maxwell, Senior Planner



Committee Date:	14th September 2018	Title: The Moorland Centre Field Head Edale	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 13		
Application No:	NP/HPK/0718/0678		
Grid Reference:	412403, 385642		

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14. ADVERTISEMENT CONSENT APPLICATION: INTERPRETATION BOARDS WHICH WILL CONSIST OF FIVE 650MM MODULAR CUBES AT DOVE STONE RESERVOIR, GREENFIELD, OLDHAM. (NP/O/0818/0698 AM)

APPLICANT: MOORS FOR THE FUTURE PARTNERSHIP

Proposal

1. The erection of an information board to the south east of the car park at Dove Stone reservoir.
2. The plans show that the information board would consist of five interpretation panels, each measuring 0.52m by 0.52m mounted within oak frames and posts.
3. The information boards would contain information about the blanket bog moorlands of the National Park and South Pennines.

Site and Surroundings

4. Dove Stone reservoir is located in open countryside to the south east of Saddleworth. There is an existing car park and public toilets located on the west side of the dam with a pathways around the reservoir. There is an existing interpretation panel located on the path around the south east corner of the reservoir which leads to the sailing club building.

RECOMMENDATION:

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

1. **Standard conditions (statutory requirement of the advertisement regulations).**
2. **The development shall not be carried out other than in complete accordance with the specified approved plans.**

Key Issues

- The impact of the proposed advertisements upon amenity and highway safety.

History

5. None relevant.

Consultations

Highway Authority – No response to date.

District Council – No response to date.

Parish Council – No objections.

Representations

6. No representations have been received to date.

Main Policies

7. Relevant Core Strategy policies: GSP1, GSP3, DS1 and L1
8. Relevant Local Plan policies: LC1, LC4 and LC11
9. National Planning Policy Framework
10. The National Planning Policy Framework (NPPF) was revised in July 2018. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'
11. Paragraph 172 of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
12. Paragraph 132 of the NPPF states that *'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'*.
13. Peak District National Park Core Strategy
14. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
15. Policy GSP3 and LC4 set out development management principles and state that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
16. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
17. Policy LC11 is directly relevant for proposals for advertisements and says that they will be granted provided that they (a):

- are as near as possible to the business or activity concerned (an exception may be made for community information boards or finger-post schemes in designated Local Plan Settlements); and
- do not result in a proliferation of signs inappropriate to the building or locality; and
- do not pose a hazard to public safety or unduly harm the amenity of neighbouring properties; and
- are in proportion and appropriately located relative to the building on which they are displayed and/or to nearby buildings; and
- are of a high standard of design, materials and construction; and
- their scale, setting and design do not detract from features of architectural or historic importance or other valued characteristics of the area

Internal illumination will not be granted consent. External illumination will not be granted consent unless it is during opening hours in a predominantly commercial area; or is at public houses, restaurants or other similar premises open after dark. Advertisements for the purposes of announcement or direction will not be granted consent unless they are reasonable required having regard to the nature and location of that which they advertise.

Assessment

18. Principle

19. An application for Advertisement Consent is through a separate process within the planning system. When determining an application for Advertisement Consent only two issues can be taken into consideration, which are amenity and public safety. In assessing amenity the local characteristics of the area must be taken in account, whether it is in keeping with scenic, historic, architectural or cultural features of the area. Considerations regarding public safety would be the likely impact of advertisements on road traffic and pedestrians.
20. The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, it also repeats the regulatory provision that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The key issues in the determination of this application therefore are the impact of the proposal upon amenity and public safety.

21. Amenity

22. The proposed information board would replace the existing interpretation board located adjacent to the path around the south west side of the reservoir and would be viewed by visitors walking up from the car park. The proposed board would be well related to the pathway and the existing car park rather than an isolated and intrusive feature within the open countryside.
23. The proposed information board would provide information to members of the public in regard to the moorland which surrounds the reservoir and therefore it would be located as close as possible to the activity concerned and would be appropriately located and not result in a proliferation of signs inappropriate to the locality. The design of the proposed board is of a high standard with appropriate materials and construction details and would not detract from the scenic beauty of the surrounding landscape.

24. Public safety

25. The proposed information board would be sited a satisfactory distance from the highway and beyond the edge of the car park and therefore the proposal would not cause any physical obstruction to users of the highway. The proposed board would not obscure or hinder the interpretation of any traffic sign or hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle. The proposal would not be a hazard for pedestrians walking along the footpath.

26. Therefore the proposed advertisement would not pose a hazard to public safety.

Conclusion

27. The proposed information board would be well designed and sited to avoid harm the scenic beauty of the landscape and would not pose a hazard to public safety.

28. The application is therefore considered to be in accordance with relevant development plan policies and in the absence of any further material considerations is recommended for approval subject to the standard conditions which are a requirement of the advertisement regulations and a condition to specify the approved plans.

Human Rights

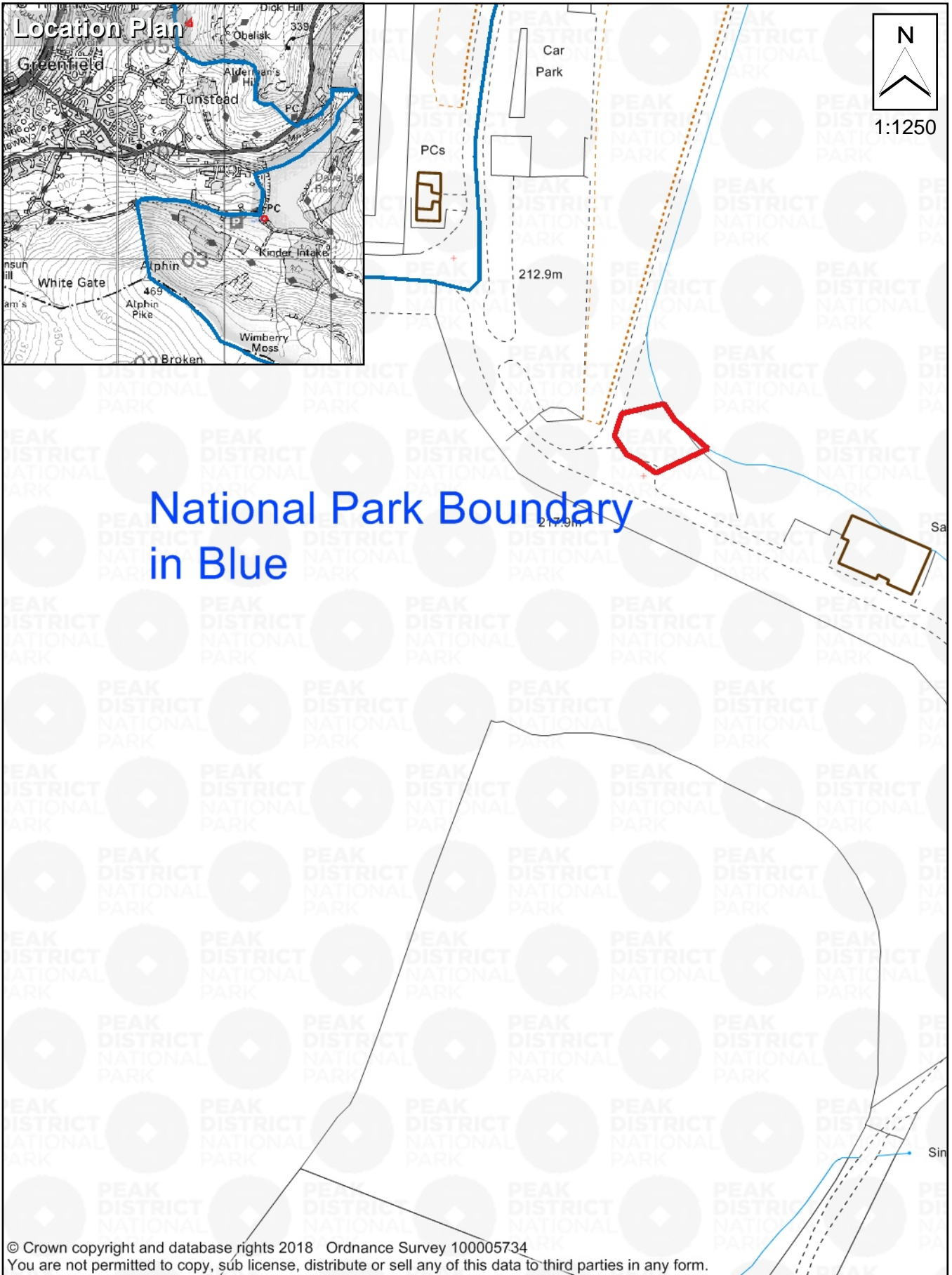
29. Any human rights issues have been considered and addressed in the preparation of this report.


List of Background Papers (not previously published)

Nil

Report Author and Job Title

Adam Maxwell, Senior Planner



Committee Date:	14th September 2018	Title: Dove Stone Reservoir Greenfield Oldham	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 14		
Application No:	NP/O/0818/0698		
Grid Reference:	401426, 403347		

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15. FULL APPLICATION –RENOVATIONS AND ALTERATIONS TO VEHICULAR ACCESS DRIVE AT PEAK DISTRICT NATIONAL PARK AUTHORITY, ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/0718/0635 TM)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

1. Site and Surroundings

- 1.1. Aldern House is a Grade II listed building dating from c.1820, which was originally designed and occupied as a house and is now in a mixed use of commercial and local authority offices. The offices lie on northern edge of Bakewell, within Bakewell's development boundary but outside of the designated Bakewell Conservation Area.
- 1.2. The nearest neighbouring properties are Burre Cottage 32m south west and the Ambulance Station 30m south east from the entrance of Aldern House.

2. Proposal

- 2.1. The applicant seeks full planning permission for renovations and alterations to the existing vehicular access drive.
- 2.2. The existing vehicle access to the Aldern House car park is a sinuous 192m long drive from Baslow Road. The drive was laid over 20 years ago and is surfaced with Tegula blocks. 142 m length of the driveway is 3.2 m wide with a 5.1m wide passing area of 50m length at the top (north) end.
- 2.3. The existing vehicle access drive has become overrun and in need of repair. There is only one surfaced passing point at the top of the drive which has poor visibility. There are currently four speed bumps along the drive which are in need of repair since vehicles passing over these have caused sinking before and after each, which has increased the size of the humps. The existing linear drainage channels have reached their lifespan and require updating.
- 2.4. The proposed scheme would extend the existing passing bays at the top (north) of the drive to improve sightlines by grading back the banking on the east side.
- 2.5. The proposed scheme would create three formal passing bays along the drive. These bays will be constructed from Tegula blocks (with size and colour to match existing: 160x120/160/240mm/Burnt Ochre). These would replace the geogrid vehicle overrun areas.
- 2.6. The proposed scheme would remove three of the speed humps along the drive. These areas would be relayed flush (using matching Tegula blocks). For the sunken areas either side of the speed humps, it is proposed to lift the existing Tegula blocks, excavate and relay/ compact the sub base and then relay the Tegula blocks.
- 2.7. The speed hump at the top (north) of the drive (which controls vehicle speeds entering / leaving the car park) would be retained. The proposed scheme would replace this speed hump with a purpose made speed table using Tegula blocks.
- 2.8. Two additional signs are proposed to alert drivers to the maximum speeds and give way to vehicles. These signs would be of a similar size to the existing.

3. RECOMMENDATION

To APPROVE the application subject to the following conditions:

- 1. The development hereby permitted shall be begun within 3 years from the date of**

this permission.

2. Carry out in accordance with specified plans.

3. All replacement and new Tegula blocks colour and size to match the existing Tegula blocks.

4. Key Issues

4.1 The impact on the appearance of the host property, the character of the Conservation Area and the special qualities of the National Park

5. Relevant Planning History

5.1 NP/WED/1291/614: Creation of new access and drive. Granted unconditionally 1992

6. Consultations

6.1 Derbyshire County Council (Highways) – No objections

6.2 Derbyshire Dales District Council – No response to date

6.3 Bakewell Town Council – No response to date

6.4 Peak District National Park Authority (Landscape) – No objections

7. Representations

7.1 During the consultation period, the Authority has not received any representations regarding the proposals.

8. Policies

8.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

8.2. The National Planning Policy Framework (NPPF) was published on 24 July 2018 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

- 8.3. Paragraph 172 of the NPPF states that ‘*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.*’

Development Plan policies

- 8.4. Policy GSP1 sets out the broad strategy for achieving the National Park’s objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.5. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 8.6. Policy L1 identifies that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone..

Local Plan

- 8.7. Local Plan Policy LC4 requires that the detailed treatments of development is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area.
- 8.8. Local Plan Policy LH4 states that development is permitted provided that they do not detract from the appearance or amenity of the original building, its setting or neighbouring buildings.
- 8.9. Local Plan Policy LC5 states that applications for development in a Conservation Area, or for development that affects it’s setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.
- 8.10. Local Plan Policy LC6 requires that developments that affect the setting of a Listed Building preserve and where possible enhance the Listed Building.

Relevant Core Strategy (CS) policies: **GSP1, GSP2, GSP3, GSP4, L1**

Relevant Local Plan (LP) policies: **LC4, LH4, LC5**

9. Assessment

- 9.1. The key issues are whether the proposal would conserve the character and appearance of the Grade II listed building, the character of the Conservation Area and the special qualities of the National Park or would harm the amenities of nearby neighbouring properties.
- 9.2. In this case, the submitted application is supported by a design and access statement which demonstrates that the proposed renovations and alterations to the vehicle access drive

would not harm the significance of the Grade II listed host building, its setting or wider area.

- 9.3. The existing access drive is not wide enough for two vehicles to pass and has resulted in damage/overrun to both sides of the drive. The scheme proposes to create three new formal passing places, this would replace the geogrid vehicle overrun areas. This would improve the sightline of the access drive, as well as the overall condition of the vehicle access drive.
- 9.4. The vehicle access drive is screened both sides by mature trees. There are no proposals to removal any of these trees, although some selective crown lifting of trees is proposed to improve the sightlines along the drive. The landscaping included in the scheme incorporates the planting of three new trees (Hornbeam or Field Maple).
- 9.5. It is considered that the proposal would not adversely affect the setting of the Grade II listed host property or the streetscene, character of the Conservation Area. The proposals are therefore considered to be in line with the requirements of GSP1 and GSP3, LC4, LH4 and LC5.

Amenity Impacts

- 9.6. The nearest neighbouring properties are Burre Cottage 32m south west from the entrance of Aldern House and Ambulance Station 30m south east of the entrance. It is considered that the scale of the works proposed and the separation distances between the site and neighbouring properties would not result in any negative impact to the amenity of occupiers and users of any nearby property. The proposal is considered to accord with policy LC4 in this respect.

Signage Impacts

- 9.7. The scheme includes two new signs advising of speed limit and requirement to give way. Advertisements are subject to control under the Town & Country Planning Act 1990 (the 1990 Act), and the Town & Country Planning (Control of Advertisements) Regulations 2007. Some forms of outdoor advertising benefit from deemed consent and are excluded from control of the planning authority provided certain conditions are fulfilled, express Advertisement Consent is required for signage which does not fall within the categories and conditions specified in the Regulations. Class 2 refers to 'miscellaneous' advertisements. Class 2(A) refers to advertisements displayed as a means of identification, direction or warning, they must not exceed 0.3 of a square metre in area. The new signs proposed as part of this scheme are within the limitations of Class and therefore do not require express consent.

10. Conclusion

- 10.1 The proposed renovations and alterations to vehicular access drive would not have an adverse impact on the significance of the Grade II listed host building, its setting or the character and visual amenity of the wider area.
- 10.2 The proposals are therefore considered to be in line with the requirements of GSP1 and GSP3, LC4, LH4 and LC5; nor will they have an unacceptable impact on the amenities of the locality and the nearest neighbouring properties, therefore there would be no effect on the amenities of neighbouring properties.
- 10.3 The proposal is in accordance with the relevant policies and guidance, therefore the current application is recommended for approval subject to conditions securing compliance with the plans and design details.

11. Human Rights

None

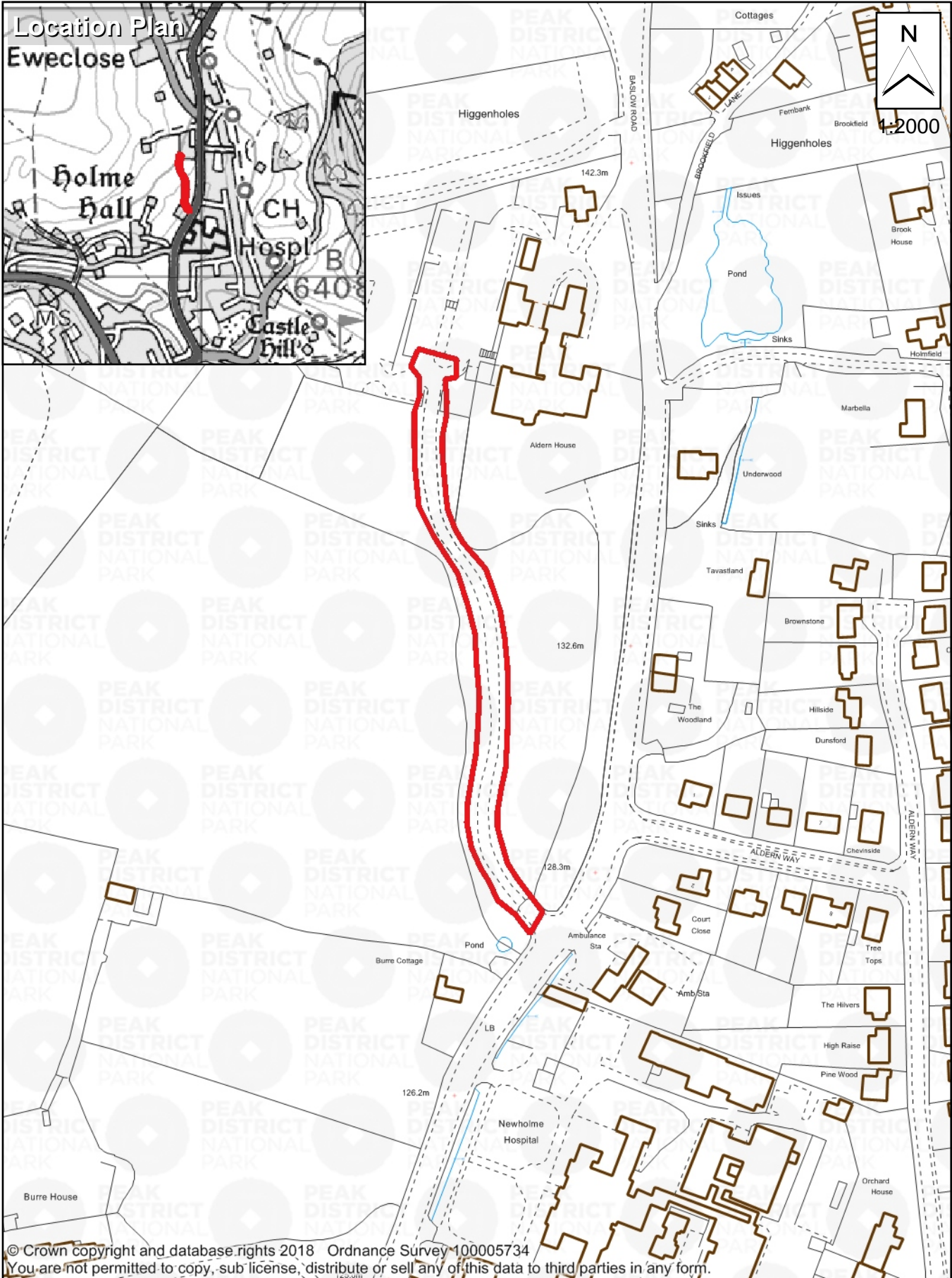
12. List of Background Papers (not previously published)

None

Report Author and Job Title

Teresa MacMillan, Planning Assistant

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Committee Date: 14th September 2018
 Item Number: Item 15
 Application No: NP/DDD/0718/0635
 Grid Reference: 421957, 369436

Title: Aldern House
 Baslow Road
 Bakewell



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16. HABITAT REGULATIONS ASSESSMENT IN RELATION TO ENFORCEMENT ACTION AGAINST THE CREATION OF A SURFACED TRACK ON LAND AT MICKLEDEN EDGE, MIDHOPE MOOR, BRADFIELD (ENF: 15/0057)

1. Introduction

- 1.1 The UK is bound by the terms of the Habitats Directive (92/43/EEC). Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other projects in view of the European Site's conservation objectives. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').
- 1.2 The unauthorised development which is subject of this report lies within the Peak District Moors Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC), and has the potential to affect the interest features. A retrospective application for the development was refused on 25 June 2018 (application ref: NP/S/1217/1304). Following the refusal of the application the Authority is now proposing to pursue formal enforcement action to secure removal of the track and appropriate restoration. The authority to pursue enforcement action is delegated jointly to the Head of Development Management and Head of Law. However, removal and restoration through enforcement action to remedy the breach of planning control has the potential to affect the interest features of the SPA and SAC so it is also necessary to consider this in making an assessment under the Habitat Regulations.

2. Site and Surroundings

- 2.1 Midhope Moors lies near the north-eastern edge of the National Park and to the south-west of the villages of Langsett and Upper Midhope. The Moors are designated as section 3 Moorland, as defined in the Wildlife and Countryside Act 1981, and are also part of the Dark Peak Site of Special Scientific Interest (SSSI) which extends across more than 30,000 ha of wild, open and continuous moorland in the north of the National Park. The SSSI citation states that "*the combination of plateaux blanket mires; wet and dry heaths and acid grasslands, together with associated flushes and mires on moorland slopes, represents an extensive tract of semi-natural upland vegetation typical of and including the full range of moorland vegetation of the South Pennines.*" It goes on to state that "*the Dark Peak moorlands support the full range of breeding birds found in the South Pennines, some of which are represented at their southern most viable English locations*" and that "*the moorland breeding bird assemblage is of great regional and national importance.*" The breeding birds found in the SSSI include internationally important populations of several species listed in the European Commission Birds Directive as requiring special conservation measures. As mentioned in the introduction, the land is also designated as a SAC and SPA under European legislation.
- 2.2 In common with most of the upland areas in the National Park, the land is also open access land under the Countryside and Rights of Way Act 2000, which means that, subject to certain exceptions, the public normally has a right to roam on foot without keeping to public rights of way. The track, which is the subject of this report, is bisected by the Cut Gate Bridleway, a north-south route across the moors which is very popular with walkers, cyclists and horse riders and which runs from Langsett Reservoir southwards to the Upper Derwent at the northern end of Howden Reservoir. The Authority's Landscape Strategy and Action Plan places the site within the Moorland slopes and cloughs landscape character type within the Dark Peak landscape character area.

3. RECOMMENDATION

- 3.1 **That this report be adopted as the Authority's Habitat Regulations Assessment in relation to the proposed enforcement action against the laying of a surfaced track.**Page 109

3.2 It is determined that retention of the unauthorised development has potential for significant impact on the SPA and SAC and the special qualities for which they are designated and that in the event of a ground A appeal against an enforcement notice the development would need to be subject to an appropriate assessment.

3.3 It is determined that the proposed enforcement action to secure removal of the track and appropriate restoration does not have potential for significant impact on the SPA and SAC and the special qualities for which they are designated and would not, therefore, need to be subject to an appropriate assessment.

4. Relevant History

4.1 2016 - Planning application submitted for retention of access matting but subsequently deemed invalid, principally due to inaccurate plans.

4.2 25 June 2018 – Retrospective planning application refused (ref: NP/S/1217/1304). The submitted application described the proposal as ‘retrospective planning consent on Midhope Moor to restore and repair previously damaged access route to include the laying of plastic access mesh to facilitate vehicular access.’

5. The Breach of Planning Control

5.1 The track in question essentially straddles Mickleden Clough near the top of the moor some 2.8km south-west of Upper Midhope. It comprises of an approx. 700m long sinuous section of a longer access route running roughly east-west from ‘Lost Lad’ down over the Cut Gate Bridleway and across Mickleden Beck, rising to the lower slopes of Harden Moss around 230m west of the Beck.

5.2 The track consists of a two metre wide strip of green plastic ground reinforcement mesh (or matting) held down by metal pins. For most of its length it has been laid alongside a former rutted unsurfaced track but for some sections it has been laid on the line of the former route. The plastic mesh surface was laid in late 2014 to reinforce the route for vehicular access to the moor west of the site where works to conserve and enhance the moor had been consented by Natural England. At the western end it has been widened to 4m over a 20m section. There are two short breaks in the matting where the track crosses the Cut Gate Path and Mickleden Beck. Since it was laid in 2014 the underlying vegetation has grown through to varying degrees along its length.

5.3 The construction methodology submitted with the recent retrospective application states that a tracked vehicle was used to level undulations in the ground with a 45m long steep section near the Cut Gate bridleway manipulated by inverting the ground level material to create a level surface on which the matting was laid. Loose rutted stone was flattened out and existing material realigned along the route and consolidated; old wooden structures in the wetter areas were removed. The methodology stated that in the wet flush sections laying of log rafts may be required in due course. Indeed, since the submission of the planning application, some log ‘rafts’ have been laid over the matting on some sections.

6. The Habitat Regulation Assessment Process

6.4 The Habitats Regulations require that a series of steps and tests, as set out below, are followed for plans or projects that could potentially affect a European site. These are referred to as the ‘Habitats Regulations Assessment’ (HRA) process:

6.5 Stage 1 – Likely Significant Effect Test

This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and

considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full Appropriate Assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

6.6 Stage 2 – Appropriate Assessment

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

6.7 Stages 3 and 4 - Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test

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

7. Assessment

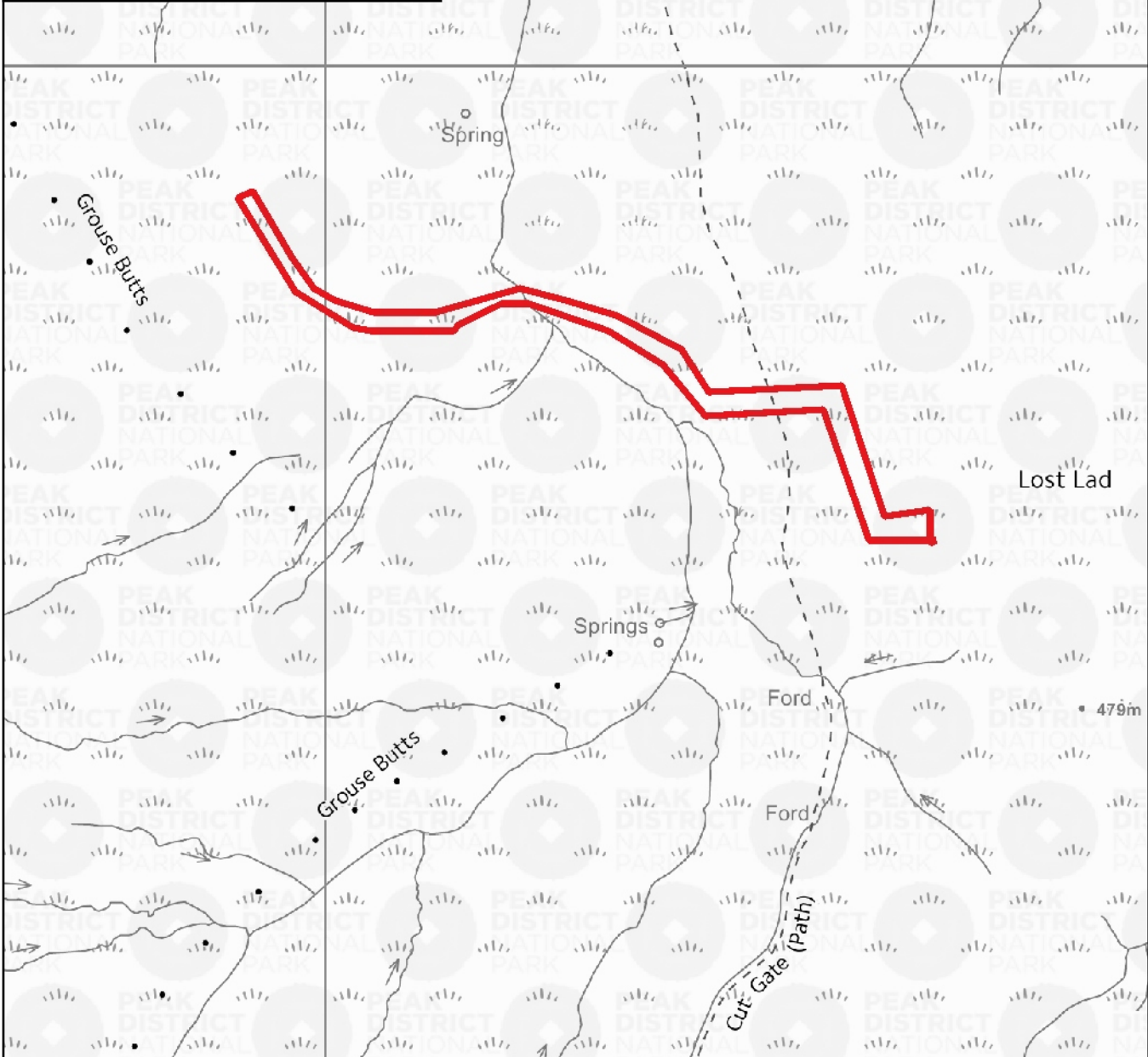
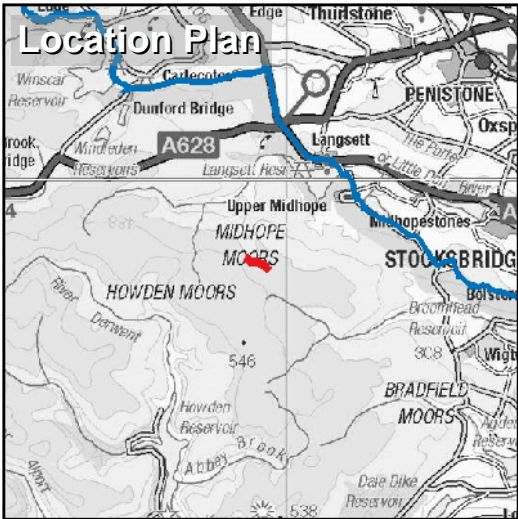
7.1 The SPA covers approximately 45300ha and is an extensive tract of moorland and moorland-fringe habitat. It includes most of the unenclosed moorland areas of the north, eastern and south-western Peak District, where it also extends into enclosed farmland of wet rushy pasture, hay meadows and small wetlands in the valley bottoms. The moorland habitat, which we are concerned with here, includes extensive tracts of blanket bog and dry heath. The SPA as a whole supports several important species assemblages, including higher plants, lower plants and insects, as well as breeding birds. The qualifying species, listed in Annex I of the SPA citation, are Merlin, Golden Plover and Short-eared Owl. The breeding bird assemblage supported by the SPA includes several other species, such as Peregrine, Lapwing, Curlew and Ring Ouzel.

7.2 When the retrospective application for the development was considered by the Authority's Planning Committee on 15 June (application ref: NP/S/1217/1304), a Habitats Regulation Assessment was carried out. One of the conclusions of the assessment was that if the Authority was minded to grant permission on a permanent basis, this was likely to have a significant impact on the SPA and SAC and the special qualities for which they are designated. In particular, it was identified that harm had been caused to the moorland ecology and habitat along the length of the track from the initial installation and associated groundworks coupled with the damage caused subsequently from the increased vehicle use of the route. In coming to this view the Authority relied on advice from Natural England which stated that continued and regular use of the track for agricultural and non-agricultural use, may result in an increase in soil compaction, a localised effect on hydrology and a limited recovery of vegetation, with potential for a credible risk to the qualifying features. In these circumstances, it was resolved that permanent retention of the development would need to be subject to an HRA assessment. The same considerations would apply in the event of an appeal against an enforcement notice under ground A (i.e. that planning permission should be granted for the unauthorised development).


- 7.3 With regard to the steps for compliance in an enforcement notice, it is anticipated that, in summary, these would require removal of the plastic mesh surfacing, log rafts and any imported soil, stone or other materials used in the construction of the track. It is also likely that some revegetation work would be required in order to re-establish the former dwarf shrub vegetation, rather than the grassland which may otherwise establish. In drafting an enforcement notice, it is not possible to be too prescriptive about the particular method of removal and restoration. However, it is anticipated that the actual removal of materials and revegetation works could be carried out without the use of heavy machinery or vehicles. Given the remote upland location, the use of vehicles to transport personnel and materials to and from the site would be expected, although small all-terrain vehicles should be adequate for this purpose. With regard to timescale, it is anticipated that the surfacing materials could be removed in a matter of days. Any adverse impact on the moorland habitat or supported species, as a result of enforcement action, is therefore likely to be very limited and short-lived. In these circumstances, it is concluded at Stage 1 of the HRA that the proposed enforcement action to secure removal of the track would be unlikely to have significant effects on the integrity of the SPA or SAC. Thus the action would not be contrary to the provisions of the Habitat Regulations and the EU Habitats Directive, and an appropriate assessment is not considered necessary.

Report Author and Job Title

Andrew Cook, Team Manager – Monitoring & Enforcement



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Committee Date:	14th September 2018	Title: Land at Mickleden Edge, Midhope Moor	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 16		
Application No:	Enforcement 15/0057		
Grid Reference:	419776, 400609		

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

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/GDO/0917/0984 3204766	GDO Notification - Timber field shelter for cattle at Land at Pittlemere Lane, Tideswell	Written Representations	Delegated

2. APPEALS WITHDRAWN

The following appeal has been withdrawn this month.

ENF 11/0173 3198875	Breach of planning condition regarding summerhouse – applicant has carried out the works to demolish the summerhouse so enforcement notice and appeal withdrawn at Valley View, Slaley, Bonsall	Written Representations	Delegated
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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/0917/0964 3204525	Erection of handmade green oak truss frame and monopitch roof to side of property at Trinity Cottage, Hill Cross, Ashford-in-the-Water	Householder	Allowed	Delegated

The Inspector considered that the canopy did not detract from the character, appearance and amenity of the original building and its setting, nor did it cause any harm to the significance of the conservation area. The Inspector allowed the appeal, subject to an additional condition restricting any oak treatment to clear treatment only, to ensure that a weathered oak appearance was retained to better blend with the surrounding stonework, thus preserving the character of the conservation area.

.4 RECOMMENDATION:

That the report be received.

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