

# Public Document Pack

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



Our Ref: A.1142/1844

Date: 1 March 2018



## NOTICE OF MEETING

Meeting: **Planning Committee**Date: **Friday 9 March 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 held on 9 February 2018 Minutes** (*Pages 5 - 20*)
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 - Section 73 - Variation or removal of conditions 1, 2, 5, 6, 8, 10, 12, 13, 14 and 15 on application NP/DDD/0615/0601, Brookfield Manor, Main Road, Hathersage, S32 1BB (NP/DDD/1217/1287, P.5565, 423149 / 382957, 15/12/2017/AM)** (*Pages 21 - 40*)  
Site Plan
7. **Full Application - Erection of mobile timber hen-house on skids, Rocklands, The Bent, Curbar (NP/DDD/1217/1282 P.3469 425112/374853 02/01/2018 DH)** (*Pages 41 - 50*)  
Site Plan

8. **Full Application - Camp and caravan site for up to 9 caravans and use of agricultural store as associated amenity block. Construction of new access drive to serve the site. Bank Top Cottage, Biggin, Buxton (NP/DDD/0118/0022 416558 / 358755 P11428 MN 16/01/2018) (Pages 51 - 60)**  
Site Plan
9. **Full Application - Change of use from dwelling to letting bedrooms for the Devonshire Arms Pub and Hotel, with associated internal alterations. Insertion of two conservation roof lights on the rear elevation. External works to form car parking within the garden and widening of vehicle access at 1 Devonshire Square, Beeley (NP/DDD/1217/1234, P5872, 42697/367453, 11/12/2018/ALN) (Pages 61 - 70)**  
Site Plan
10. **Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 71 - 72)**

### **Duration of Meeting**

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

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

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

#### **Agendas and reports**

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

#### **Background Papers**

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/352. E-mail address: [democraticservices@peakdistrict.gov.uk](mailto:democraticservices@peakdistrict.gov.uk).

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

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

#### **Written Representations**

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

#### **Recording of Meetings**

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites or publishing on video sharing sites. If you intend to

record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

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

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

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

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

### **To: Members of Planning Committee:**

Chair: Mr P Ancell  
Vice Chair: Cllr D Birkinshaw

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

### **Other invited Members: (May speak but not vote)**

Cllr A McCloy	Cllr F J Walton
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Constituent Authorities  
Secretary of State for the Environment  
Natural England

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



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## MINUTES

Meeting: **Planning Committee**

Date: Friday 9 February 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 A Hart, Mr R Helliwell, Cllr Mrs C Howe, Cllr A Law, Cllr H Laws, Cllr Mrs K Potter, Cllr Mrs L C Roberts and Cllr Mrs J A Twigg

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

Apologies for absence: Cllr D Chapman and Cllr J Macrae.

### 13/18 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 12 January 2018 were approved as a correct record subject to the following amendment to Minute 7/18. Delete the wording "It was agreed that there should be an additional condition requiring disabled access" and replace with "Footnote – Provision of disabled access to the accommodation" on the basis that this would be covered by building regulations.

### 14/18 URGENT BUSINESS

There were not items of urgent business to consider.

### 15/18 MEMBERS DECLARATIONS OF INTEREST

Item 10

All Members had received an email from Baslow Parish Council

Cllr A Hart & Cllr C Howe had received an email from Jane Newman re Woodland Working Group

Item 11

Cllr Carr, Cllr Birkinshaw, Cllr H Laws, Cllr A McCloy & Cllr C Howe had received correspondence from Mr Charles Evans

Cllr J Twigg had received an additional letter from Mrs Howson, the applicant

Cllr P Brady had received a letter from a local resident.

Cllr P Brady declared a personal interest as he had a professional acquaintance with the Agent, Mr Yarwood, through the Edward's Commission on National Parks.

Cllr K Potter & Cllr A Hart had both received documentation regarding the application.

Cllr K Potter said she had absented herself from Baslow Parish Council meeting when this matter was discussed. She did try to mediate with the Parish Clerk. The Parish Clerk is highly thought of by the Parish Council members and doesn't procrastinate.

## **16/18 PUBLIC PARTICIPATION**

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

## **17/18 RETROSPECTIVE PLANNING APPLICATION - FOR RETENTION OF TWO WIRE SAWS (AND ASSOCIATED LIGHTING COLUMNS) AND RETROSPECTIVE CHANGE OF USE OF LAND FOR THE IMPORTATION OF BLOCKSTONE FOR PROCESSING AT STOKE HALL QUARRY, NEW ROAD, GRINDLEFORD**

This item had been withdrawn from the agenda.

## **18/18 FULL APPLICATION - DEMOLITION OF FORMER MILL BUILDINGS, ASSOCIATED STRUCTURES AND OTHER BUILDINGS AND CONSTRUCTION OF EMPLOYMENT UNITS (B1/B2/B8), RETENTION OF EXISTING RETORT HOUSE, IMPROVEMENTS TO EXISTING SITE ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL**

The Planning Officer reported that since the report was published further information had been received and the holding objection from the Environment Agency, regarding issues with the submitted flood risk assessment, had now been overcome subject to additional conditions being added to the recommendation. Therefore, additional conditions relating to flood risk mitigation were recommended and that condition 27 be deleted and replaced with 2 new conditions relating to land contamination.

The Planning Officer reported that Condition 20 of the recommendation, regarding the 8m buffer zone, which the Authority's Ecologist had recommended, could not be complied with as part of the area to be demolished fell within 8m. Therefore, the condition was amended to allow some development to take place within 8 m of the river subject to a Management Plan being submitted and agreed.

The following spoke under the Public Participation at Meetings Scheme:-

- Mr Morgan-Hyland, Agent

The Officer recommendation subject to the amended and additional conditions was moved and seconded.

Members expressed concern regarding the use of Holme Lane by HGV's and the effect on the local residents with vehicles possibly using the passing places as parking spaces whilst waiting to access the site and use of the exit road and the effects on the lane, although there were no reports of any issues at present.

No proposal had been made to make alterations to the existing access arrangements, but it was hoped that the developers would recognise that a new bridge was needed to serve the businesses at Riverside Business Park.

The motion for approval was voted on and carried.

**RESOLVED:**

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

- 1. 3 year implementation time limit.**
- 2. Adopt submitted and amended plans.**
- 3. The buildings hereby approved shall be used solely for business uses, general industrial and storage and distribution uses as specified in B1, B2 and B8 of the schedule to the Town & Country Planning (Use Classes) Order 1987(as amended) or in any order revoking and re-enacting that order.**
- 4. The external walls of the buildings hereby approved shall be coloured grey and the external roofs shall be coloured slate grey before the buildings are first brought into use. The colour finishes shall be retained and maintained for the lifetime of the development.**
- 5. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the buildings hereby approved shall be carried out and no extensions, or ancillary buildings, shall be erected within the red-edged application site without the National Park Authority's prior written consent.**
- 6. Limitation on floor space and restriction on the addition of any mezzanine floors.**
- 7. Within 6 months of a new road bridge to the A6 being constructed and first brought into use, a scheme for the removal of the passing places and the reinstatement of the land to its former condition shall be submitted to and agreed in writing by the National Park Authority. Thereafter the agreed scheme shall be completed within 12 months of the bridge being first brought into use.**

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



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

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16. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing in accordance with a brief for the works issued by this Authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority, this includes the programme of building recording. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording;
  2. The programme for post investigation assessment;
  3. Provision to be made for analysis of the site investigation and recording;
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  5. Provision to be made for archive deposition of the analysis and records of the site investigation;
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
17. Should archaeological remains of national importance be identified within the development area, then work shall cease in the relevant area until a written method statement for preservation in situ of the relevant remains has been submitted by the application and approved in writing by the National Park Authority. No development work shall then proceed other than in accordance with the approved method statement so as to ensure that relevant remains are preserved in situ.
18. The method statement and outline mitigation and enhancement measures in relation to bats, as set out in Section 5 of the Updated Ecological Assessment (January 2018) must be followed.

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19. No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the National Park Authority. This shall deal with the treatment of any environmentally sensitive areas, including the River Wye corridor, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:
- The timing of the works
  - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
  - The ecological enhancements as mitigation for the loss of habitat resulting from the development
  - A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
  - Any necessary mitigation for protected species
  - Any necessary pollution protection methods
  - Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking. The works shall be carried out in accordance with the approved method statement.
20. Some works can commence within the 8m buffer zone, subject to a Management Plan being submitted and agreed.
21. Works shall avoid the main breeding bird period spanning March to September (inclusive). If any work has to take place during the bird breeding season, then it is recommended that the suitable nesting features are surveyed for active bird nests (including barn owl) by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.
22. No development shall take place until a scheme providing nesting opportunities for a range of bird species on the application site has been submitted to and approved in writing by the Authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved scheme.
23. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust document Bats and Lighting in the UK.
24. Any cotoneaster found on site must be removed from the site in advance of the start of works in order to minimise the risk of spreading this plant through the course of the works.

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- 25. The proposed final details of the mitigation and method statement for the creation of a pond to translocate small pondweed on site should be submitted to and approved by the PDNPA prior to any works; no deviation from the approved method statement should be undertaken without prior agreement from the PDNPA.**
  - 26. Before commencing the development hereby approved a detailed scheme for landscaping (including tree and shrub planting seeding or turfing, earthmounding, walling, fencing or ground surfacing as necessary) shall be submitted to and approved in writing by the National Park Authority. The scheme shall include provision for the removal of the existing leylandii trees and replacement with native species. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following completion or occupation of the development. Any walling or surfacing shown on the approved plan shall be completed before the building is first occupied. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.**
  - 27. Prior to commencement of development, other than demolition and the provision of passing places, a scheme to raise and refurbish the riverside wall shall be submitted to and approved in writing by the National Park Planning Authority, in consultation with the Environment Agency. The scheme to be submitted shall demonstrate the continuity of flood protection up to a 1 in 100 year plus climate change flood event plus freeboard allowance. The scheme to be submitted shall be based upon drawings showing upstream and downstream tie-in arrangements and an assessment of the structural integrity of the existing riverside wall and shall make recommendations for any remedial measures required to the riverside wall. The works shall be carried out in full compliance with the recommendations and details to be submitted and any phasing/timetable embodied within the scheme.**
  - 28. The finished floor levels of buildings shall be set no lower than 126.70mAOD in accordance with supporting Drawing '2016-007/012, Revision A, dated 04 October 2017'.**
  - 29. Prior to commencement of development, other than demolition and the provision of passing places, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:-**
    - 1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potential unacceptable risks arising from contamination at the site.**
    - 2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**

- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

- 5) Prior to any part of the development hereby approved, other than the passing places, being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 6) Prior to the commencement of the construction of any foundations that require penetrative methods, details of the foundation design and information to demonstrate that there would be no unacceptable risk to groundwater, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out fully in accordance with the agreed details.

30. Details of any works to the Retort House to be agreed.

**19/18 FULL APPLICATION - CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL DWELLING WITH ALTERATIONS AND DEMOLITION OF EXISTING REAR EXTENSIONS AND REPLACEMENT WITH NEW AT THE HORSESHOE INN, MARKET PLACE, LONGNOR**

Members had visited the site on the previous day.

This application was dealt with in conjunction with the following listed building application.

The Planning Officer reported that the property had been unsuccessfully marketed as a public house and that this application was to bring the grade II listed property, which was currently in a poor state of repair, back into use as an open market dwelling. Although it would mean the loss of another pub it would not have an unacceptable impact on village life as Longnor benefits from having 2 other pubs within the village that provide the same community benefits.

The following spoke under the Public Participation at Meetings Scheme:-

- Mr David Prior, Agent

There was some concern regarding the existing windows, and Members felt that they should be replaced as part of the development. Although this was not part of the proposal, it was agreed that it was not unreasonable and could be dealt with as an additional condition.

The Officer recommendation to approve the application, subject to conditions and with the additional condition was moved, seconded, put to the vote and carried.

**RESOLVED:**

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

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

**20/18 LISTED BUILDING CONSENT - CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL DWELLING WITH ALTERATIONS AND DEMOLITION OF EXISTING REAR EXTENSIONS AND REPLACEMENT WITH NEW AT THE HORSESHOE INN, MARKET PLACE, LONGNOR**

This item was considered in conjunction with the related planning application, details of which are in Minute No 20/18 above.

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

**RESOLVED:**

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

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

*The meeting was adjourned at 11.30am for a short break and reconvened at 11.40am*

*Cllr J Twigg left the meeting at 11.30am.*

**21/18 FULL APPLICATION - WOODLAND PARK, WOODLAND ADJACENT TO BASLOW SPORTS CLUB, BASLOW**

The Planning Officer introduced the report and reported that this item had been considered by the Committee in April 2017 at which time the Committee was minded to approve but deferred so the applicant could submit a Woodland Management Plan to address the ecological and arboricultural concerns raised by PDNPA specialists as well as provide details of protective fencing to overcome the objection raised by Sport England. Their objections have been overcome by agreed mitigation measures in the form of moveable fencing, however the Woodland Management Plan submitted still didn't answer the concerns raised regarding ecological issues and the impact on trees.

The following spoke under the Public Participation Scheme:

- Sarah Porter, Clerk to Baslow Parish Council, Supporter
- Tony Buckham, Local Resident and Chairman, Sports Field, Supporter
- David Dawson, Local Resident, Member of the Parish Council and Chair of the Woodland Working Group, Supporter

Members were concerned that this application was recommended for refusal as they had supported the proposals last year and deferred it for officers to work with the applicant to overcome the objections of Sport England and agree a management plan to overcome the arboricultural and ecological concerns. A motion for approval subject to statutory conditions, contrary to the officer recommendation, was moved and seconded.

Officers suggested that the moveable boundary fence required as part of the Sport England mitigating measures needed to be controlled by a legal agreement and not by conditions as the land was not within the applicant's ownership. Alternatively, this could be by unilateral undertaking, however in response to Members' queries, officers stated that a Grampian Condition may be possible to cover the submission of a fencing and management scheme to be submitted for approval before the area came into use.

The motion for approval, contrary to officer recommendation and subject to conditions was put to the vote 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 approved plans.**
- 3. Grampian condition: Prior to area being brought into use, submit a fencing and management scheme, to be approved by the Authority.**

**22/18 FULL APPLICATION - CONVERSION AND CHANGE OF USE FROM  
DISSUED/DISUSED AGRICULTURAL BARN TO ONE OPEN MARKET DWELLING,  
LANE END FARM, ABNEY**

Members had visited the site on the previous day.

John Scott declared an interest in this application as he had worked for the applicant 15 years ago, but hadn't been involved with this particular application, except in relation to enforcement issues prior to Christmas 2017, so would remain in the room during consideration of this item

The Planning Officer then introduced the report and reported that the wording of Condition 28 was to be omitted and replaced with "no development should take place until a scheme for providing nesting sites for birds including swallows on the application site has been submitted and agreed with the Authority and thereafter carried out".

The following spoke under the Public Participation at Meetings scheme:

- Mr Roger Yarwood, Agent



In response to Members' queries, it was agreed to combine Conditions 24, 27 & 28 within a scheme to be submitted. Extra conditions regarding an external lighting scheme, landscaping of the curtilage area removal of the pole barn were also agreed.

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

**RESOLVED:**

**To APPROVE the application subject to the following conditions or modifications.**

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

14. Rainwater goods to be cast metal, painted black on brackets and with no fascia boards or exposed rafters.
15. The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.
16. All pipework, other than rainwater goods, shall be completely internal within the building.
17. Submit and agree details of external meter boxes.
18. All new service lines on land with the applicant's ownership and control shall be placed underground.
19. Foul sewage shall be disposed of to a package treatment plant in accordance with a detailed scheme to be approved in writing by the Authority.
20. Prior to commencement, the roadside access immediately to the east of the demolished modern farm building shall be permanently closed with a 1.5m high drystone boundary wall.
21. No occupation until the parking and turning areas have been provided and thereafter retained for the life of the development.
22. Prior to occupation the existing 'Barn 3' shall be demolished.
23. Prior to commencement, submit and agree a detailed scheme for the disposal of all spoil arising from the works.
24. Carry out development in accordance with the recommendations for bats and nesting birds in the Ecological Report.
25. If any works are to be undertaken between March to September (inclusive) birds shall be prevented from nesting within the building. If any active nests are present during the course of the site works, they must remain unaffected until all chicks have fledged.
26. Prior to any works commencing a scheme for the protection and enhancement of bat access points in Barn 2, together with the provision of bat boxes and nesting sites for birds including swallows on the application site has been submitted and agreed with the Authority and thereafter carried out.
27. Submit a landscaping scheme for the curtilage area including the area of old driveway immediately east of the proposed walled garden.
28. Submit a scheme for external lighting
29. Removal of the Pole Barn

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

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**23/18      FULL APPLICATION - RESTORATION OF DWELLING AND EXTENSION TO REAR,  
MILL DAM HOUSE, GREAT HUCKLOW**

This Item had been withdrawn from the agenda.

**24/18      HEAD OF LAW REPORT - PLANNING APPEALS**

**RESOLVED:**

That the report be received.

The meeting ended at 1.15 pm

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**6. FULL APPLICATION - SECTION 73 - VARIATION OR REMOVAL OF CONDITIONS 1, 2, 5, 6, 8, 10, 12, 13, 14 AND 15 ON APPLICATION NP/DDD/0615/0601, BROOKFIELD MANOR MAIN ROAD HATHERSAGE S32 1BB, (NP/DDD/1217/1287, P.5565, 423149 / 382957, 15/12/2017/AM)**

**APPLICANT: MR BRIAN EVANS**

**1. Introduction**

- 1.1. The Authority granted planning permission for the use of land and buildings for the hosting of up to eight weddings and functions at Brookfield Manor in January 2016. Planning permission was granted temporarily for three years and subject to a number of other planning conditions to control the use.
- 1.2. The reason for granting a temporary planning permission was to allow the Authority to assess the impact of the development upon the valued characteristics of the National Park and the amenities of the local area and neighbouring properties. Therefore planning permission was therefore granted for a 'trial run' of the proposed use.
- 1.3. This application seeks planning permission to vary or remove the stated planning conditions (see the proposal section of the report for more detail on these conditions). In broad terms the application now seeks planning permission on a permanent basis along with amendments to other conditions which restrict the use.
- 1.4. Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. The Authority may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. Therefore it is possible to apply for conditions to be removed, or for their modification or relaxation. Section 73 makes it clear that in considering such an application the Authority may only consider the question of the conditions and not revisit the principle of the development.
- 1.5. Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current application. However, in terms of decision making, the application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

**2. Site and Surroundings**

- 2.1. Brookfield Manor is located in open countryside approximately 1.3km to the north of Hathersage. The property is a Grade II listed dwelling constructed c1825, incorporating the remains of an earlier house and extended in 1870 and set within associated parkland extending to approximately 138 acres (56 ha).
- 2.2. The property was formerly a training / conference centre but has been converted to a dwelling and offices following the grant of planning permission in 2004 and subsequently extended and altered. A bedroom block within the curtilage of the property has been converted to a pavilion.
- 2.3. The application site is within the 'Valley farmlands with villages' landscape character type as identified by the Authority's Landscape Character Assessment. The land around the estate land is characterised as the slopes and valleys with woodland landscape character type. Part of the site (on either side of Hood Brook which runs through the estate) is within Flood Zones 2 and 3.

- 2.4. Access to the site is via the private drive which runs northwards from Main Road within Hathersage. There is also a secondary access to the north along a track which joins Birley Lane. A public footpath runs through and along the eastern edge of the application site behind the car park adjacent to the pavilion building.
- 2.5. The nearest neighbouring properties are the two dwellings at Cow Close Farm (located 106m to the east of the pavilion building measured at the nearest point), Bronte Cottage approximately 240m to the north, North Lees camp site approximately 330m to the north west and Cattis Side Cottage approximately 430m to the north west.

### **3. Proposal**

- 3.1. The application seeks to vary or remove the following conditions imposed upon planning decision notice NP/DDD/0615/0601.
- 3.2. Condition 1
- 3.3. Condition 1 restricts the planning permission to a temporary period expiring on 31 January 2019.
- 3.4. The proposal is to remove condition 1 and therefore effectively make the planning permission permanent.
- 3.5. Condition 2
- 3.6. Condition 2 specifies the approved plans, arrival and departure protocol and noise management protocol.
- 3.7. The proposal is to vary condition 2 to reflect the proposed revised arrival and departure protocol and noise protocol (which reflects the proposed amendments). It is also proposed to add reference to a new plan which shows an alternative location for a marquee to the south of and adjacent to the pavilion.
- 3.8. Condition 5
- 3.9. Condition 5 sets a limit for the noise level measured at the nearest neighbouring property Cow Close Farm and states: *“The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 32dB(A)LA90] by more than 5 dB(A) at any time. The noise levels shall be determined at the closest point, in a free field position, adjacent to the nearest dwelling house at Cow Close Farm, Hathersage which exists at the date of this planning permission”.*
- 3.10. The proposal is to vary condition 5 to the following *“The rating level of noise emitted from the site shall not exceed the prevailing background noise level by 5dB(A)”.*
- 3.11. Condition 6
- 3.12. Condition 6 states that any amplified music and amplified speeches must be played through the approved ‘Zone Array’ system and noise management protocol.
- 3.13. The proposal is to vary condition 6 to allow amplified speeches to be made without using the system.
- 3.14. Condition 8
- 3.15. Condition 8 states that no amplified music shall be played after 00:00 (midnight).
- 3.16. The proposal is to vary condition 8 to allow amplified music to be played until 00:30.

3.17. Condition 10

3.18. Condition 10 states that the hours of operation for any wedding / function (including the departure of guests) shall be limited to between the hours of 08:00 – 00:30 the following day and that all staff shall leave by no later than 01:00.

3.19. The proposal is to vary condition 10 to extend the hours of operation to 08:00 – 01:00 the following day and that all staff shall leave by no later than 01:30.

3.20. Condition 12

3.21. Condition 12 states that the hours of operation for erecting and dismantling any marquee shall be limited to 09:00 – 17:00 hours Monday to Friday and 10:00 – 16:00 on weekends and bank holidays.

3.22. The proposal is to vary condition 12 so that it only controls the erection and dismantling of the steel frame to any marquee. The hours of operation would be the same as the existing condition.

3.23. Condition 13

3.24. Condition 13 states that no marquee shall be erected other than in accordance with the specified approved plans (this effectively prevents the erection of marquees on other parts of the site).

3.25. The proposal is to vary condition 13 to include the proposed plan which shows alternative location for a marquee to the south of and adjacent to the pavilion.

3.26. Condition 14

3.27. Condition 14 states: *“No marquees shall be erected earlier than three days prior to an event and all marquees shall be fully dismantled and removed from the site within three days of the end of an event unless the next scheduled event is within seven days from the preceding event”*.

3.28. The proposal is to vary condition 14 to state that no marquee shall be erected earlier than seven days prior to an event and removed within three days of the end of an event.

3.29. Condition 15

3.30. Condition 15 restricts the maximum number of guests to 130.

3.31. The proposal is to vary condition 15 to increase the maximum number of guests to 150.

**4. RECOMMENDATION**

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

- 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: the 1:10,000 location plans reference 'RB1 a' and 'RB1 b' both received by the National Park Authority on the 27 November 2015, the 1:500 'Brookfield Manor curtilage car park' plan and the 'curtilage car park location plan' both received by the National Park Authority on the 30 December 2015, the following plan numbers: '2154 PAV 3A' dated 6 April 2015, '2154 PAV 4' dated 28 August 2015, '2154 PAV 5' dated 17 September 2015, '2154 PAV 11' and '2154 PAV 12' both dated 15 October 2015, '2154 PAV 12 B' dated 22 December 2015, '2154 PAV 13 A' dated 4 December 2017, '2154 PAV 13.1' dated 4 December 2017, the revised arrival and departure protocol dated December 2017, the revised noise management protocol dated**

December 2017 and the specification for the proposed 'GP flex' system by elite GSS Ltd dated 24 December 2015, subject to the following conditions or modifications:

2. The development shall be limited to a period of 5 years.
3. The use hereby approved shall be limited to weddings or functions held ancillary to Brookfield Manor only and for no other purposes. The existing dwelling and the buildings and land subject to this application shall be maintained as a single planning unit. The owner shall maintain a register of any wedding and function bookings (including the planned date, start time and estimated number of guests) for each calendar year which shall be made available for inspection by the Authority on request.
4. The use hereby approved to host weddings and / or functions shall not take place on more than eight occasions in any one calendar year. No more than one wedding shall take place in any five day period.
5. The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 32dB(A)LA90] by more than 5 dB(A) at any time. The noise levels shall be determined at the closest point, in a free field position, adjacent to the nearest dwelling house at Cow Close Farm, Hathersage which exists at the date of this planning permission.
6. Amplified music (including from any pre-recorded or live performance) shall only be played through the 'Zone Array' system within appendix B of the submitted noise management protocol dated 8 October 2015.
7. No amplified music shall be played outside of the pavilion building at any time.
8. No amplified music shall be played after 00:30 (the day following the start of the wedding or function).
9. No acoustic music shall be played after 18:00 hours.
10. Details of how amplified speeches are to be controlled to be agreed before any other events take place
11. The hours of operation for any wedding / function (including the departure of all guests) shall be limited to between the hours of 08:00 - 01:00 the following day. All staff shall leave by no later than 01:30 the following day.
12. The hours of operation for setting up before / clearing up after any wedding / function (including clearing up and disposing of any waste following an event) shall be limited to between the hours of 08:00 - 20:00 hours Monday - Friday and 10:00 - 17:00 on Saturday, Sundays and on Bank Holidays.
13. The hours of operation for erecting and dismantling the steel frame of any marquee shall be limited to between the hours of 09:00 - 17:00 hours Monday - Friday and 10:00 - 16:00 on Saturday, Sundays and on Bank Holidays.
14. No marquee shall be erected other than in complete accordance with approved plans: drawing numbers '2154 PAV11', '2154 PAV 12' both dated 1 October 2015, '2154 PAV 12 B' dated 15 October 2015, '2154 PAV 13 A' dated 4 December 2017 and '2154 PAV 13.1' dated 4 December 2017.



15. No marquee shall be erected earlier than seven days prior to an event and all marquees shall be fully dismantled and removed from the site within four days of the end of an event.
16. The total number of guests (not including staff) shall not exceed 150 at any time.
17. The acoustic screens shown on approved plans: drawing numbers '2154 PAV 3A' dated 6 April 2015 and '2154 PAV 4' dated 28 August 2015 shall be retained in position and maintained throughout the lifetime of the development hereby approved.
18. No planning permission is granted for the air cooling units shown on the specified approved plan which shall be omitted from the scheme.
19. No vehicles shall be parked other than in accordance with the following approved plans: the 1:500 'Brookfield Manor curtilage car park' plan and the 'curtilage car park location plan' both received by the National Park Authority on the 30 December 2015 and drawing number '2154 PAV 12 B' dated 22 December 2015 which show the proposed pavilion and curtilage car parks. No more than 16 vehicles shall be parked on the pavilion car park after 20:00. No vehicles shall be parked on the pavilion car park after 22:00.
20. Signage to identify the pavilion car park, curtilage car park and the proposed pick-up point shall be erected in accordance with the scheme approved by the Authority by decision notice on the 5 April 2016 (application reference NP/DIS/0216/0105).
21. Lighting shall only be installed in accordance with the scheme approved by the Authority by decision notice on the 5 April 2016 (application reference NP/DIS/0216/0105) or in accordance with an alternative scheme which shall have first been submitted to and approved in writing by the National Park Authority.
22. There shall be no firework, airborne lantern or similar displays associated with the use hereby approved carried out on site or on land within the applicant's ownership or control.

**5. Key Issues**

- Whether it is appropriate to grant planning permission for the proposal on a permanent basis and to vary conditions as proposed taking into account the impact of the development upon the valued characteristics of the National Park, the amenities of the local area and neighbouring properties.

**6. Relevant Planning History**

- 6.1. 2004: NP/DDD/0604/0649: Planning permission granted conditionally for the conversion / restoration of training / conference centre to dwelling and offices.
- 6.2. 2007: NP/DDD/0507/0465: Planning application for conversion of bedroom block to pavilion finally disposed of by the Authority.
- 6.3. 2014: NP/DDD/1214/1224: Lawful development certificate refused for an existing use – use of land and buildings for weddings and functions business.

- 6.4. The Authority determined that having considered the evidence supplied by the Applicant, evidence from third parties and its own records, the Authority is not satisfied that the Applicant has shown, on the balance of probabilities, that the land has been used for the purposes outlined in the application for a continuous period of ten years prior to the date of the application.
- 6.5. 2014: NP/DDD/0115/0060: Use of land and buildings for the hosting of weddings / functions (10 per annum). Application withdrawn prior to determination.
- 6.6. Enforcement file 14/0517: Relating to alleged use of pavilion and grounds for weddings.
- 6.7. 2016: NP/DDD/0615/0601: Planning permission granted temporarily for the hosting of weddings / functions (8 per annum) and the installation of two acoustic screens to pavilion building and external steps.
- 6.8. 2016: NP/DIS/0216/0105: Discharge of condition 19 (signage details for car parking) and condition 20 (lighting scheme).
- 6.9. Since planning permission was granted a total of four events have been held at the site.
- 6.10. The wedding held on the 29 April 2016 was monitored by the Authority's Officers. The Monitoring and Enforcement Manager and Senior Planner visited the site during the day time to confirm that the event was being prepared in accordance with the planning permission.
- 6.11. The Area Planning Manager visited the site during the evening of the 29 April 2016 at 21:30 when the event was taking place to observe how the wedding was being conducted in terms of compliance with the planning conditions. Observations were taken from within the site and from public footpaths around the site. Officers liaised with the Environmental Health Department in regard to monitoring of this event but an Officer was not available on the day to carry this out.
- 6.12. The following charitable event in 2016 and the weddings held in 2017 were not monitored by the Authority's Officers.
- 6.13. The Authority received a complaint letter following the two events held in 2016. The complaints raised were that the noise level from events was in excess of the restriction imposed by Condition 5 and that speeches were also audible. The letter also complained that the total number of guests attending on the 4 May 2016 was in breach of the upper limit of 130 imposed by Condition 15 and that there were car movements and parking in breach of the restriction imposed by Condition 18.
- 6.14. The Authority discussed these issues with the applicant following the complaint. Noise data in regard to the noise level was also requested from the complainant but this was not provided.
- 6.15. The applicant and the Authority accepted at the time that the number of guests attending on the 4 May 2016 was in excess of the permitted upper limit and it should be noted that the Director of Conservation and Planning agreed with the applicant before the event that the upper limit would not be enforced in that particular circumstance as it was a charitable event which finished at 20:00.
- 6.16. The Authority received a complaint letter following the event held on the 3 June 2017. The complaints raised were that noise from guests shouting was heard at 22:25, speeches were audible during the event, that a skip was delivered to the site at 08:30 on the

Saturday which is before condition 11 allows (no earlier than 10:00), work took place on the marquee on two occasions, 18:10 and 19:05 later than allowed by condition 12 allows (no later than 17:00). The letter also complained that work began on the marquee 9 days before the event and that it was removed 4 days after in breach of condition 14.

- 6.17. The Environmental Health Officer advises that no complaints have been received by his department in regards to the site since planning permission was granted.

## **7. Consultations**

- 7.1. Parish Council: No comment.

- 7.2. District Council: No response received to date.

- 7.3. Highway Authority: No objection subject to no more than 8 per annum.

- 7.4. Environmental Health Officer: Raise no objections and makes the following comment:

- 7.5. *"The applicant has undertaken comprehensive noise mitigation measures to the building in which discos for the wedding functions take place. Furthermore, the applicant has taken heed of various suggestions this department has made at the time the previous planning application was made, to reduce noise emissions from functions at the site and I believe these measures have been successful in reducing noise emissions from the site during wedding functions."*

- 7.6. *The Noise Management Plan and supporting documents provided by the applicant, demonstrates that they are willing to address the potential impacts of noise on their neighbours and are keen to work with this department in reducing noise impact as much as is reasonably practicable.*

- 7.7. *However, should this application be granted and the Environmental Health Department receive subsequent noise complaints from neighbours, as a result of functions held at the site, then these shall be investigated using our usual legislative powers."*

- 7.8. Officers have spoken to the Environmental Health Officer following the receipt of representations on the application. The Environmental Health Officer has confirmed that he maintains his position. Officers have also sought advice in regard to the noise limit and wording for Condition 5, on this point the Environmental Health Officer advises that the current noise limit and wording for Condition 5 is correct and should be maintained in any permission.

## **8. Representations**

- 8.1. A total of 14 representation letters have been received at the date this report was written. 10 letters support the application and 4 object. The reasons given are summarised below, the letters can be read in full on the website.

- 8.2. Support

8.2.1. The use of the facility has not caused a nuisance in terms of noise or other disturbance.

8.2.2. Events held have created economic benefits to local businesses and increased visitors to the area.

8.2.3. There is ample car parking on site.

8.2.4. Events will help secure the future maintenance of the estate.

**8.2.5.** The proposed development is a lot less commercial than the previous uses of the manor.

**8.3. Object**

**8.3.1.** There is no longstanding wedding business on this site.

**8.3.2.** Only three weddings have been held since temporary planning permission was granted and this is an insufficient number to support the grant of a permanent planning permission.

**8.3.3.** The scope of proposed changes to conditions effectively means that a different development is proposed and there is no evidence to substantiate the assertion that the proposal will not harm the National Park or the amenity of the local area and neighbouring properties.

**8.3.4.** No evidence has been submitted to demonstrate that the previously assessed noise base line (stated in condition 5) has changed and therefore condition 5 should not be varied.

**8.3.5.** Speeches and announcements have not been played through the Zone Array system and were audible from Cow Close Farm and has caused disturbance.

**8.3.6.** If it is not possible to broadcast speeches through the Zone Array system then this system is not appropriate and accordingly the venue is unsuitable.

**8.3.7.** Later departure of guests and staff increases the prospect of noise disturbance to neighbouring properties and the local area and therefore should be resisted.

**8.3.8.** The proposed increase in hours of operation for erecting and dismantling the steel frame of the marquee risks further disturbance from the erection and dismantling process and from movement of vehicles and noise from workers.

**8.3.9.** The proposed alternative location for a marquee has not been tested and the resultant noise impact and visual impact have not been considered or tested. There is no evidence of the anticipated acoustic impact.

**8.3.10.** The proposed increase in guest numbers will inevitably lead to harm to amenity and the valued characteristics of the National Park.

**8.3.11.** It is inevitable that guests from a wedding will create noise and disturbance when leaving events.

**8.3.12.** Noise impact from the venue in the past has been horrendous.

**8.3.13.** There is little or no evidence to show that surrounding properties and the campsite will not be disturbed by noise pollution.

**8.3.14.** Many venues restrict the hours of weddings to finish all music by 11:30 and the conditions imposed by the previous permission should not be varied.

**8.3.15.** The landscape impact of marquees is huge and the marquees are visible from Stanage Edge.

**8.3.16.** The proposal would potentially result in marquees being on site for up to 88 days per year which is not acceptable.

8.3.17. The proposal would give rise to noise pollution from traffic leaving the site particularly after midnight.

8.3.18. The proposal may lead to reduced business to the nearby campsite.

8.3.19. The wedding business is not linked to the maintenance of the estate.

8.3.20. The Environmental Health Officer has not provided sufficient data to support the application and the Officers stance.

8.3.21. The comments from the Environmental Health Officer is based on data recorded by unqualified persons on behalf of the applicant. Therefore this information must be treated with a degree of caution and should be given weight accordingly.

8.3.22. Whether a noise comprises a statutory nuisance is a different (and higher) standard than whether it is harmful to amenity and the National Park.

8.3.23. Raise concerns in regard to procedural matters.

8.3.24. Raise concerns in regard to the information submitted in support of the application.

## 9. **Policies**

9.1. 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 Park Authorities 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

9.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered 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.

9.3. Paragraph 115 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.'*

9.4. Paragraph 28 of the Framework says that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas,

both through conversion of existing buildings and well-designed new buildings and should promote the development and diversification of agricultural and other land-based rural businesses.

- 9.5. Paragraph 109 says that the planning system should contribute to the natural and local environment by (amongst other things) preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 123 says that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate adverse impacts on health and quality of life including through the use of planning conditions and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 9.6. Taken together, paragraphs 132 - 134 say that great weight should be given to the conservation of a designated heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be exceptional and where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

#### Development Plan policies

- 9.7. 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). 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.
- 9.8. 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.
- 9.9. 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.

Relevant Core Strategy (CS) policies: GSP1, GSP3, DS1, L1, L3, RT2 and E2

Relevant Local Plan (LP) policies: LC4, LC6, LC21, LT11 and LT18

- 9.10. Policy E2 is relevant for this proposal and says:
- 9.11. Proposals for business development in the countryside outside the Natural Zone and the named settlements in policy DS1, must take account of the following principles:
- A. 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. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building.

- B. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
- C. Business use in an isolated existing or new building in the open countryside will not be permitted.
- D. Proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.
- E. Ancillary retail operations must be small scale and principally offering for sale goods which are produced at the premises (see also policy HC5).

Beyond this policy and policies RT1, RT2 and RT3, there is no scope for setting up new businesses in the countryside.

9.12. Policy RT1 is also relevant and says:

9.13. Proposals for recreation, environmental education and interpretation must conform to the following principles:

- A. The National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Opportunities for access by sustainable means will be encouraged.
- B. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.
- C. Wherever possible, development must reuse existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable.
- D. Development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.

9.14. Policies L3 and LC6 together say that all development must conserve and where possible enhance or reveal the significance of heritage assets and their settings. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.

9.15. Policy LC4 says that all development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development, paying particular attention to (amongst other things): impact on the character and setting of buildings, landscaping, form and intensity of proposed use, impact upon living conditions of communities, impact upon access and traffic levels and use of sustainable modes of transport. Policy LC4 states specifically that attention will be paid to impact upon the amenity, privacy and security of neighbouring properties.

9.16. Policy LC21 says that development that presents a risk of pollution or disturbance (which includes from noise) that could adversely affect the amenity or valued characteristics of the

area or existing recreation activities or established businesses shall not be permitted unless adequate measures to control emissions within acceptable limits are put in place.

- 9.17. LT11 and LT18 say that require adequate parking and safe access as a pre-requisite for development within the National Park.

## **10. Assessment**

### Principle

- 10.1. This application seeks to vary or remove the planning conditions imposed by the Authority. The application seeks permanent planning permission and to vary other conditions which restrict the noise limits, numbers of guests and hours of operation for various aspects of the wedding use.
- 10.2. When the Authority granted planning permission it concluded that the proposed use was acceptable in principle and that subject to planning conditions that the development would be unlikely to harm the tranquillity of the National Park or the amenity of neighbouring properties. Having had regard to the views of the Environmental Health Officer at that time the Authority considered it necessary that permission should be on a temporary basis to allow a trial run for further assessment of the impacts of the development.
- 10.3. The principle of the proposed use has therefore been established and cannot be re-visited in the determination of this application. The key issues therefore are firstly whether the trial run period has been successful and therefore whether planning permission should be granted on a permanent basis and secondly whether the other proposed variations to planning conditions are acceptable.

### Whether planning permission should be granted on a permanent basis

- 10.4. Following the grant of planning permission the approved 'Zone Array' sound system has been installed along with the approved acoustic screens. Details of external lighting and signage for arriving / departing guests were also agreed by the Authority as required by the planning conditions.
- 10.5. Since planning permission was granted a total of four events have been held at the site, these are listed below:
- 10.5.1.** 29 April 2016: wedding reception, approximately 120 guests.
  - 10.5.2.** 4 May 2016: charitable event, approximately 190 guests.
  - 10.5.3.** 20 May 2017: wedding reception, approximately 50 guests.
  - 10.5.4.** 3 June 2017: wedding and reception, approximately 80 guests.
- 10.6. This is significantly less than the 8 events per year allowed by the permission, which could have resulted in 16 events over the two year period.
- 10.7. As mentioned in the planning history section of this report the first wedding held following the grant of planning permission on the 29 April 2016 was monitored by the Authority's Officers. The Monitoring and Enforcement Manager and Senior Planner visited the site during the day of the event and the Area Planning Manager visited the site during the same evening when the event was taking place taking observations from within the site and from public footpaths on the approach to and around the site. Officers liaised with the Environmental Health Department in regard to monitoring but an Officer was not available on the day to carry this out.



- 10.8. The following charitable event in 2016 and the events held in 2017 were not monitored by the Authority's Officers.
- 10.9. The Area Planning Manager visited the site at 20:30 when the wedding disco was taking place. It was observed that the marquee, lighting and parking was being carried out as approved. Noise from the event was not audible from the second set of gates entering into the domestic curtilage and it was observed that noise from music was barely audible from the drive around to the rear car park and the rear car park itself. Returning towards Hathersage on the footpath between the site and Cow Close Farm it was observed that noise from the event was not audible and views of the marquee were closed off by the landform.
- 10.10. It is acknowledged that the Authority's Officers did not monitor the site using noise equipment, however the observations were taken on site and from surrounding footpaths in the evening while the event was underway with amplified music being played through the Zone Array system and therefore it is considered that these observations should be afforded weight.
- 10.11. A complaint letter was received following this event and the event on the 4 May 2016. In regard to noise the letter complained that noise from the event was some 6dB over the limit set by planning condition and that speeches were not played through the Zone Array system and were audible. The Authority's Officers requested noise data from the complainant at the time but this was not provided. Complaint was also made about vehicle movements in the pavilion car park after 22:00, the applicant has stated that these movements were related to visitors returning to pick up disabled guests and the band collecting equipment.
- 10.12. The representation letter on the current application on behalf of the occupants of Cow Close Farm includes a noise report by NoiseAssess (NoiseAssess report). The report includes noise monitoring data of events but the majority of these events took place before planning permission was granted and the Zone Array system was installed and therefore are of limited relevance in assessing the success of the trial run period which follows the installation of the approved mitigation measures.
- 10.13. One paragraph of the report refers to the wedding reception event on the 29 April 2016 and states that the noise levels were 38 dBLAeq. The report refers to acoustic feature penalties increasing this to a rating level of 43 dB but no methodology for this is provided. Nevertheless the figures were taken by a qualified professional with calibrated equipment in the correct position at Cow Close Farm and therefore should be afforded weight.
- 10.14. A noise technical note and data has been provided by the applicant for the event on the 29 April 2016. Noise measurements were taken on behalf of the applicant on the pavilion car park boundary within the application site. This is not the noise measuring position stated in the planning condition but the technical note calculates that with the Zone Array system limited to 90 dBA that the noise level from music at the site boundary would be 45 dBA and 30 dBA at Cow Close Farm.
- 10.15. The technical note concludes that noise levels from music were controlled by the Zone Array System and would not exceed the noise limit set by planning condition. Additional noise from space heaters at the application site was identified on the night which is calculated to have given noise levels in the region of 42 dBA at Cow Close Farm.
- 10.16. The technical note and noise data provided by the applicant was recorded on the boundary of the site rather than at Cow Close Farm as stated by planning condition. Nevertheless the figures were taken using calibrated equipment and calculations in regard to noise levels at Cow Close Farm have been provided and therefore should be afforded

weight.

- 10.17. No complaints in regard to the overall noise levels have been received in regard to the three events following 29 April 2016. The complaints made in regard to the charitable event held on the 4 May 2017 and the wedding and reception held on the 3 June 2017 relate to specific concerns in regard to noise from speeches, sporadic noise from guests and the timing of deliveries and erecting and dismantling marquees.
- 10.18. There is discrepancy between the evidence for noise at the wedding reception on the 29 April 2016. Evidence from the Area Planning Manager and the applicant is that noise from music was barely audible from the site boundary at the pavilion car park and not audible from the footpath between the site and Cow Close Farm. Whereas evidence in the representation is that the noise level was 43 dB and therefore in breach of planning conditions. Such noise levels should have been audible at the footpath between the sites. The matter of noise arising from events is unresolved and there is an absence of firm evidence. This is at least partially the result of the very low numbers of events that have taken place since the current planning permission was issued.
- 10.19. The Environmental Health Officer reports that his departments has not received any complaint in regard to noise disturbance from the site and that in his view comprehensive noise mitigation measures to the pavilion have been undertaken and that the applicant has taken heed of suggestions made by the Environmental Health department during the previous application to reduce noise emissions. The conclusion from the Environmental Health Officer is that these measures have been successful in reducing noise emissions from the site. However, no noise recording which fully reflects the wording of the condition has taken place, and none has been carried out by Environmental Health.
- 10.20. Officers note that there are outstanding concerns in regard to specific instances of noise and disturbance relating to speeches, noise from guests, vehicle movements, and timings of deliveries and work to install and dismantle the marquee. These instances appear to be sporadic in nature rather than continuous and it is considered that these types of issues may result in a much lesser impact upon the tranquillity of the area and the amenity of neighbouring properties.
- 10.21. Taking all the above into account, Officers are of the view that the trial period has been of limited success (due to the small number of events which have taken place) in allowing an assessment of the impacts of the development on the amenity of the locality and in particular on neighbours, who remain concerned about noise and disturbance. It is proposed that condition 1 is not amended to allow permanent use but is amended to allow a permission for 5 years which should allow a sufficient period for the business to secure advance bookings, and also for a greater number of events to take place. This should allow a proper assessment of the impacts of the development on the locality and the amenity of neighbours. It is considered that noise limits can be set out by planning condition and that noise and disturbance from events can be controlled in a manner which conserves the tranquillity of the area and the amenity of the National Park in accordance with policies GSP3, L1, LC4, LC21 and paragraphs 109 and 123 of the Framework.

Whether proposed variations to planning conditions are acceptable

10.22. Condition 2 and 13

- 10.23. The application proposes to vary condition 2 which specifies the approved plans and approved arrival and departure and noise management protocols and also vary condition 13 which species that no marquee shall be erected other than in accordance the approved plans. The main change relates to the proposal for a marquee sited adjacent to and south of the pavilion intended to be erected for smaller events with up to 60 guests.

- 10.24. Concern has been raised in representations in regard to the visual impact of the proposed marquee and that potential noise impacts from the proposed marquee in this location has not yet been tested.
- 10.25. The proposed marquee would be sited adjacent to the pavilion and due to its smaller size would have a more limited visual and landscape impact than the approved marquee locations which have already been determined to be acceptable by the Authority. Officers acknowledge that events from the proposed marquee have not been tested from a noise point of view but any event would still be required to comply with planning conditions and the upper noise limit. Officers are satisfied that subject to this that noise and disturbance from the proposed marquee would be unlikely to be greater than levels tested during the trial run. It is therefore considered that the proposed marquee location is acceptable.
- 10.26. The proposed variations to the arrival and departure and noise management protocols relates would bring these in line with other proposed variations which are dealt with later in this report.
- 10.27. Condition 5
- 10.28. The application proposes to vary condition 5 which sets the upper noise limit relative to back ground noise levels to be measured at the nearest noise sensitive property, Cow Close Farm. The wording of this condition was initially agreed with by Officers with the Environmental Health Officer.
- 10.29. Officers share the concerns raised in representations that the wording of the proposed condition is not precise because it does not state where noise measurements are to be measured or set a figure for what background noise level is to be set at. The condition proposed by the application is therefore considered to be imprecise and therefore potentially unenforceable as a result.
- 10.30. There is no evidence to suggest that the current noise limit set is no longer appropriate and the wording of this condition follows Government guidance. The Environmental Health Officer has advised that the current wording of the condition is still appropriate and therefore should not be varied.
- 10.31. Therefore it is concluded that the current wording of this condition is appropriate because it is precise and enforceable and continues to be reasonable and necessary to allow the Authority to monitor noise levels generated by the use at the nearest residential property and enforce if necessary. If permission is granted it is therefore recommended that condition 5 is not varied as proposed but is retained in its current form.
- 10.32. Condition 6
- 10.33. The application proposes to vary condition 6 to remove the requirement for amplified speeches to be played through the Zone Array system. The reason stated by the applicant for doing this is because the Zone Array system does not successfully control the noise level of speeches and announcements bearing in mind that the Zone Array system is focused around the dance floor in the pavilion rather than seating areas for guests.
- 10.34. The evidence in the trial run does indicate that speeches remain audible from Cow Close Farm although it is not clear whether this in itself has resulted in an unacceptable noise nuisance or harm to amenity.
- 10.35. If the Zone Array system cannot mitigate the relative noise level of amplified speeches then officers agree that it is not necessary for the planning condition to specify that speeches are played through the system. It should be possible to control the noise level of amplified speeches by other means such as using compressor / limiters (as suggested in

the NoiseAssess report) to ensure that the overall noise limit is not breached. Officers consider that a further condition should be imposed requiring details of how amplified speeches are to be controlled to be agreed before any other events take place.

10.36. It is therefore recommended that condition 6 be varied to remove reference to amplified speeches.

10.37. Condition 8 and 10

10.38. The application proposes to extend the time for amplified music to cease and for guests and staff to depart by 30 minutes later than the existing limitations set by Conditions 8 and 10. Therefore if approved these conditions would require amplified music to cease at 00:30, guests to leave by 01:00 and staff to leave by 01:30.

10.39. The application states that the proposed changes would not have an adverse impact upon tranquillity and amenity as noise from music has been demonstrated to have been mitigated by the Zone Array system and because a later ending time would allow for a more phased departure of guests rather than more guests leaving at a similar time.

10.40. Concern has been raised in representations that extending the event time as proposed can only result in further disturbance from music and guests leaving later in the evening which would harm tranquillity and the amenity of nearby residents.

10.41. Officers have given careful consideration to this issue. Officers accept that the Zone Array system has successfully mitigated noise impact from amplified music such that it can comply with the noise restrictions set at Cow Close Farm. Therefore Officers are satisfied that the proposed extension for amplified music can be accommodated without harm provided it continued to be played through the Zone Array System.

10.42. The proposed change would result in guests and staff leaving the site 30 minutes later and it is accepted that noise from wedding guests especially is difficult to control and therefore there would be a likelihood of occasional disturbance. Vehicle movements from guests picking up disabled persons from the pavilion car park and the band picking up equipment would also be potentially later.

10.43. However on balance it is considered that provided that events continue to be managed in accordance with the proposed noise and parking protocols it is considered that any further disturbance would be very limited and therefore unlikely to harm the tranquillity of the area or significantly harm the amenity of neighbouring properties. It is therefore recommended that conditions 8 and 10 be varied as proposed.

10.44. Condition 12 and 14

10.45. The application proposes to vary the wording of condition 12 so only the erection and dismantling of the steel frame of any marquee is restricted to the stated times and that the remaining construction / dismantling works can be carried out until 20.00 hours during the week and 17.00 hours at weekends and bank holidays.

10.46. Officers consider that the proposed variation is reasonable as it would ensure that the noisier aspects of erecting and dismantling marquees continue to be restricted but allow greater flexibility to other works which are less likely to harm the tranquillity of the area and the amenity of neighbouring properties. It is therefore recommended that condition 12 be varied as proposed.

10.47. The application proposes to vary the wording of condition 14 to increase the time that marquees can be erected before and after an event takes place. The application states that the trial run has shown that it is not possible to comply with the existing condition because the logistics of constructing and fitting out the larger marquee in particular along with changing weather conditions means that it takes longer than the allowed three days before

an event to set up the marquee.

10.48. The proposal is to increase the period allowed so that marquees can only be erected up to 7 days before any event and 4 days after. Officers acknowledge that the proposal could potentially allow marquees to be erected on site up to 88 days per year, however, it is considered that in reality the number of days would be less because some events would utilise the smaller marquee or would have no marquee at all.

10.49. The reasoning behind this condition is to restrict the visual impact of marquees but more importantly to ensure that the marquees are actually removed when not required by events and not simply left in place. The proposed change is considered to be reasonable and given the limited visual impact of the marquees in the wider landscape Officers are satisfied that the proposed change can be accommodated without harm to the landscape, the tranquillity of the area or the amenity of neighbouring properties. It is therefore recommended that condition 14 be varied as proposed.

10.50. Condition 15

10.51. Finally, the application proposes to increase the upper limit of the total number of guests at any event from 130 to 150. There is no objection in principle to more guests attending an event. The reason for this condition was to set an upper limit as larger or unrestricted numbers of guests would increase the number of vehicle movements and increase the likelihood of disturbance from visitors especially as they arrive and leave an event. An increase in the total number of visitors would not impact upon noise levels from music.

10.52. The proposed change could potentially increase disturbance from guests, particularly when leaving the pavilion. However the proposed increase in numbers is relatively minor and provided that the events continue to be managed in accordance with approved noise and parking protocols it is considered that the proposed increase would not significantly increase the likelihood of unacceptable noise or disturbance or harm the tranquillity or amenity of the area or neighbouring properties. An upper limit is considered to remain required to retain effective control over the scale and nature of events held. It is therefore recommended that condition 15 be varied as proposed.

**11. Conclusion**

11.1. It is considered that there is insufficient evidence from the existing temporary permission to conclude that the impacts of events at Brookfield Manor have an acceptable impact on the amenity of the locality and on neighbours. A further temporary planning permission is proposed. Planning conditions shall be used to control various other aspects of the use. It is therefore concluded that subject to the varied conditions outlined in this report that the proposal would be in accordance with relevant policies in the Development Plan.

11.2. In coming to this conclusion Officers have had regard to all issues raised in representations and in the absence of any other material considerations the proposal is therefore recommended for approval subject to the conditions outlined in this report.

**12. Human Rights**

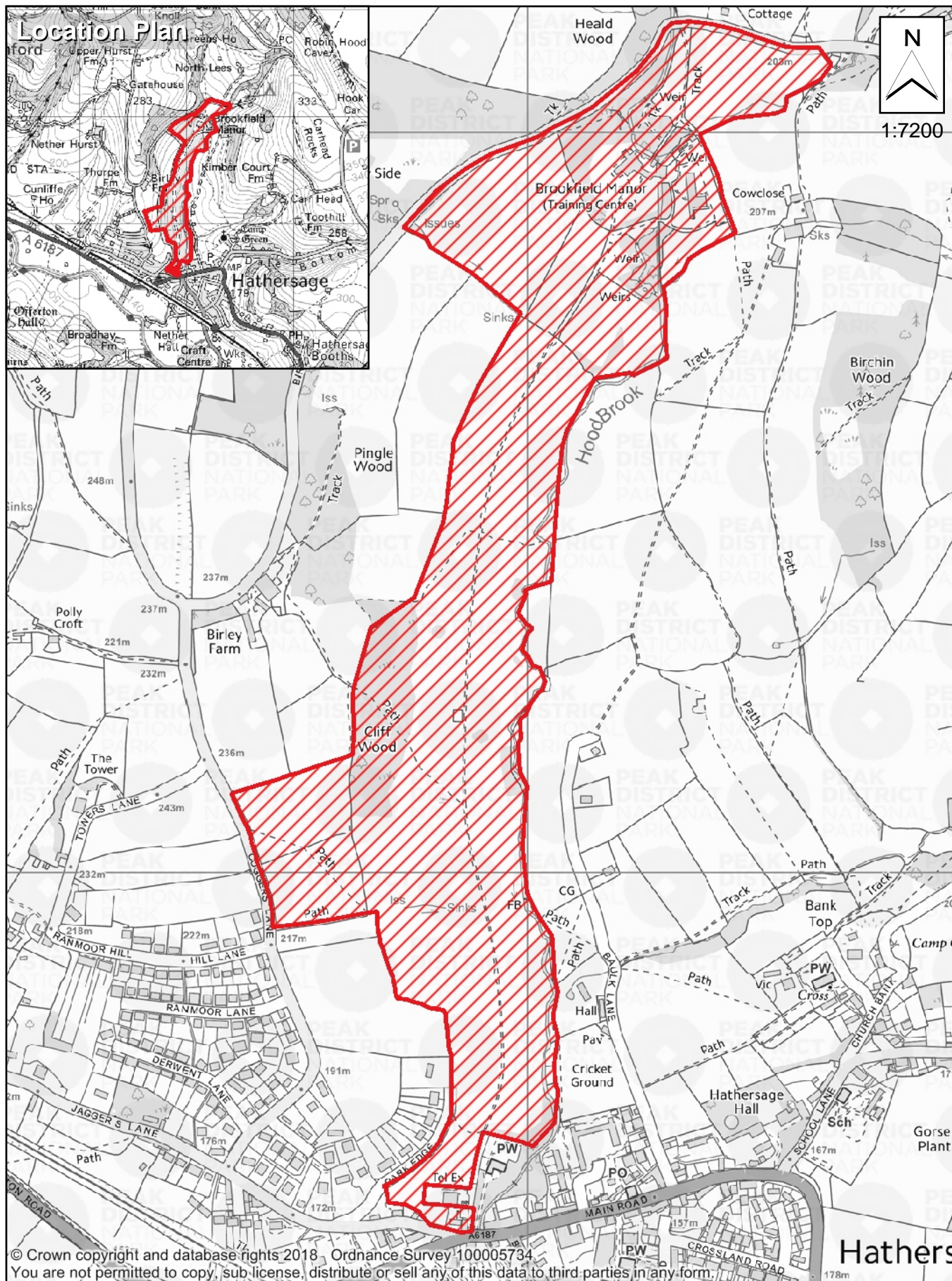
Any human rights issues have been considered and addressed in the preparation of this report.

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

None

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Committee Date: 9th March 2018  
Item Number: Item 6  
Application No: NP/DDD/1217/1287  
Grid Reference: 423149, 382957

**Title:** Brookfield Manor  
Hathersage



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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**7. FULL APPLICATION: ERECTION OF MOBILE TIMBER HEN-HOUSE ON SKIDS, ROCKLANDS, THE BENT, CURBAR (NP/DDD/1217/1282 P.3469 425112/374853 02/01/2018 DH)**

**APPLICANT: THOMAS COOPER**

**1. Site and Surroundings**

- 1.1. The application site is a two hectare area of rough grazing land to the north-east of Rocklands, which is a bungalow situated on the east side of The Bent. It is one of a number of dwellings built on the hillside to the northern edge of the village of Curbar with the land to the rear rising toward Curbar Edge. The land is accessed via the private driveway to the side of the bungalow and at its closest point is approximately 100m north of the Curbar Conservation Area boundary. Curbar Edge is open access land under the CROW Act.
- 1.2. The nearest neighbouring properties to the land which is the subject of the application are the houses on the north side of The Green, which stand at a distance of just over 100m from the boundary of the land. There is a public right of way (PROW) which is approximately 125m south of the land which runs from The Green eastwards up to Curbar Edge, and two others which run south to north below and parallel with Curbar Edge, the closest of which is 50m north of the site.
- 1.3. The applicant has an established small scale free range egg business, Peak Pure Ltd, and is a registered egg producer. He has owns the bungalow 'Rocklands' along with the adjacent agricultural land to the north-east of it.

**2. Proposal**

- 2.1. The application seeks retrospective planning permission for the siting of a pitched roof timber hen-house on the land. The hen house is 5.4m long by 2.4m wide and 2.1m to the ridge of the roof which is covered in corrugated black sheets. The hen-house has not yet been taken into use. It is the applicants intention that the hen-house would be moved at regular intervals around various locations within the application site area to mitigate the impact of ground poaching.

**3. RECOMMENDATION**

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

1. **The development shall be in complete accordance with the submitted plans and specifications received by the Authority 18 December 2017.**
2. **Prior to the building being brought into use or within three months of consent, whichever is the earliest, the external timberwork shall be given an initial stain in a 'warm grey colour' and thereafter, other than the use of a clear timber preservative, shall be left to weather naturally.**
3. **There shall be no external lighting of the site.**
4. **There shall be no egg sales directly from the site.**
5. **Within three months of the decision a landscaping plan shall be submitted for written approval by the Authority and implemented within the next tree planting season.**

**6. Within three months of the decision a plan shall be submitted for written approval by the Authority and implemented showing all locations in which the hen house will be located within the field, these locations will be adjacent to boundary walls or other features and the hen house shall not be situated other than in accordance with the scheme.**

**7. The use of the hen house shall be ancillary to Rocklands**

### **Key Issues**

- Landscape impact. Whether the proposed development would detract from the character, appearance or amenity of the site, or its wider landscape setting.
- Whether the development would adversely affect the amenities of the property, neighbouring properties, or the wider area.

### **4. Relevant Planning History**

4.1. Enforcement case number 17/0168 – Erection of timber building on skids

### **5. Consultations**

5.1. Derbyshire County Council (Highway Authority): No objections subject to recommended conditions covering limitation on no of hens to a max of 150, no sales and ancillary to the Rocklands.

5.2. Derbyshire Dales District Council (Environmental Health Officer): No objections

5.3. PDNPA Landscape Architect: Approve subject to conditions covering tree planting, initial dark staining until building weathers and no siting in the topmost field.

5.4. Curbar Parish Council: Object. The reasons for objection are:

- Visual and environmental impact on landscape and neighbourhood
- Practicality of moving the hen-house

### **6. Representations**

6.1. The Authority has received five representations regarding the application, four of which are objections and one is a general comment. The concerns which are material planning considerations are:

- Landscape/visual impact
- Impact on the character of the village location
- Noise and smell
- Waste and vermin being attracted to the site
- Amount/extent of fencing and effectiveness of fencing
- Commercial use of the site
- Potential future intensification of business

- Generation of extra traffic movements
- Difficulty of moving the structure

## 7. **Policies**

7.1. 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

- 7.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered 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.
- 7.3. Paragraph 115 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.'*
- 7.4. The NPPF is supportive of building a prosperous rural economy. It states that local planning authorities should meet the development needs of their area, and support the sustainable growth and expansion of all types of business and enterprise in rural areas. Planning policies should promote the development and diversification of agricultural and other land based rural business.

### Development Plan policies

- 7.5. 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.
- 7.6. 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.

- 7.7. 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.
- 7.8. Policy DS1 sets out what forms of development are acceptable in principle in the National Park. It states that development for agriculture in the countryside outside the Natural Zone will be acceptable in principle.
- 7.9. Policy E2 deals with proposals for business development in the countryside; E2 (D) states that proposals to accommodate growth or intensification of existing businesses need to be considered in terms of their impact on the appearance and character of the landscape.

### **Saved Local Plan policies**

- 7.10 Policy LC4 requires a high standard of design that is sensitive to the locally distinctive character of the landscape setting, with particular attention paid to the proposals impact on the character and setting of buildings, the character and appearance of the National Park siting, landscaping and materials. It also states that consideration will be paid to amenity, privacy and security of the proposed development and neighbouring properties.
- 7.11 Policy LC13 deals specifically with agricultural development, which should respect the landscape and avoid harm to the areas characteristics.
- 7.12 Policy LE4 states that the expansion of existing (business) development must be of a modest scale in relation to the existing activity/use and must not harm the amenity and valued characteristics of the area and the appearance of the site.

Relevant Core Strategy (CS) policies: GSP1, 2, & 3, DS1, L1 & E2

Relevant Local Plan (LP) policies: LC4, LC13 & LE4

## **8. Assessment**

### **Design/Use of the Buildings**

- 8.1. The building is modest in scale, it has a simple rectangular footprint measuring 5.4m by 2.4m, and an asymmetrical dual pitch roof with a ridge height of 2.1m. There are nest boxes protruding from one side, and roosting space inside; as such the structure is clearly designed for agricultural use in connection with keeping hens on the agricultural land. The principle of an agricultural building is therefore acceptable under policy LC13.
- 8.2. The hen-house is built onto metal skids and is not fixed to the ground and does not require any ground preparation for its siting. The skids have towing loops so that the structure, which is smaller than the average touring caravan, can be towed to different locations around the land holding.
- 8.3. The hen house is constructed of tongue and groove timber with a profile sheet roof which is painted a matt black. The timber is tannalised and currently has an 'off the peg' reddish-orange coloured stain. If left untreated this will quickly weather naturally to a grey colour, however, the Authority's landscape architect has suggested a recessive coloured stain be applied to give an immediate mitigation of the visual impact. A suitable warm grey shade would therefore tone down the current colour and mitigate the current landscape impact, thereafter the building can be left untreated to allow to weather naturally. The modest size of the structure, its low profile, its clear agricultural purpose and siting on agricultural land,

along with the re-colouring that can be required by condition, means that the design and use of the building would be compliant with policies L1, LC4 and LC13.

#### Character/Landscape

- 8.4. The landscape character assessment states that the application site is within an area of valley farmland with villages. As noted the land is to the rear of the building line to the northern edge of the village of Curbar, the nearest houses are approximately 100m away from the nearest boundaries of the red line. The land is not readily visible from within the village due to the houses to the south and west, and therefore does not impact on the character of the village.
- 8.5. The land to the north of the site rises to Curbar Edge, which is Natural Zone and open access land. There is a belt of rough moorland fringe/grazing land, also in the applicants ownership, which mainly lies above the application site but also includes the small rectangular top paddock. There are a number of trees in this area above the application site which provide some screening from the Edge. The character of the small top paddock is reverting to moorland fringe and is in sharp contrast with the rest of the application site which is open and improved grassland. The site area has been amended to remove this top paddock from the application area.
- 8.6. At its eastern end, the application site tapers to where it adjoins the South Pennine Moors Special Area of Conservation and Special Protection Area, and the Eastern Peak District Moors Site of Special Scientific Interest for a short distance of approximately 22m. As such the land represents a buffer zone between the built environment of the village and the moorland to the north.
- 8.7. As the structure is already on site, the impact on the wider landscape has been carefully assessed, especially from the two closest PROW's. It should be noted however that this is only one of many possible locations. Due to the modest scale of the structure the current impact is negligible from this distance, further scattered tree planting within the site will soften the outline of the building and this can be secured through a condition requiring a landscaping scheme. However, if the building were to be sited within the centre of the open land its visual impact would be much greater than if sited close to boundary walling or existing landscaping. Traditionally buildings of all types were normally sited close to existing buildings or walls to make use of natural shelter. Policy LC13 expressly requires that siting makes best use of existing buildings, trees, walls and other landscape features and in order to comply with this policy provision and mitigate the impact down to an acceptable level a condition limiting siting locations close to such features and identified on a plan would be essential if permission were to be granted.
- 8.8. Subject to such a condition and one covering colouring and additional tree planting the development would not detract from the character and appearance of its landscape setting, and would therefore be in accordance with landscape conservation policies in the Development Plan including GSP1, GSP2, GSP3 and L1 of the Core Strategy and LC4, LC13 of the Local Plan.

#### **9. Amenity**

- 9.1. Due to the intervening distance between the application site and the nearest neighbouring properties, being approximately 100m, it is not considered that the development would result in significant harm to the outlook, privacy or daylight of the nearest neighbouring properties.
- 9.2. However, other amenity concerns regarding straying hens, noise, smells, waste and vermin have been raised, and these have been carefully considered.

- 9.3. The registered egg producing business is small scale and strictly regulated. The hens are kept and managed in line with Defra guidelines 'Laying Hens: Code of recommendations for the welfare of livestock'. A poultry inspector will carry out visits to the site on a regular basis and if the conditions do not conform to the requirements set out by Defra the facility would be closed.
- 9.4. The hens will be kept around the vicinity of the hen house by means of electrified fencing; this is to deter predators and protect the land from becoming over-grazed, but will also safeguard the gardens of the nearest neighbouring properties. The fences are considered to be permitted development under Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 2015, and therefore do not require express planning permission.
- 9.5. With regard to noise, the intervening distance between the nearest residential dwellings and the land is approximately 100m, it is therefore considered that any hen noise will not be so excessive over such a distance as to have a detrimental impact on the amenities of those neighbours.
- 9.6. The waste and smell from a small scale flock will be minimal, and again, the intervening distance means it is unlikely to have any detrimental effect. The hens are out on the land during the day, therefore the waste is scattered naturally, any waste from under the roosting perches in the hen house would be used as fertiliser on the land. Moving the house around the site as intended will also minimise any impacts.
- 9.7. Under the Defra regulations, vermin control is very strictly regulated. Hen food has to be kept in animal proof bins, feeders will be emptied and closed at night and any spilled food will be removed on a daily basis. The applicant intends to use traps located in the hen house and fenced enclosure. If any rodents are caught, they will be disposed of by a licensed agricultural pest contractor, who will also take appropriate remedial action.
- 9.8. It is therefore considered that the poultry business of this scale, and managed in accordance with the 'Laying Hens: Code of recommendations for the welfare of livestock' would not cause any significant harm to the amenities of any nearby properties.
- 9.9. The proposal will not have a detrimental effect on the character and appearance of the site, or its setting, in line with the requirements of GSP1 and GSP3, LC4 and LH4; nor would it result in any unacceptable impact on the amenities of the locality or the quiet enjoyment of the nearest neighbouring properties.

## **10. Highway Considerations**

- 10.1. A traffic statement has been provided by the applicant regarding the traffic movements to and from the site which will arise from the proposal. As a registered egg producer the eggs produced must be graded and packed at a licensed packing station, the eggs must then be delivered from the packing station. The statement confirms that there would be no deliveries from the site. As the applicant works at the packing station he will be taking the eggs with him on a journey which he would be making to work in any case, therefore the egg production on site would not generate any additional traffic. The stock level of 150 hens would require one delivery of food, bedding and cleaning products per week, and the food etc. which the applicant intends to transport in one car. There will be the occasional visit by persons such as tradespeople, poultry inspectors and veterinarians.
- 10.2. The Highway Authority have assessed the information provided and state that they do not consider the proposals as submitted will lead to a significant increase in vehicle trips associated with the site. They recommend conditions be imposed if the application is approved as follows: restricting the use of the hen house to being ancillary to the dwelling at Rocklands; no sales from the site, and restricting the number of hens to 150.

- 10.3. It is considered that restricting the number of hens on the site is not reasonable as at certain times there will be point-to-lay poulets on site to replace the laying hens; nor is it necessary as the size of the hen flock is self-limiting as Defra welfare standards would demand a further hen house if the number exceeded 150 and a further planning application would be required.

**11. Conclusion**

- 11.1. It is concluded that the application meets the requirements of policies in the Development Plan and national planning policies in the Framework because the building is of an appropriate design and will not harm the valued characteristics of the National Park. The development would not detract from the character, appearance or amenity of the site, its setting or neighbouring properties. Accordingly, the application is recommended for conditional approval.

**12. Human Rights**

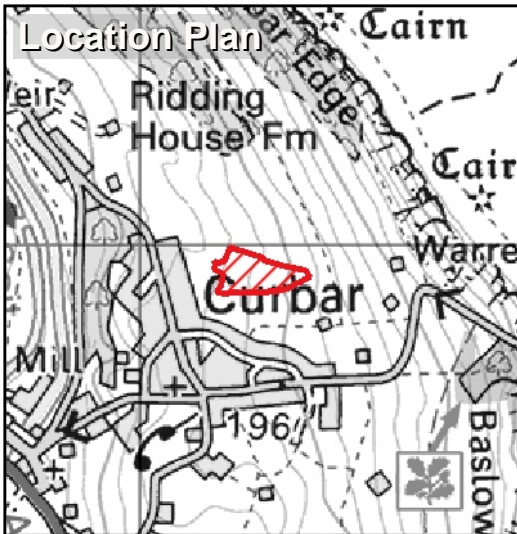
- 12.1. Any human rights issues have been considered and addressed in the preparation of this report.

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

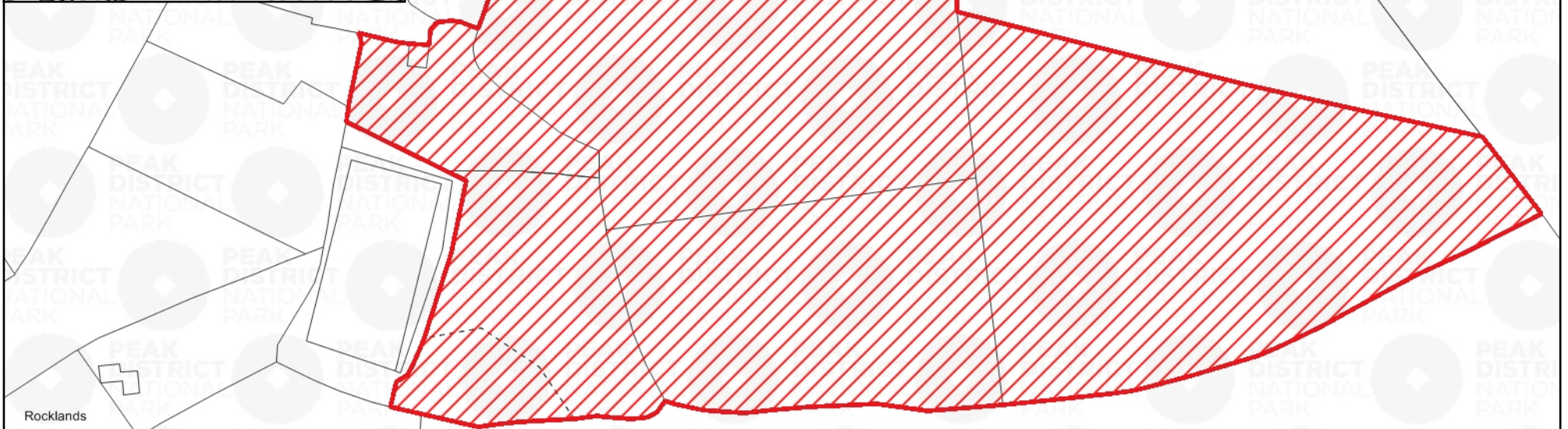
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Committee Date:	9th March	Title:	Rocklands, The Bent, Curbar	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 7			
Application No:	NP/DDD/1217/1282			
Grid Reference:	425112, 374853			

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**8. FULL APPLICATION - CAMP AND CARAVAN SITE FOR UP TO 9 CARAVANS AND USE OF AGRICULTURAL STORE AS ASSOCIATED AMENITY BLOCK. CONSTRUCTION OF NEW ACCESS DRIVE TO SERVE THE SITE. BANK TOP COTTAGE, BIGGIN, BUXTON (NP/DDD/0118/0022 416558 / 358755 P11428 MN 16/01/2018)**

**APPLICANT: MR D LOWNDES**

**1. Site and Surroundings**

- 1.1. Bank Top Cottage is located in open countryside adjacent to the A515 approximately one mile south of Newhaven and ¾ mile south east of Biggin, opposite Bank Top Farm. The site also includes a second market dwelling in a small converted barn, which remains within the applicant's ownership.
- 1.2. The site is accessed directly off the A515, along a gated driveway to the immediate south of the dwelling houses.
- 1.3. A modern agricultural building of sheet metal construction is located at the end of the drive approximately 50 metres south west of the original dwelling house and 25 metres west of the converted barn.
- 1.4. The space between the house and agricultural building is given over to garden and hardstanding, whilst the land to the north, south and west of the agricultural building is open fields.
- 1.5. The fields immediately to the west and south of the agricultural building are bounded by planting belts of established trees along their western edges.
- 1.6. A public footpath runs east to west past the site approximately 90 metres to the south of it.
- 1.7. There is an existing caravan site to the rear of Bank Top Farm on the opposite side of the A515, set back from the road and approximately 150 metres north east of Bank Top Cottage.
- 1.8. The site is outside of any conservation area.

**2. Proposal**

- 2.1. To use the field to the west of the agricultural building as a caravan site for up to 9 caravans.
- 2.2. The existing agricultural building would be converted to provide an amenity block for those staying at the site.
- 2.3. The existing site access would be closed off, and a new access would be created approximately 30 metres south, with a new access driveway to serve both the dwellings and campsite.

**3. RECOMMENDATION**

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

1. **The siting of caravans within the field would be significantly harmful to the rural character and appearance of the landscape due to their visibility and prominence in wider views. The proposed access track would also appear incongruous and detract from the appearance of the landscape in more local views. For these reasons the development is contrary to policies GSP3, L1, LR3, and LC4 of the**

**Development Plan, and to paragraph 115 of the NPPF, which all require new development to conserve the valued landscape character of the National Park.**

- 2. The conversion of the existing agricultural building to provide an amenity block would retain a building with adverse impacts on the appearance of the built environment and landscape, contrary to policies GSP2 and LC4.**

#### **4. Key Issues**

- Whether the principle of establishing a caravan site in this location accords with the planning policy
- The landscape impacts of establishing a caravan site in this location
- The policy principle and visual impacts of converting the existing agricultural building to a campsite amenity block
- The amenity impacts of the proposal on the two nearest residential properties

#### **5. Relevant Planning History**

- 5.1. 1992 – Planning permission refused for change of agricultural land to garden.
- 5.2. 1995 – Planning permission granted for conversion of barn to holiday accommodation.
- 5.3. 2004 – Planning permission granted for erection of an agricultural building to house sheep. A condition was imposed on the permission requiring the building to be removed from the site when no longer required for the purposes of agriculture. The current application proposes the conversion of this building to an amenity block to serve the proposed campsite.
- 5.4. 2010 – Planning enforcement case opened relating to unauthorised use of agricultural building for domestic storage, and for occupation of holiday let as permanent dwelling house. Case closed in 2011 following return of agricultural building to agricultural use and grant of planning permission for use of holiday let as open market dwelling (below).
- 5.5. 2011 – Planning permission granted for variation of conditions of the 1995 barn conversion permission, authorising its occupation as an open market dwelling.

#### **6. Consultations**

- 6.1. Derbyshire County Council (Highways) – It is considered that there is sufficient controlled land to accommodate a suitable access layout. Layout of the access should enable vehicles travelling in opposite directions to pass, and earthworks will be required to provide an approach gradient of 1 in 20, this being extended for a minimum distance to accommodate a vehicle and towed trailer. It would appear that acceptable visibility splays are achievable within the existing highway but would need to be accurately established on site to determine whether there is a need to remove existing roadside vegetation/ trees. The existing access should be formally closed by reinstatement of the verge and erection of a permanent physical barrier across its full width. Conditions to secure these matters have been suggested.
- 6.2. Derbyshire Dales District Council – No response at time of writing.
- 6.3. Hartington Nether Quarter Parish Council – Support the proposal.

#### **7. Representations**

7.1. No representations received at time of writing.

## **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 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered 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 115 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.'*

8.4. Paragraph 28 of the NPPF explains that planning policies should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

### Development Plan policies

8.5. 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.

8.6. Policy GSP2 addresses enhancement within the National Park and states, amongst other things, that opportunities will be taken to enhance the Park by the treatment or removal of undesirable features or buildings.

8.7. 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.

- 8.8. Policy DS1 provides an overview of the development strategy for the Park. It states that in settlements and in the countryside development for recreation and tourism will be acceptable in principle.
- 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. Policy RT3 states that small camping and caravan sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions.
- 8.11. Policy LR3 states that development of new touring camping or caravan sites will not be permitted unless their scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.
- 8.12. Policy LC4 states, amongst other things, that any development must, at least, respect and conserve the landscape of the area.
- 8.13. Policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development, and that where the provision of safe access would damage the valued characteristics of the area, the National Park Authority will consider refusing planning consent.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, L1, RT3, LR3

Relevant Local Plan (LP) policies: LC4, LT18

## **9. Assessment**

### Principle

- 9.1. Policy RT3 supports the provision of small touring camping and caravanning sites in principle.
- 9.2. With only nine pitches proposed it is considered that the proposed site would be small enough to comply with this criteria, and so the development is broadly acceptable in principle. However, as set out in policy RT3, the acceptability of the scheme is dependent on the site being well screened, having appropriate access to the road network, and not adversely affect living conditions. These matters are discussed below.

### Character/Landscape

- 9.3. The landscape in this area is described as 'Limestone Plateau Pastures' in the Authority's Landscape Strategy document. This is detailed as an upland pastoral landscape with a regular pattern of straight roads and small to medium sized rectangular fields bounded by limestone walls. Tree cover is mostly limited to occasional tree groups, or small shelter belts, allowing wide views to the surrounding higher ground. This description accurately reflects the land surrounding the application site.
- 9.4. As a result of the relatively flat and open landscape, views towards the site from both north and south are possible from distances of up to 300 metres in each direction.
- 9.5. From the south these views are broken up significantly by established planting, some of which is evergreen, and it is considered that this would sufficiently mitigate the landscape

impact of the proposed development when viewing it from this direction.

- 9.6. In views from the north however, tree planting and other vegetative screening is much more sparse. As a result the caravan site would be open to view when approaching the site along the A515 from the north.
- 9.7. The caravans – with their white and reflective surfaces – would be prominent in the landscape in these views. This effect would be exacerbated by the fact that they would be seen backed by dark trees behind, around the edge of the field. This would represent a substantial visual intrusion in the rural landscape of this part of the National Park.
- 9.8. To mitigate against this harm the application proposes new shelter belt planting to the north eastern and north western boundaries of the site.
- 9.9. There is no objection in principle to the provision of this shelter belt – indeed, these are identified as a feature of the landscape in this area by the Landscape Strategy – but this would not provide an immediate mitigation to the harm caused by the siting of caravans within the field. However, it would be many years before an established screen of appropriate species would be sufficiently established so as to effectively screen the development from view. Depending on species, it is also likely that that screening of the site would be more limited from Autumn through Spring when trees would be out of leaf. It is therefore considered that the proposed planting would offer very limited mitigation in relation to the visual harm the development would cause.
- 9.10. For this reason it is considered that the development would result in significant adverse landscape impacts, contrary to policies GSP3, L1, LR3, and LC4 of the Development Plan and the provisions of the NPPF in so far as they promote protection of the National Park landscape.
- 9.11. The proposed new access would be approximately 30m south of the existing and would join the A515 in a gap between some existing mature and young trees. The access driveway would then run back west through the field to the dwellings and proposed campsite. The Highway Authority have recommended that some raising of ground to more gently slope the driveway would also be required, as would ensuring a wide enough driveway to allow vehicles to pass each other.
- 9.12. This driveway would dissect the field and appear an incongruous urbanising feature, even if simply treated, and would detract from the rural and largely undeveloped character and appearance of the landscape in this location
- 9.13. If the proposal was considered acceptable in other regards then a new drystone wall along the southern edge of the proposed access drive could be introduced to reduce the impact of the access. The area of land to each side of the new wall would be large enough that the arrangement did not appear contrived and the wall would serve to partially screen the driveway from wider view and would also ensure that it ran along a field edge, rather than appearing isolated within the centre of one.

#### Design/use of buildings

- 9.14. It is proposed to convert the existing agricultural building on the site to provide an amenity block for the campsite. The building is of sheet metal construction to the roof and upper walls, with blockwork below; although much of this blockwork is concealed from wider view due to the building being sandwiched between two existing natural stone walls.
- 9.15. When permission was granted for this building in 2014 it was on the basis of an agricultural need. Buildings of this appearance are not otherwise supported by planning policy; their materials, scale, proportions – and often locations – are at odds with those of the local building traditions and commonly result in landscape harm. For this reason the building was

subject to a common condition that requires the building to be removed from the site when it is no longer required for the purposes of agriculture.

- 9.16. Officers do not consider that it would be appropriate to allow conversion of the building to an amenity block as this would undermine the purpose of the aforementioned condition and would retain a building on the site that has been approved only on an exceptional basis. Retaining it in a different and long-term use would perpetuate its detrimental impact on the character and appearance of the adjacent traditional buildings and the wider landscape of the area. This would be contrary to policy GSP2, as it would fail to take the opportunity to remove an undesirable building from the landscape, and contrary to LC4 as the building is not of such design that it would be supported for the proposed use.
- 9.17. Therefore if the building is no longer required for agricultural purposes – as the current proposal to convert it would suggest – then it is considered that it should be removed from the site in accordance with the relevant condition of the original permission for its construction, and in accordance with planning policy.

#### Camping Provision in the Locality

- 9.18. Policy RT3 particularly encourages touring camping and caravan sites in areas where there is lack of such provision.
- 9.19. In addition to the caravan site on the opposite side of the A515 to the east, a further large caravan site is located on the A515 near Alsop en le Dale a little over a mile south of the application site, and another is located on the A515 at Pomeroy approximately six miles to the north.
- 9.20. It is therefore not considered that there are a lack of similar facilities in the locality in this case. Whilst it is acknowledged that the development would provide some benefit through helping to boost and sustain the local rural economy it is not considered that this would outweigh landscape concerns in this case.

#### Amenity

- 9.21. The proposed site would be approximately 30 metres from the nearest dwellinghouse, and 50m from the next nearest. Both of these properties are currently in the applicants control.
- 9.22. Given the proximity of these dwellings to the proposed development it is likely that noise and disturbance generated by vehicle movements and the use of the site itself would have some adverse impact on the amenity of the occupiers.
- 9.23. As things stand, the level of use and times of operation of the proposed campsite – and therefore any arising amenity impacts for the adjacent dwellings – would be within the control of the applicant. On that basis there are no objections on grounds of amenity impacts.
- 9.24. However, if the ownership of the properties was to be split from that of the campsite then the occupiers would have no control over these impacts. For this reason it is considered that if permission was granted it would be necessary to secure the dwellings and campsite in common ownership by legal agreement.

#### Highway Considerations

- 9.25. The Highway Authority have advised that they consider that subject to further details being agreed the proposed new access could be achieved to an acceptable highway safety standard. Their recommendations include ensuring vehicles can pass each other along the access, that land would require building up to ensure a satisfactory driveway gradient, and that some vegetative clearance may be necessary to secure sufficient exit visibility from



any new driveway.

9.26. Officers consider that these issues could be secured by planning conditions if permission was to be granted.

9.27. As a result there are no objections to the proposal on the grounds of highway safety or amenity.

## **10. Conclusion**

10.1. It is concluded that the siting of caravans within the field would be significantly harmful to the rural character and appearance of the landscape due to their visibility and prominence in wider views. The proposed access track would also appear incongruous and detract from the appearance of the landscape in more local views. For these reasons the development is contrary to policies GSP3, L1, LR3, and LC4 of the Development Plan, which all require new development to conserve valued landscape character. Particular regard is also given to paragraph 115 of the Framework in this regard, which indicates that great weight should be given to conserving landscape and scenic beauty within the National Parks.

10.2. Further, the conversion of the agricultural building to provide an amenity block for the caravan site would not accord with policies GSP2 or LC4, retaining a building with adverse impacts on the appearance of the built environment and landscape that should be removed if no longer required for its original purpose.

10.3. Refusal of the application would not result in an under-provision of tourism facilities that would undermine the purposes of adopted policy or conflict with the Authority's statutory duty to promote opportunities for enjoyment of the National Park

10.4. On this basis, the adverse planning impacts that have been identified as arising due to the lack of screening along the north eastern and north western boundaries of the site are not acceptable in terms of the impact on the valued characteristics of the landscape of the National Park.

10.5. Accordingly, the application is recommended for refusal.

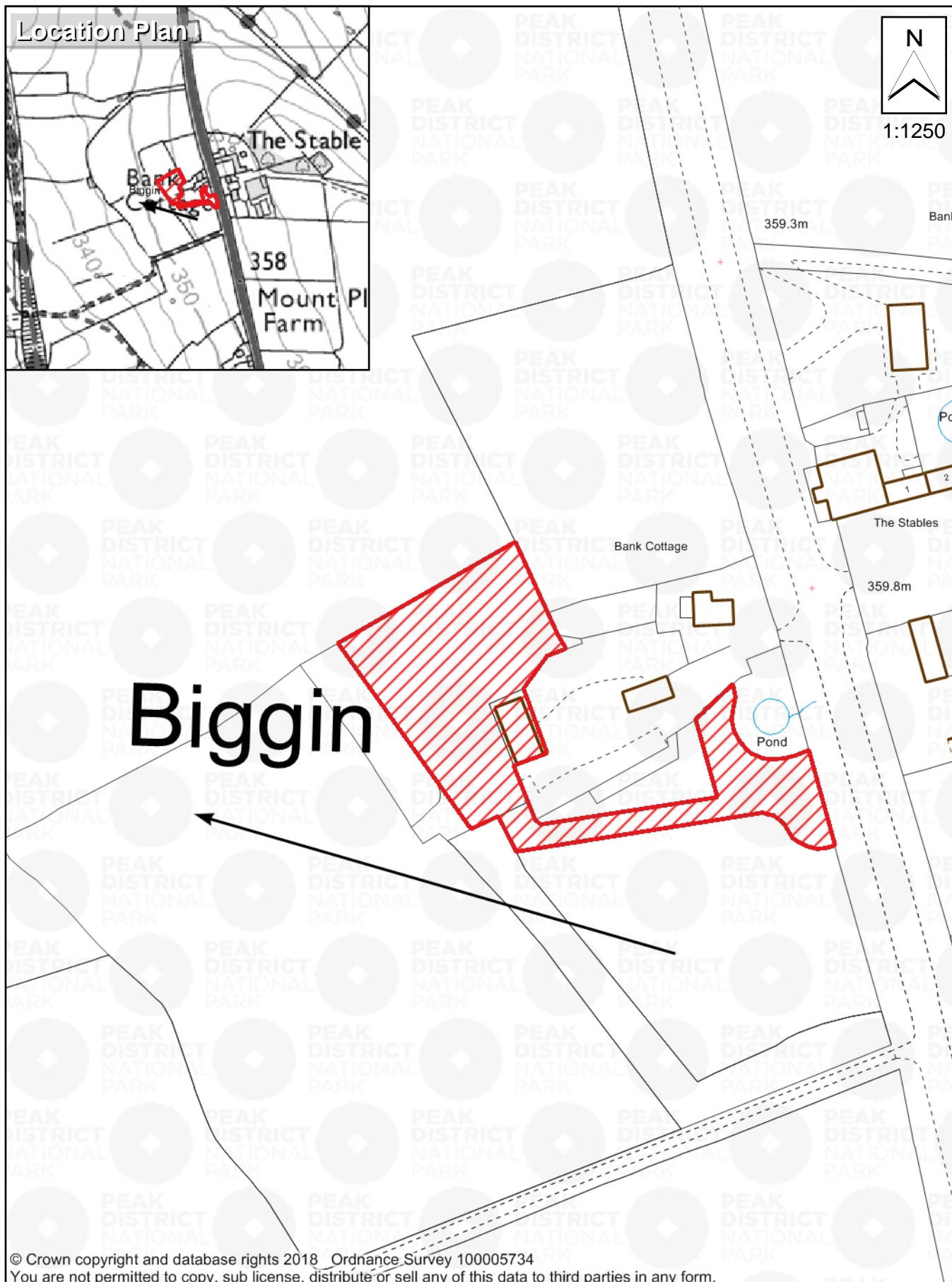
## **11. Human Rights**

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

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

None

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Committee Date: 9th March 2018  
Item Number: Item 8  
Application No: NP/DDD/0118/0022  
Grid Reference: 416558, 358755

**Title:** Bank Top Cottage, Biggin



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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**9. FULL APPLICATION - CHANGE OF USE FROM DWELLING TO LETTING BEDROOMS FOR THE DEVONSHIRE ARMS PUB AND HOTEL, WITH ASSOCIATED INTERNAL ALTERATIONS. INSERTION OF TWO CONSERVATION ROOF LIGHTS ON THE REAR ELEVATION. EXTERNAL WORKS TO FORM CAR PARKING WITHIN THE GARDEN AND WIDENING OF VEHICLE ACCESS AT 1 DEVONSHIRE SQUARE BEELEY (NP/DDD/1217/1234, P5872, 42697/367453, 11/12/2018/ALN)**

**APPLICANT: DEVONSHIRE HOTEL GROUP**

**1. Site and Surroundings**

- 1.1. 1 Devonshire Square is a residential property located on the south western edge of Beeley village, opposite the Devonshire Arms public house. The site is within the Beeley Conservation Area. The property is a 4-bedroomed detached dwelling. It has three floors, the top floor being within the roofspace. It fronts directly onto Devonshire Square with gardens to the west side and rear. It is constructed in coursed natural gritstone under a blue slate roof.
- 1.2. The property also sits within the Environment Agency's Flood Risk Zone 3 – land with a high probability of flooding (1 in 100 or greater annual probability of river flooding).

**2. Proposal**

- 2.1. Planning permission is sought for the change of use of the dwellinghouse (C3) to letting rooms in association with the Devonshire Arms public house (C1). The submitted plans show that four letting rooms would be provided in total, each with associated en-suites. Two bedrooms would be laid out on the ground floor, and two on the first floor. A lounge would be provided on the second floor, in association with the larger of the first floor units.
- 2.2. The only change to the appearance of the building would be the insertion of two conservation rooflights on the rear (north facing) roofslope. Externally a new patio would be laid to the rear of the property and to the side (west) an existing lawned area would be surfaced with gravel to provide parking for up to four vehicles. The existing vehicular access would be widened by 1200mm.
- 2.3. An existing detached stone outbuilding in the rear garden of the property would be used for storage in association with the public house. A timber shed in the rear garden would be removed.

**3. RECOMMENDATION**

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

- 1. 3 year implementation time limit.**
- 2. Adopt amended plans.**
- 3. Implement landscaping scheme.**
- 4. The premises, the subject of the application, shall not be taken into use until the existing vehicular access has been modified in accordance with revised application drawing number 028-17\_008 Rev E.**
- 5. The premises the subject of the application shall not be taken into use until off-street parking has been provided in accordance with the application drawing and constructed with a solid bound material for the first 5m from the highway. The parking shall be maintained thereafter free from any impediment to its designated use.**

6. The proposed gate shall be hung so as to open inwards and shall remain in an open position during occupation of the premises.
7. Flood mitigation measures.
8. Landscaping scheme shown on amended plan no. 028-17\_008 to be implemented
9. Timber shed in rear garden to be removed before accommodation first brought into use.
10. Rooflights to fit flush with roofslope with a central glazing bar.
11. Details of any external lighting to be submitted and approved.

#### **4. Key Issues**

- The principle of the loss of the dwellinghouse.
- Highway and parking issues.
- Impact on Conservation Area.
- Flood risk issues.

#### **5. Relevant Planning History**

- 5.1. March 1996 – planning permission granted for off-road parking area.
- 5.2. October 2017 – pre-application advice sought for change of use from dwellinghouse to letting rooms.

#### **6. Consultations**

- 6.1. Highway Authority – recommended that any widening of the access takes place on the eastern side to maximise distance from the junction. No objections to amended plans subject to conditions to secure provision of access and amendments and parking
- 6.2. District Council – no response.
- 6.3. Parish Council – objects on the following grounds (in summary):
  - Non-compliance with national and local policies. In particular the Core Strategy talks about fostering a sense of place and building resilient communities which the proposals would go against. The proposals would also have a negative impact on living conditions and community; and access and increased traffic levels.
  - Local needs – over the last 10 year Beeley has seen a number of properties become holiday lets and second homes which have an impact on the local community and the provision of long term housing options for people wishing to live in the village.
  - This is the 5<sup>th</sup> house to be requested to be converted to pub accommodation in the village. The previous 4 houses were converted through 2 previous planning permissions in 2007 and 2011.
  - Concerns about light pollution.

- Traffic generation/access/road safety issues. The proposals will generate at least 4 cars causing strain in a high vehicle part of the village. The access is on a complicated junction and the proposals would compound the issue.
- Concerns about capacity of drains and sewers.
- Impact on the Beeley Conservation Area.
- Concerns about risks of flooding.
- Query the number of full time equivalent jobs that is it stated would be created (3-5)
- Query whether a bat report should have been submitted.
- Supportive of removal of leylandii hedge.

Environment Agency – response setting out suitable flood mitigation measures agreed by the applicant, above those initially proposed with the application.

Lead Local Flood Authority (Derbyshire County Council) – refers to standing advice.

## **7. Representations**

7.1. 14 letters of objection have been received. Three of those were from the same objector. Of the remaining 11, eight were ‘pro forma’ style identical letters with addresses and signatures of the objectors placed upon them. The following issues are raised:

- Non-compliance with national and local policies
- Vehicle access and road safety issues
- Car parking provision
- Light pollution
- Capacity of infrastructure
- Risk of flooding – flooding is often not from Beeley Brook but from surface water running down Chesterfield Road.
- Concerns about sustainability of local facilities including the church, village organisations , schools if number of permanent residents are reduced.
- Four other dwellings already become annexes to the Devonshire Arms

## **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 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered 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 28 states that plans should support sustainable tourism and leisure development that benefit businesses in rural areas, community is and visitors and which respect the character of the countryside.
- 8.4. Para 70 states that decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

### Development Plan policies

- 8.5. 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.
- 8.6. 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.
- 8.7. Core Strategy policy RT2 allows for the change of use of a traditional building of historic or vernacular merit to serviced or self-serviced holiday accommodation except where it would create unacceptable landscape impact in open countryside.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GPS3, DS1, L3, RT2, CC5.

Relevant Local Plan (LP) policies: LC4, LC5, LC8, LT11, LT18.

## **9. Assessment**

### **9.1. Background**

- 9.2. The accommodation proposed is intended to be used in association with the Devonshire Arms. The Devonshire Arms (grade II listed) is located on the opposite side of the square to the application site.
- 9.3. In 2006, following planning permission and listed building consent the former pub was refurbished and the first floor (which was previously office, storage and kitchen space) was converted to four letting rooms.



- 9.4. In February 2008 planning permission was granted to convert a residential property to the east of the Devonshire Arms (Brookside House) to a further four letting rooms.
- 9.5. In March 2012 planning and listed building consent were granted for the conversion of 3 cottages known as 1-3 Dove Cottages to six more letting rooms, making 14 bedrooms in total at present. The proposals would take the total number of letting rooms to 18.
- 9.6. Issue 1: The principle of the loss of the dwellinghouse
- 9.7. 1 Devonshire Square is currently a 4-bedrromed open market dwelling. The property is a traditional building within the Conservation Area and therefore in principle Core Strategy policy RT2 would support its conversion to serviced or self-catering holiday accommodation. One of the main concerns raised by the Parish Council and local objectors is that the proposals would result in the loss of a permanent dwelling in the village and that this would exacerbate an existing problem of high levels of second home and holiday ownership within the area. They are concerned that the proposals, in particular when taken cumulatively with the other conversion schemes that have been carried out in association with the pub, would have a detrimental effect on the vitality of the local community.
- 9.8. A statement submitted by the applicant argues that of the 31 houses owned by the Chatsworth Estate in Beeley, 27 are occupied by either staff or pensioners or are let on short hold tenancies. The remainder are let to the Devonshire Arms. It goes on to say that conversely of the privately owned properties in the village, 11 are holiday cottages. It states that overall the Estate makes a significant contribution to affordable housing stock by making 120 houses in total available for staff and pensioners and that the proposals would help to support the local community by ensuring the village pub remains sustainable.
- 9.9. It is clear that the level of holiday/second home use of properties in the village is seen as an issue by the local community and the challenges brought about by this trend are recognised in the Authority's Core Strategy. There are, however, considerations that might weigh against these concerns in this case. Firstly the Authority's policies do not protect open market dwellings in the same way as community facilities such as shops, pubs etc. The property is a traditional building that is considered, due to its design and prominent position in the Conservation Area, to be a heritage asset and therefore in principle its conversion to holiday accommodation would be in compliance with policy RT2. Secondly, and more crucially, the property in question could be sold or let out and used as a four-bedroomed single unit of holiday accommodation without any requirement for planning permission. Officers consider that this fall-back position must be given considerable weight. The benefits of the current proposals over the fall -back position is that with a self-catered single holiday unit occupiers would not be reliant on the Devonshire Arms for food and therefore arguably there might be less certainty of economic benefit to the immediate community.
- 9.10. Whilst no viability appraisal has been submitted to suggest that the Devonshire Arms would not be viable without the proposed additional accommodation, it is nonetheless evident that income from the proposed letting rooms would contribute in some way to its continued operation. The accommodation would also provide modest levels of employment in the village.
- 9.11. On balance, whilst the wider problem of second and holiday homes in the village is acknowledged the proposals would not, in this case, exacerbate the problem to any significant degree over and above the situation if the dwelling was used for holiday-let purposes. The proposed change of use is therefore considered to be acceptable in principle.

9.12. Issue 2: Highways and Parking

- 9.13. Saved Local Plan policy LT18 states that the provision of safe access arrangement will be a prerequisite of any development.
- 9.14. There is an existing vehicular access to the west of the dwellinghouse. The submitted plans showed the removal of a 1.2m stretch of the boundary wall to the west of the access in order to improve manoeuvring. Following comments made by the Highway Authority amended plans show a similar length of wall instead removed to the east of the access in order to maximise the distance of the access from the junction of Chesterfield Rd and Devonshire Square, which sits just to the west of the property. At present vehicles exiting the property have to reverse out onto the highway as there is no turning space within its curtilage. The proposals are to provide turning space that would enable vehicles to exit the site in a forward gear.
- 9.15. Although the access is close to a junction visibility is adequate and its use would not be intensified significantly over and above the potential use as a four bedroomed dwelling.
- 9.16. Parking space for four vehicles and a turning area would be provided by extending the existing driveway into the lawned area to the side. These areas would be surfaced with a permeable gravel. Officers are satisfied that sufficient off street parking provision would be provided to meet the needs of the development.
- 9.17. The Highway Authority has raised no objections subject to conditions to secure the provision of the access alterations and parking and consequently it is considered that the proposals accord with policy LT18.

9.18. Issue 3: Impact on Conservation Area

- 9.19. 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. Policy LC5 also seeks to conserve the character of Conservation Area.
- 9.20. Externally there would be little change to the building itself other than the introduction of two conservation rooflights to the rear roofslope, which are acceptable. The property has unusual windows on the principle south facing elevation – these are traditional sliding sashes with a 4 over 4 arrangement, with each pane having a horizontal emphasis. It is proposed to repair and retain these and other traditional frames.
- 9.21. The main area where there is potential for impact on the character of the Conservation Area is the extended parking area. The property occupies a prominent position at the entrance to the village, but at present the parking and garden areas to the west of the house are screened from public view by a 2m high leylandii hedge that is growing along the line of the boundary wall to the property. Whilst the hedge serves a purpose as a screen, it is a non-native species which is in poor condition and which does not contribute to the character of the conservation area. It is proposed to remove the hedge and replace it with a native beech hedge. It is recognised that the new hedge would take time to mature and provide an effective screen to the extended car parking area, so a temporary hazel fence will be placed between the new hedge and the boundary wall to provide screening until the hedge is established.
- 9.22. Letters of objection have raised concerns relating to light pollution that could arise from any floodlighting. External lighting can be adequately controlled by a condition requiring the details of any external lighting to be approved by the Authority.

- 9.23. The removal of the timber shed within the rear garden is welcomed and the proposals within the garden are minor in nature and in keeping with the character of the property and its setting.
- 9.24. In conclusion subject to a condition to secure landscaping the proposals would conserve the character of the Conservation Area in accordance with GSP3 and L3.
- 9.25. Issue 4: Flood Risk
- 9.26. Core Strategy policy CC5 states that development proposals which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless net benefits can be secured for increased floodwater storage and surface water management from compensatory measures.
- 9.27. The application site falls within the Environment Agency's Flood Risk Zone 3 - land with a high probability of flooding (1 in 100 or greater annual probability of river flooding). A flood risk assessment has been submitted with the application.
- 9.28. Environment Agency guidelines classify the existing residential property as a 'more vulnerable' use. The proposed new use would also be classed as 'more vulnerable'. The change of use would therefore not increase the vulnerability classification but more vulnerable uses are usually guided away from Flood zone 3a and 3b and the sequential/exception tests would normally be triggered. However in this case the building is already in place and in residential use and therefore the report considers that the tests are not required.
- 9.29. The report identifies that the risk of fluvial flooding (from Beeley Brook) is high but that an existing step at the door threshold is just above the 1 in 100 year flood scenario. The report recommends the a Flood Emergency Management Plan is produced and that flood resilience/resistance construction measures are incorporated.
- 9.30. Some of the letters of objection received express concerns about surface water flooding particularly from water running down the hill along Chesterfield Road towards the property. The submitted flood risk assessment covers surface water flooding and it confirms that the site is currently served by a surface water and foul drainage arrangement which discharges into the public sewer. The proposed change of use would not include any extensions to the footprint of the building and the proposed gravel turning area would be permeable and infiltrate at source. The path and patio are negligible areas and would shed onto the surrounding garden. As such the report concludes that there is no requirement for additional surface water attenuation. Any concerns about the capacity and maintenance of the existing surface water drains on the public highway are a matter for the Highway Authority and not relevant to the determination of this application
- 9.31. The Environment Agency has been consulted and has suggested additional mitigation measures which the applicant has agreed to. It is considered that the proposals comply with policy CC5 subject to a condition requiring the mitigation measures outlined in the flood risk assessment to be implemented.
- 9.32. Other Issues
- 9.33. Impact on Residential Amenity
- 9.34. Core Strategy policy GSP3 and Saved Local Plan policy LC4 both required that the impact on living conditions is given consideration. The nearest neighbouring property to no. 1 Devonshire Square is no. 2 Devonshire Square, which sits directly to the east. This

property is set back further from the road such that its gable end abuts the side of rear garden of no.1. There are two windows on the said gable end, the ground floor one being a small, fixed secondary window and the first floor one being a bedroom window. Whilst there would be opportunities for overlooking between this bedroom window and the bedrooms windows on the first floor of the proposed accommodation, this would no different to the existing situation given that the property is in use as a dwelling. Similarly there may be the potential for some noise emanating from the use of the proposed patio but again it is not considered that this is likely to more significant than from the established use as a large dwelling. It is acknowledged that use as letting rooms could result in different patterns of use from those that would be associated with a residential dwelling. However, given the scale of the proposed use with four bedrooms, it is considered that it would not result in harm to amenity by way of noise or other associated disturbance. Consequently the proposals are considered to accord with GSP3 and LC4.

9.35. Protected Species

9.36. Although the Design and Access Statement states that the main building would be re-roofed the agent has since confirmed in writing that in fact the roof is sound and will remain unaltered. As such there would be no alterations to the roof, other than the addition of two roof lights which are considered to have low potential for impact on bats, and a protected species survey is not required in this case.

**10. Conclusion**

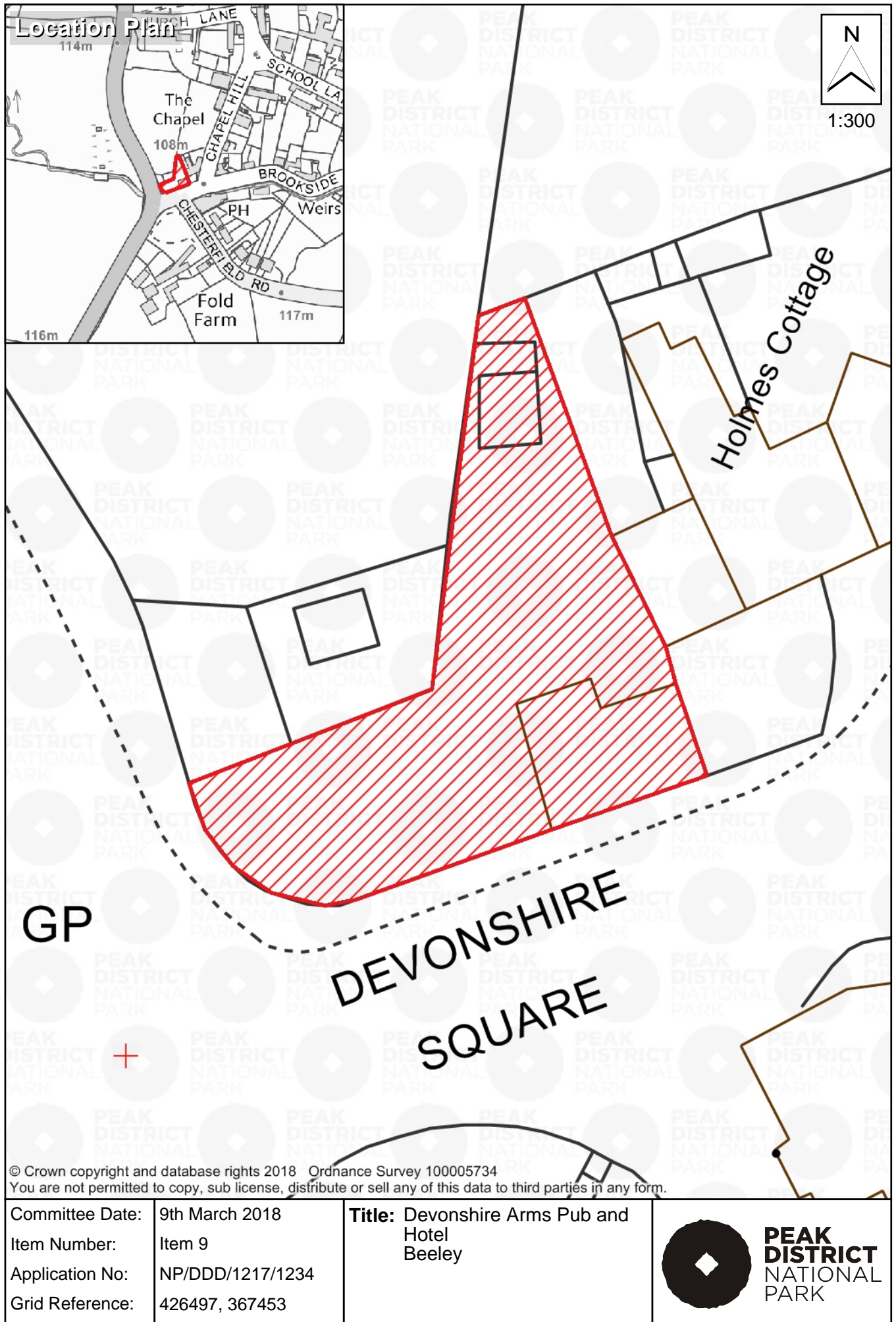
10.1. In conclusion, the proposal represents an acceptable change of use of an open market dwelling to holiday accommodation. Flood risk issues have been satisfactorily addressed and can be mitigated by means of a condition; and access and parking arrangements would be adequate to meet the needs of the development. Subject to implementation of landscaping the character of the Conservation Area would be conserved. Consequently the application is recommended for conditional approval.

**11. Human Rights**

11.1. Any human rights issues have been taken into consideration in the preparation of this report.

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

None



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

### 1. APPEALS LODGED

There have been no new appeals lodged during this month.

### 2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

### 3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0717/0693 3184389	Erection of 15m climbable monopole to support 3 telecommunications antennae which together with the installation of 2 dishes and 4 ground based equipment will provide 2G, 3G and 4G mobile electronic communication services at Bradwell Sports Club, Stretfield Road, Bradwell	Written Representations	Dismissed	Delegated

The Inspector considered that the proposed mast would be a highly incongruous feature in the landscape and would cause significant harm to the character and appearance of the surroundings and the landscaping of the National Park. It would also be contrary to L1 and GSP3 of the Core Strategy as well as LU5 of the Local Plan. Although the proposal would bring a number of benefits regarding improved telecommunication coverage to residents, visitors and local businesses, they did not outweigh the significant harm which would result from the siting of the mast in this location in the National Park. The appeal was therefore dismissed.

NP/DDD/0517/0517 3184842	To vary a condition imposed on Planning Permission on the erection of a replacement conservatory to the rear of the property at South Croft, Church Lane, Monyash	Written Representations	Dismissed	Delegated
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The Inspector considered that changing the conservatory material from wooden to Upvc would result in a significantly less sympathetic appearance that would harm the traditional character of the property. The development would also fail to preserve the character and appearance of the conservation area, and would be contrary to LC4, LC5 and LH4 of the Local Plan and would be at odds with the statutory purposes of the National Park designation, which include conserving and enhancing its natural beauty, wildlife and cultural heritage. The appeal was dismissed.

ENF 13/0146 3161980	Enforcement regarding material change of use of the land to a use for storage, handling and processing of wood on Land adjacent to the North of Brown Lane, Flash, Quarnford	Written Representations	Allowed in part. Enf. Notice upheld with variations	Delegated
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Although the appeal has been allowed in part (and the notice varied) this relates only to the restoration requirements and the periods for compliance. On the restoration requirements, the inspector concluded these go beyond what is necessary to remedy the breach. The notice as varied retains a requirement to “restore the ground to the condition prior to the breach taking place.” In all other respects the notice, as issued, has been upheld.

NP/SM/1216/1201 3182690	Change of use of land to a seasonal caravan and camping site and change of use of an outbuilding for mixed use at Wallbrook House, Higg Lane, Longnor, SK17 0LJ	Written Representations	Dismissed	Committee
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The Inspector felt that although the proposed development would provide some benefits to the local rural economy, it would also be prominent in the landscape given the location of the site and the nature of its surrounding open countryside, and would represent a substantial visual intrusion in the rural landscape of this part of the National Park. Although screen planting had been proposed, it was felt that it would not be sufficient to provide a robust screen to the site as a whole. There was also concern that the development would have the potential to cause harm to the living conditions of the local resident by virtue of noise and disturbance, and it would also have the potential to cause disturbance to the population of wading birds in the surrounding fields, and to other birds. The appeal was dismissed.

NP/DDD/0517/0458 3187283	Proposed domestic garage and store at Swallow Cottage, Pilhough Lane, Rowsley	Householder	Dismissed	Committee
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The Inspector considered that the scale and design of the proposed building would resemble that of a commercial building rather than a domestic garage, and it could not reasonably be described as being subservient to the main dwelling. The visual harm would be very noticeable from certain vantage points and the building would be seen to dominate an otherwise attractive landscape. The effect would harm the character and appearance of the local area, and would fail to conserve or enhance the natural beauty of the Peak District National Park. The appeal was therefore dismissed.

#### 4. **RECOMMENDATION:**

**That the report be received.**