

# Public Document Pack

**Peak District National Park Authority**

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



Our Ref: A.1142/1845

Date: 5 April 2018



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 13 April 2018**

Time: **10.00 am**

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

SARAH FOWLER  
CHIEF EXECUTIVE

## AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting of 9 March 2018** (*Pages 5 - 14*)
3. **Urgent Business**
4. **Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application - Construction of 30 affordable dwellings and associated works at Lady Manners School, Shutts Lane, Bakewell** (NP/DDD/0617/0600,P3904,421083/367742/ALN) (*Pages 15 - 36*)  
Site Plan
7. **Outline Application - Proposed four affordable/local need flats and eight open market flats. Plot 3 and 11A, Deepdale Business Park, Bakewell** (NP/DDD/0118/0078 420932 / 368985 P11903 MN 31/01/2018) (*Pages 37 - 52*)  
Site Plan

8. **Full Application - To change the use of the current dining room at the Crag Inn Into a bottling plant for bottling on site spring water at the Crag Inn, Wildboardclough (NP/CEC/0118/0031, P1338, 398189/368539, 16/01/2018/ALN) (Pages 53 - 62)**  
Site Plan
9. **Full Application - Proposed re-modelling of existing house with extension and replacement garage at Afe Wae, Brassington Close, Youlgrave (NP/DDD/0118/0032, P3898, 421344/364242, 12/01/18 TM) (Pages 63 - 72)**  
Site Plan
10. **Full Application - Extension to care home at The Lodge, Manchester Road, Hollow Meadows (NP/DDD/1217/1246, P.7130, 425648 / 387941, 07/12/2017/ AM) (Pages 73 - 82)**  
Site Plan
11. **Full Application - Demolition of existing flat roof extension to be replaced with two storey side extension, Bramblegate, Tideswell Lane, Eyam (NP/DDD/0118/0055) (Pages 83 - 90)**  
Site Plan
12. **Full Application - Use of previously refurbished barn as holiday accommodation, construction of generator and battery house and laying out of parking//turning area at Eastsides Lane, Litton (NP/DDD/1017/1051, P.8564, 416566 / 374856, 10/10/2017) (Pages 91 - 104)**  
Site Plan
13. **Full Application - Re-roofing of the workshop at Brunt's Barn, Brunts Barn Centre, Upper Padley, Grindleford (NP/DDD/0218/0112 424671/378923 P6187 13/02/2018) (Pages 105 - 112)**  
Site Plan
14. **Monitoring & Enforcement Annual Review - April 2018 (A.1533/AJC) (Pages 113 - 120)**  
Appendix 1
15. **Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 121 - 122)**

### **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.



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## MINUTES

Meeting: **Planning Committee**

Date: Friday 9 March 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 D Chapman, Cllr A Hart, Cllr Mrs C Howe, Cllr A Law, Cllr J Macrae, 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: Mr R Helliwell, Cllr H Laws and Cllr F J Walton.

### **25/18 MINUTES OF PREVIOUS MEETING HELD ON 9 FEBRUARY 2018**

The minutes of the last meeting of the Planning Committee held on the 9 February 2018 were approved as a correct record.

Minute 17/18 A Member requested that Stanton & Grindleford Parish Councils be informed of the withdrawal of the item.

### **26/18 URGENT BUSINESS**

There were no items of urgent business to consider.

### **27/18 MEMBERS DECLARATIONS OF INTEREST**

Item 6

Mr Ancell, Cllr C Howe, Cllr J Twigg, Cllr C Carr, Cllr J Macrae, Cllr A McCloy and Cllr L Roberts had received an email from James Summerlin

Cllr P Brady declared a personal interest as he was acquainted with one of the speakers, Mr Derek Latham

Cllr J Twigg declared a personal interest as she was acquainted with one of the speakers, Mr Eric Marsh

Item 7

All members had received emails from Mr Cooper, the applicant and from Cllr John Tibenham

All members had received correspondence from the Parish Council

Cllr C Carr, Cllr Hart, Cllr L Roberts, Cllr K Potter and Cllr C Howe had received a letter from Dr Owens

Cllr P Brady declared a personal interest as he was acquainted with one of the speakers, Mr D Nicholson, Curbar Parish Council

Cllr K Potter declared a personal interest as she attends Curbar Parish Council, but leaves before any planning issues are discussed.

Item 8

Cllr P Brady declared a personal interest as he knew the agent, Mr Roger Yarwood.

Cllr J Twigg, declared a personal interest as she knew the agent Mr R Yarwood from when he worked at Derbyshire Dales District Council as Planning Officer

Item 9

Cllr K Potter declared a personal interest as she attends Beeley Parish Council, but leaves before any planning issues are discussed.

## **28/18 PUBLIC PARTICIPATION**

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

## **29/18 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**

Members had visited the site on the previous day.

The Planning Officer reported an amendment to Condition 15 of the report to state "marquee should be fully dismantled and removed from the site within three days of the event" not four.

The Planning Officer stated that the original application which was granted in January 2016 for a trial period of 3 years, expiring at the end of January 2019. The application was to hold wedding events/functions for up to 8 per year, but since the approval was given and due to the restrictions imposed to control the use, only 4 events have actually taken place.

The Officer also reported that since the report was written, a further letter of representation had been received from the residents of Cow Close Farm, and this was summarised for Committee.

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

- Mr Eric Marsh, Supporter
- Mr Derek Latham, on behalf of the applicant

A motion for approval subject to conditions as set out in the report was moved and seconded.

The Planning Officer reported that the applicant had agreed to a further trial period of 5 years, but Members felt that by extending this to 7 years was more realistic and reasonable for monitoring purposes, to assess the impact on the amenity and business certainty.

Concern was raised by Members over the lack of disabled car parking spaces available. The Planning Officer confirmed that although this had been covered in Condition 18 of the original application, he would go back to the Applicant to confirm the arrangements.

A motion for approval for an amendment to the motion for 7 years was moved and seconded. This was then voted on and carried and became the substantive motion.

The following amendments to conditions were agreed:-

- 4 – include 'and/or functions' after wedding
- 10 – include time limit of 10.30pm
- 22 – include "release of balloons"

Footnote regarding disabled parking.

The recommendation to approve the application with the stated amendments to the conditions set out in the report was moved, seconded, put to the vote and carried.

## **RESOLVED**

**To APPROVE the application 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 7 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 and / or functions 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 and only allowing speeches before 10.30pm.
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 three 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, release of balloons or similar displays associated with the use hereby approved carried out on site or on land within the applicant's ownership or control.**

**FOOTNOTE:-**

**That discussion takes place between the Applicant and Officers in terms of arrangements to disabled parking.**

**30/18 FULL APPLICATION - ERECTION OF MOBILE TIMBER HEN-HOUSE ON SKIDS, ROCKLANDS, THE BENT, CURBAR**

Members had visited the site on the previous day.

The Planning Officer informed Members of a correction to the site plan, and reported that since the submission of the report to committee, a further letter of representation had been received from Mr Nicholson, Curbar Parish Council, which the Officer then summarised. He also added an additional condition to the recommendation to limit the number of hens to 150 and another one requiring the hen house to be removed when no longer in use for the approved purpose.

The Officer then went on to introduce the report, and informed Members that a landscaping scheme had been submitted by the applicant, which had yet to be agreed by the Landscape Architect.

Cllr D Chapman & Cllr J Twigg declared personal interests as they knew one of the speakers, Cllr Tibenham as a District Councillor.

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

- Dr Peter Owens, Objector – to Condition 5 only
- Mr David Nicholson, Curbar Parish Council, Objector
- Cllr John Tibenham, Objector
- Mr Tom Cooper, Applicant

Members acknowledged that there was a lot of feeling within the community, but felt that the proposal was not an intrusive feature within the landscape and the setting of Curbar Edge.

The Officer recommendation without Condition 5 regarding the landscaping scheme, was moved and seconded.

It was agreed to change Condition 6 to remove the wording “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” Further additional conditions were also agreed regarding removal of the hen house when no longer required for agriculture and provision of details of additional electric fencing.

The recommendation to approve the application subject to the conditions as amended was moved, seconded, put to the vote and carried.

**RESOLVED:**

**To APPROVE the application 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 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.**
- 6. The use of the hen house shall be ancillary to Rocklands.**

7. **That the hen house shall be removed, when no longer required for agriculture.**
8. **The upper limit of hens to be kept will be 150.**
9. **Details of proposed electric fencing to be provided by the applicant and agreed with the Authority.**

The meeting was adjourned at 12:00pm for a short break and reconvened at 12:05pm

As there were no speakers registered for Item 8, the Chair brought forward Item 9 for consideration, as the speakers had arrived for that item.

**31/18 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**

Members had visited the site on the previous day.

The Planning Officer introduced the report.

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

- Mr Gary Wilson, Local Resident and Objector
- Mr Nick Wood, Agent

Members considered whether the loss of another permanent dwelling in the village to letting rooms would exacerbate the existing problem of the high levels of second home and holiday home ownership in the area, and whether there would be a detrimental effect on the vitality of the community. The Planning Officer informed Members that this property was not a local needs affordable house, but an open market property, which could be sold or let out as a single unit or holiday accommodation without any requirement of planning permission.

Members were concerned that the arrangements for parking 4 vehicles was tight and asked that a condition for a plan for parking arrangements be submitted, together with a condition restricting the use of the garden to the holiday let users only.

The officer recommendation to approve the application, subject to additional conditions 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. **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.**
12. **To restrict the use of the outdoor area to use by occupiers of the property only and not for general use by the Pub.**
13. **Plan for parking arrangements to be submitted for approval by the Authority.**

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

**32/18 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**

Members had visited the site on the previous day.

Members felt that officer's concerns could be overcome and a motion to defer the application to allow for more time for the Planning Officer to discuss issues with the applicant was moved and seconded. This was then voted on and carried.

**RESOLVED:**

**That consideration of the application be DEFERRED to allow more time for the Planning Officer to discuss issues with the applicant.**

**33/18 HEAD OF LAW REPORT - PLANNING APPEALS**

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

**RESOLVED:**

**That the report be received.**

The meeting ended at 1.20 pm

**6. FULL APPLICATION - CONSTRUCTION OF 30 AFFORDABLE DWELLINGS AND ASSOCIATED WORKS. LADY MANNERS SCHOOL, SHUTTS LANE, BAKEWELL (NP/DDD/0617/0600,P3904,421083/367742/ALN)**

**APPLICANT: WESTLEIGH PARTNERSHIPS LTD AND LADY MANNERS SCHOOL.**

**1. Site and Surroundings**

- 1.1. The application site edged red is located on the south western edge of the town of Bakewell at the junction of Monyash Road and Shutts Lane. It extends to approximately 1 hectare in area and forms part of the Lady Manners secondary school grounds. The south western half of the site is made up of two pre-fabricated buildings formerly classrooms and now used for storage purposes, and associated hardstandings. The north eastern half of the site edged red is part of a larger school playing field area that extends to the south and west of the site.
- 1.2. The Lady Manners School building and a group of residential properties (The Kennels) lies to the south of the site on the opposite side of Shutts Lane. The edge of the Moorhall/Highfield Drive housing estate runs along the edge of the playing field to the north east. To the south west are open fields and to the north, on the opposite side of Monyash Road, is a farmhouse known as Bank Top Farm
- 1.3. The site lies outside of the Bakewell Development Boundary (saved Local Plan policy LB1) and outside of the Bakewell Conservation Area.
- 1.4. A public right of way runs on a south west to north east alignment approximately 150m to the south of the site.

**2. Proposal**

- 2.1. Planning permission is sought for the erection of 30 affordable dwellings to meet local need.
- 2.2. The submitted details show that the development would be made up of 19 x 2 bed dwellings; 5 x 3 bed dwellings; 4 x 1 bed flats and 2 x bungalows. The dwellings would all be either semi-detached or in terraces of three or four properties.
- 2.3. Access to the site would be from Shutts Lane, where the existing vehicular access would be widened and modified. A new estate road would run along the south western boundary of the site, leading to a turning head in the south eastern corner. The dwellinghouses would be sited to the north west of the access road, off a series of two new cul-de-sac roads which would lie perpendicular to the new estate road. Other dwellings would be arranged around the turning head.
- 2.4. Fifty six parking spaces are proposed in total with 2 spaces per house and approximately 1 per flat or bungalow. A new pedestrian access to Monyash Road would be created on the north eastern side of the site.
- 2.5. The existing trees and hedgerows that are growing along the boundaries with Monyash Road would be largely retained and additional soft landscaping is proposed.
- 2.6. The dwellings would be constructed in a mixture of natural limestone and natural gritstone with natural blue slate roofs. Boundary treatments fronting the highways and public footpath would be a mixture of drystone walling and native hedgerows. To the rear, the more enclosed gardens would be bounded by post and rail and close boarded fences.

### **3. RECOMMENDATION**

**That the application be APPROVED**

**subject to a section 106 agreement to secure a financial contribution of £49,536.90 towards the provision of one rugby pitch on Shutts Lane (as approved under application ref NP/DDD/0617/0600) and to restrict occupancy to those with a local need and the following conditions:**

- 1. 2 year time limit**
- 2. Adopt amended plans**
- 3. Submit and agree Written Scheme of Investigation for programme of archaeological work. Thereafter development to take place only in accordance with agreed scheme. Site investigation and post investigation assessment to be completed and archive deposited before any of the dwellings first occupied.**
- 4. Updated badger survey and report to be submitted to the Authority detailing the findings of the survey together with detailed recommended mitigation and compensation measures as appropriate. Once agreed the mitigation and compensatory measures to be completed in full.**
- 5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 6. Construction management plan/method statement to be submitted and agreed.**
- 7. No development shall take place until an adequate temporary access for construction purposes has been provided to Shutts Lane in accordance with a scheme to be submitted and agreed.**
- 8. The dwellings the subject of the application shall not be occupied until a permanent estate street junction has been formed to Shutts Lane, located, laid out, constructed and provided with 2.4m by 47m visibility splays in either direction, all in accordance with the approved drawings, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other subdivision of the site.**
- 9. Within 28 days, (or other such period of time as may be agreed with the National Park Authority) of the permanent access being constructed all other means of access to Shutts Lane (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerb and appropriate footway/verge construction in accordance with a scheme first submitted and approved in writing by the Authority.**
- 10. No development shall take place until construction details of the residential estate road and footways (including layout, levels, gradients. Surfacing and means of surface water drainage) have been submitted to and agreed in writing by the Authority.**
- 11. The carriageways and footways shall be constructed in accordance with the details approved under condition 10 above, up to and including the binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the**



existing public highway. Until the final surfacing is completed the footway binder course shall be provided in a manner to avoid any upstanding gullies, verges and other such obstruction within or abutting the footway. The carriageways and footways in front of each dwelling shall be completed with final surface course within 12 months (or 3 months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Authority.

12. The dwellings, the subject of this application shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing by the Authority.
13. The dwelling the subject of the application shall not be occupied until space has been provided within the site curtilage for parking (including cycle parking).
14. All private and shared driveways and parking spaces within the site shall not be taken into use until provided with 2.4m x 25m visibility splays, the area in advance maintained free from any obstruction exceeding 1m (600mm if vegetation) relative to the adjacent carriageway channel level and 2m x 2m x 45 degrees pedestrian inter-visibility splays on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
15. No gate, including any part of their opening arc shall be permitted to open out over the public highway limits.
16. Works shall not commence until a scheme for the disposal of highway surface water has been submitted to and approved in writing by the Authority. The scheme shall thereafter be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.
17. Vehicle accesses shall be no steeper than 1 in 20 for the first 5 metres from the nearside highway boundary.
18. Remove permitted development rights for alterations, extensions, outbuildings, gates, fences, walls and solar panels.
19. Hard and soft landscaping scheme (including details of drystone walls) to be submitted and agreed in writing.
20. No work on site shall take place on Sundays or Bank Holidays or before 8am nor after 6pm on weekdays and before 9am nor after 1pm on Saturdays unless otherwise agreed in writing.
21. Sample panel of stonework including quoins and heads and cills to windows to be agreed.
22. Sample of render and blue roof slates to be submitted and agreed in writing.
23. Details of design and finish of windows and doors to be submitted and agreed in writing.
24. Before work commences on the external sheds, details of their design and materials shall be submitted to and agreed in writing by the Authority. Thereafter the sheds shall be constructed in accordance with the agreed details before the dwellings are first occupied.
25. Before any work commences on external lighting, lighting scheme to be submitted

**to and agreed in writing by the National Park Authority.**

**26. No trees or hedgerows to be removed other than those referred to on the approved plans. Trees to be retained to be protected in accordance with BS5837.**

**27. Environmental Management plan to be fully implemented.**

**28. Minor Design Details.**

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

1. Whether the principle of major development is acceptable.
2. Assessment of Housing Need.
3. Site Selection.
4. Whether the dwellings will remain affordable in perpetuity.
5. Impact of presence of Churt Mine and other archaeological issues.
6. Impact on sports facilities.
7. Landscape impact, layout and design.
8. Ecological considerations.
9. Impact on Trees.
10. Access and parking.
11. Impact on residential amenity.
12. Environmental Management

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

- 5.1. July 2014 – initial pre-application enquiry made with regard to affordable housing at Lady Manners School. Negotiations have been ongoing since that date.
- 5.2. June 2016 – planning permission granted for artificial turf pitch and associated features.
- 5.3. June 2017 – Prior approval granted for demolition of vacant prefab classroom block and other building (NP/GDO/0617/0604)
- 5.4. June 2017 – planning permission granted for construction of school grounds maintenance building (NP/DDD/0617/0608).
- 5.5. September 2017 – planning permission granted for 2 no. rugby pitches and erection of storage and welfare building on land to south of Shutts Lane.(NP/DDD/0917/0934).

#### **6. Consultations**

- 6.1. **Highway Authority** – no objections subject to conditions.
- 6.2. **District Council** - The District Council fully supports this proposal and has committed a quarter of a million pounds of capital grant funding to this scheme. This is the most

important affordable housing scheme in our 2017/18 to 2022/23 development programme. The proposed scheme will deliver 30 much needed affordable homes within a market town in the Peak District National Park Authority, where house prices are far beyond the means of local people. This proposal is the culmination of close partnership working between Lady Manners School, Westleigh Partnerships Limited, Pelham Architects, Bakewell Town Council, Peak District National Park Authority (PDNPA) planners and the District Council's Rural Housing Enabler.

This proposal represents a rare opportunity to deliver a significant number of affordable homes in Bakewell for local people, working in partnership with Lady Manners School. The school will reinvest the proceeds from the sale of the land into improving the school's sport facilities. A truly win – win opportunity. This is the only developable site, with a willing landowner, that has come forward from the site appraisal work which began in 2009. This proposal for 30 homes for local people has grant funding from the Homes and Communities Agency and from Derbyshire Dales District Council. Westleigh Partnerships has liaised closely with the District Council on the mix and type of homes proposed, which will help to meet the local housing need identified in the recent Housing Need Survey.

- 6.3. **Bakewell Town Council** - Whilst it is disappointing there has been a reduction from 36 to 30 houses, the reasons behind this are understood. The Town Council is fully supportive of the development and welcomes the 30 houses it will bring to Bakewell.
- 6.4. **Sport England** –There is loss of usable playing field land at the site of approximately a quarter of a hectare and in practical terms the loss of the northern half of Rugby Pitch 2. Aerial images show both winter and summer pitch layouts and the extent of usable area that would be lost as a result of the development. Given the ground levels at the site, the residual area represented by the southern half of the rugby pitch would no longer have the capacity to accommodate rugby, though would still seem to be usable for some summer sports such as rounders.

None of the on-site mitigation options that have been presented are judged to offset the loss of playing field at the site and so there remains a need to deliver alternative mitigation off-site. Where there is a quantitative loss of playing field and significant impact on the ability to accommodate pitch sports (in this case half of Rugby Pitch 2 is lost in terms of area and in use terms the whole of the pitch is lost), then there is a need to deliver replacement provision unless there is a surplus of provision in the area which is not the position in this instance. The precise format of replacement provision is something that will vary according to the site specific circumstances in each case.

In the current situation, there is a potential opportunity to provide a financial contribution towards the delivery of part of an area of new playing field land to the west of Shutts Lane, where planning permission is in place (NP/DDD/0617/0600) for the creation of two new adult rugby pitches and a welfare building/store. Such an approach would have the potential to align with Sport England Policy Exception E4 and the National Planning Policy Framework Paragraph 74 by helping to secure the delivery of new rugby pitch provision that would offset the loss of the playing field at the school site and that, as part of a wider scheme, would accord with identified need for this form of facility in the area as set out in the adopted Derbyshire Dales Playing Pitch Strategy 2017. By delivering mitigation in this way, there would be an opportunity to provide a financial contribution equating to a proportion of one of the new pitches as opposed to relying on a self-contained solution where a full pitch would need to be provided, and such a contribution would also avoid any need to identify land or fund land acquisition. The Rugby Football Union (RFU) has obtained the attached costings for the pitch works which amount to £198,157.60 in total.

It is understood that the Bakewell Mannerians have some funds available to help support implementation of the project but that these fall well short of the total costs, which also do not include construction of the welfare building. As it currently stands, there would need to be

supplementary funding secured from other sources such as the RFU to deliver just one of the pitches, and that given the level of the funding gap, it may not be possible to complete all elements of the project initially. Therefore, a financial contribution from the housing scheme would represent a tangible input towards its overall delivery and enable new pitch provision to be secured in a timely manner to compensate for loss at the School.

Taking into account that delivery of mitigation through this route would enable pitch provision as part of a wider project with no associated land costs, and that a whole rugby pitch (albeit not a full sized adult pitch) is effectively lost at the school site even though in area terms the amount of usable playing field loss is only a quarter of a hectare, then half of the cost of constructing one of the new rugby pitches is judged to be a reasonable and proportionate basis for calculating an off-site contribution.

Based on the site specific costings, the amount for 50% of one pitch would be **£49, 536.90**. If the applicants agree formally with the Local Planning Authority to make a planning contribution, as set out above, and the Local Planning Authority ensures that a suitable S106 agreement is completed and signed requiring the contribution to be used to fund pitch provision in line with the development approved under NP/DDD/0617/0600, with the sum to be held and administered by Derbyshire Dales District Council for this purpose, then it is considered that the application would accord with Policy Exception 4 of Sport England's Playing Fields Policy and NPPF Paragraph 74 and therefore Sport England would be willing to withdraw its previous objection to the application.

- 6.5. **Severn Trent Water** - no objections subject to condition requiring the submission and agreement of drainage plans for the disposal of surface water and foul sewage.
- 6.6. **Derbyshire County Council Emergency Planning** – no comments.
- 6.7. **Lead Flood Authority** – no objections subject to conditions to submit and agree details of surface water drainage.
- 6.8. **Natural England** – no objections with regard to impacts on nature conservation sites. Refers to standing advice with regard to protected species.
- 6.9. **Authority's ecologist** – recommends a condition requiring an updated badger survey to be submitted and agreed including mitigation and compensation measures as appropriate. Also recommends a condition that trees and shrub removal to take place outside the bird breeding season (March to August); soft planting to include native species; and external lighting details to be agreed.
- 6.10. **Authority's Tree Conservation Officer** – the trees worthy of protection from a landscape an arboreal perspective are to be retained. Retained trees should be protected in line with BS5837.
- 6.11. **Authority's Senior Archaeologist** – welcomes the changes to the development to ensure that the remains of the mine are not directly affected and the maintenance of a no-build exclusion zone beyond the known edge of the mine. However the site is in close proximity to surviving earthwork remains of the town's medieval field system and has high potential for remains relating to medieval and post medieval agricultural activity. Groundworks associated with the development including foundation trenches, new access routes, landscaping, new drainage, services etc. will most likely result in the truncation, damage, disturbance or complete destruction of any surviving archaeological remains the survive at this site relating to medieval and post-medieval agricultural activity. This would result in harm or the complete loss of their significance. However, as detailed above, at this stage the presence of surviving archaeological remain on the site remains unknown, as is their nature, extent and condition. This makes fully understanding both the significance of the remains and the impact of the proposed development difficult. Recommends a condition

requiring the submission and agreement of a scheme of archaeological works.

## **7. Representations**

7.1. Seven letters of objection have been received and three letters making general comments. The points raised are as follows (in summary).

- The development will not provide a safe pedestrian access in Bakewell. The access will emerge at a point where the speed limit on Monyash Rd is 60mph.
- The houses are not needed – there are enough houses in Bakewell – previous affordable houses in the town have gone to people who are not local.
- Consideration should be given to moving the 30mph zone westwards to the junction with Shutts Lane; and traffic calming measures on Monyash Rd.
- Concerns about safety of proposed access and increase in congestion along Shutts Lane which is already congested with school traffic.
- Local facilities (doctors, school etc.) are already overstretched.
- Development boundary is close to Conservation Area boundary - the dense layout and loss of mature trees is contrary to advice in Conservation Area Appraisal.
- Planning permission granted already for new maintenance building for the school. If this had been built on the brownfield land then there would be less land available for the housing development.
- Concerns about precedent for loss of the rest of the school playing field.

Peak District Mines Historical Society originally objected to the original proposals for 36 houses on the grounds that the ground investigation survey had not attempted to establish the exact extent of depth of the adjacent Pretoria chert mine and the suggested pressure grouting would result in the destruction of the workings. No objections to amended scheme.

## **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. Para 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. Para 54 of the NPPF states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable house, including through rural exception sites where appropriate. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

### 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 DS1 provides scope for new build development for affordable housing in or on the edge of named settlements.
- 8.8. Core Strategy policy HC1(c) states that provision will not be made for housing solely to meet open market demand. Exceptionally, new housing can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
- 8.9. Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.
- 8.10. Policy L2 states the development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where is likely to have an adverse impact

on any site, features or species of biodiversity importance or their setting.

- 8.11. 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.
- 8.12. HC4 states that the redevelopment of a community recreation site or sports facility for other uses will not be permitted until a satisfactory replacement site or facility has been provided, or it can be demonstrated that the facility is no longer required.
- 8.13. Core Strategy policy CC1 states that development must make the most efficient use of land, buildings and natural resources and take account of the energy hierarchy.
- 8.14. Saved Local Plan policy LC4 considers design, layout and landscaping and points out that particular attention will be paid to scale, form, mass and orientation in relation to existing buildings.
- 8.15. LH1 makes provision for local needs affordable housing and LH2 set out the qualifying criteria.
- 8.16. LT11 & LT18 require adequate means of access and parking facilities in new development.
- 8.17. LC17, LC18 & LC19, jointly seek to ensure that no harm is caused to protected species as a result of development being carried out, and that where appropriate safeguarding measures are exercised. LC20 states, that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered.
- 8.18. LB1 states that the future development of Bakewell will be contained within the Development Boundary.
- 8.19. LC25 says that development on land believed to be unstable or likely to become unstable as a result of development will be permitted provided an accredited stability assessment shows that the land is stable and will remain so; can be made permanently stable without harm to the area and that its development will not affect its stability or safety of neighbouring areas.
- 8.20. Further advice is given in the Authority's Adopted Supplementary Planning Document (SPD) on Meeting the Local Need for Affordable Housing.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, HC1, HC4, T1.

Relevant Local Plan (LP) policies: LC4, LC25, LH1, LH2, LC17, LC18, LC19, LC20, LB1, LT11, LT18.

## **9. Assessment**

### **9.1. Background**

- 9.2. As originally submitted the scheme was for the erection of 36 dwellings but the number has been reduced due to the proximity of the churt mine (discussed further below ). The original plans also showed the introduction of a new grassed sports field to the south west of the main school buildings. This has also been omitted following objections and further discussions with Sport England.

- 9.3. A prior notification for the demolition of the existing storage buildings has been granted and a separate planning application approved in 2017 for the erection of a replacement grounds maintenance building to serve the ongoing needs of the school in these respects.
- 9.4. Issue 1 – Whether the Principle of Major Development is acceptable.
- 9.5. In terms of the Town and Country Planning (Development Management Procedure) Order 2010 the current proposals represent ‘major development’ as they would create 10 or more dwellinghouses. In planning policy – both national and local – the term major development is also referenced. Specifically paragraph 116 of the NPPF and Core Strategy policy GSP1 seek to resist major development in National Parks in all but exceptional circumstances.
- 9.6. The NPPF states that such major applications should be judged against the following criteria:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
  - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated
- 9.7. It is clear that in terms of the second criteria, there is not scope for developing the affordable housing elsewhere outside the National Park. The housing is intended to meet an identified local need for affordable housing in Bakewell and it would not therefore be appropriate to redirect the scheme to a location that would not meet the requirements of people in the town. Policy DS1 advises that the majority of new development including 80-90% of new homes should be directed into Bakewell and named settlements.
- 9.8. With regard to the first and third criteria (need for the development and any detrimental effects), these will be assessed in the forthcoming sections of the report.

#### Issue 2 – Assessment of Housing Need

- 9.9. Core Strategy policy HC1 and saved Local Plan policies LH1 and LH2 are the starting point for the consideration of this application. These state that exceptionally new housing in the National Park can be accepted where it addresses eligible local needs. The Adopted SPD states that a community’s need for affordable housing can be established through a parish needs survey that demonstrates the number of people with needs for particular types of housing.
- 9.10. A copy of a parish survey of housing need in Bakewell carried out by Derbyshire Dales District Council in 2015 accompanies the application. The survey identified 132 households in needs of affordable housing in Bakewell. Of those 98 (74%) had a local connection to the parish of 10 years or more and 21 (16%) had 5-9 years. It states that the current affordable housing stock in Bakewell has a low turnover and is not meeting local demand. The predominant need is for affordable rented housing provided by a housing association, for single people, couples and smaller households and so provision should focus on 2 bed 4 person houses. 2 bedroomed bungalows are required to meet the need for accessible dwellings and there is also an identified need for some 3 bed houses and flats for younger single people.
- 9.11. Based on the presumption that around one third of those who express a need usually follow through to occupy any housing provision then the proposals for 30 dwellings would go a significant way to meeting the identified need.



- 9.12. Of the 30 dwellings, 26 would be rented and 4 would be shared ownership. The site would be managed by Waterloo Housing Group (formerly Dales Housing). The proposed mix of house type closely matches the identified need with the majority (19) being 2 bed 4 people dwellings and a smaller number of 3 bed properties (5 no.), bungalows (2 no.) and flats (4 no.)
- 9.13. The District Council is fully supportive of the proposals and has committed a quarter of a million pounds of capital grant funding to the scheme.
- 9.14. Officers are satisfied that the proposals would make a substantial contribution towards meeting the identified local need for affordable housing in Bakewell in accordance with HC1, LH1 and LH2.

#### Issue 3 - Site Selection

- 9.15. In order to promote sustainable development the Adopted SPD on Meeting the Need for Affordable Housing states that before an application on a greenfield site for 3 or more dwellings is considered, the applicant will be expected to demonstrate that a search of brownfield site has taken place and in the event of no such site being available, a search for the best greenfield site should be undertaken (suitable sites within the settlement should be given preference). Whilst around two thirds of the application site is brownfield land, the north eastern third is open playing field and therefore greenfield land.
- 9.16. The suitability of the site and whether there are more appropriate sites further into the town is particularly relevant in this case because the application site lies outside of the Bakewell Development Boundary, inside which policy LB1 seeks to direct development.
- 9.17. A search of potential sites was undertaken in 2009 involving the District Council Housing Enabler, Bakewell Town Council and planning officers. A total of 8 potential sites were identified (including the application site) and conclusions reached as follows:
- 1 - Land to the south of Aldern House – unsuitable due to impact on the setting of the grade II listed building.
  - 2 - Land at northern end of Castle Drive – limited in size and issues of access and residential amenity.
  - 3 – Land of Station Road – gradients very steep – not suitable.
  - 4 – Lady Manners playing field – the application site. Adequate space. School willing to pursue proposals.
  - 5 – Land off Yeld Close – appropriate site for development. Landowner approached but unwilling.
  - 6 - Land at Holywell, off Haddon Road. Possible redevelopment of Dales Housing scheme – insufficient land to meet identified need.
  - 7 – Land at Riverside/Lumford Mill. Previous applications for mainly open market housing refused. Permissions now in place for new hotel and redevelopment of industrial units.
  - 8 – Haddon House Farm – issues with flood risk and access and therefore considered that more suitable sites should be considered first.
- 9.18. The above adequately demonstrates that other brownfield and greenfield sites have been investigated. However opportunities to provide a development of a scale that meets the identified need are clearly limited. It could be nevertheless be argued that the piece of land

to the south of Yeld Close is sequentially preferable to the application site in that it is directly adjacent to the built edge of the town and does not raise any issues with regard to loss of playing field. However as explained above the landowner is unwilling at present to pursue development and the benefit of the proposed site is that it is mostly brownfield land.

- 9.19. The main issue with the application site is that it lies beyond the edge of Bakewell Development Boundary and is separated from the built edge of the town by the remaining playing field. However the Draft Bakewell Neighbourhood Plan identifies that there is *'little or no potential for development within the existing boundary'* and therefore recommends that extensions are made to the boundary to include the application site. The plan is still in the early stages of public consultation but nevertheless the policies therein can be given some, if only limited, weight at this stage.
- 9.20. At the pre-application stage consideration was given to development on the playing field to the north east of the site, directly adjacent to the built edge of the town at Highfields Drive. However the presence of the mine in that location was known and therefore the site was precluded from further consideration.
- 9.21. The pattern of development along Monyash Road into Bakewell is characterised by parcels of development with green gaps between them and within the Conservation Area the Conservation Area appraisal recognises these gaps and the value of views across them. Consequently the proposed development site, and the gap between it and the houses at Highfields Drive would not be out of keeping with this character.
- 9.22. In conclusion officers are satisfied that the application site is the most suitable site available for development of a scale that would meet the identified need and its development would bring the added benefit of redeveloping a disused and unsightly area of brownfield land.

Issue 4 – Whether the dwellings will remain affordable in perpetuity.

- 9.23. Saved Local Plan policy LH1 (iv) states that in meeting local need for affordable housing, the dwelling in question must be affordable by size and type to people of low or moderate incomes.
- 9.24. The Authority's Adopted Supplementary Planning Guidance on Meeting the Need for Affordable Housing states that dwellings with a floorspace of up to 87 sqm are likely to remain more affordable. More recently, the consultation version of the new Development Management policies sets a slightly higher maximum, based on the Government's 2015 nationally described space standards of 97 sqm for a five person dwelling.
- 9.25. The floor areas of the proposed dwellings are as follows:
- 2 bedroomed dwellings – 68 sqm
  - 3 bedroomed dwellings – 82 sqm
  - 2 bedroomed bungalows – 58 sqm
  - First floor flats – 54 sqm
  - Ground floor flats – 45.5 sqm
- 9.26. It is clear therefore that all of the properties would be well below the maximum floorspace standards and each property has only a modest residential curtilage associated with it. As such the size of the dwellings is likely to mean that they would remain more affordable to people on low to moderate incomes in perpetuity.

## Issue 5 – The Impact of the Presence of the Churt Mine and other Archaeological Issues

### Pretoria Mine

- 9.27. Below the ground to the north east of the application site, there lies the intact remains of Pretoria Mine, a former churt mine that was active from 1900 until the mid 1960s. Access to the mine is preserved via a shaft on the northern side of Monyash Road, close to Bank Top House. The mine covers an extensive area (around 140m x 220m) both to the north and south of Monyash Road but crucially it extends below the playing field adjacent to the site. The presence of the mine has implications for the current proposals both in terms of potential impacts on surface stability and also with regard to the impact of the proposals on the archaeology of the mine itself.
- 9.28. An initial Ground Investigation Report submitted with the application identified the presence of the mine but not its full extent or depth and suggested that if further investigation found the presence of the mine within influencing distance, then there may be a requirement for consolidation through drilling and pressure grouting (i.e. infilling the mine with concrete). The submitted desktop archaeological assessment fails to assess the impact of the proposals on the significance of the mine.
- 9.29. Coincidentally during the course of the application the results of a detailed survey of the mine by the Peak District Mines Historical Society (PDMHS) was published in the *Mining History* journal. The survey mapped the extent of the mine in detail and indicated that the north easternmost 6 plots of the original 36 houses proposed (plots 31-36) were directly above the mine.
- 9.30. PDMHS and the Authority's Archaeologist objected to the initial proposals for 36 houses. Their responses explained that Chert has been used since prehistoric times; initially used for stone tools and in the later 18<sup>th</sup> century it was quarried for runners and bedstones in mills and used to grind flint for use in pottery manufacture. By the mid-19<sup>th</sup> century chert was mined from underground workings. There are very few chert mines in the country, and Bakewell is the main location for chert mining in England. Three mines survive in Bakewell. Therefore despite its relatively recent date Pretoria Chert Mine is a heritage asset of national significance. It is of exceptional archaeological interest and rarity (its workings and passages are extensive and massive in scale, and it has a diverse range of surviving features) and is of significant historic interest – (it is one of only two known large chert mines in England, and important in relation to the pottery industry). It was considered that the proposed stabilisation works would cause permanent and irreversible harm to the significance of the chert mine.
- 9.31. Consequently, as a result of the survey results and the objections received a more detailed Geo-environmental Appraisal Report was produced during the course of the application. Rotary probing identified broken ground and voids at between 23-27m below surface and advised that this represented a potential risk to surface stability. The report recommended that the workings are either treated (but this would be not be feasible or economical given the significant extent of the recorded voids); or that the development is amended so that it is outside of the risk area.
- 9.32. As a result of these findings amended plans have been submitted showing the 6 plots above the mine omitted. Furthermore an additional 8m wide 'no build zone' has been included beyond the known edge of the mine in accordance with recommendations within the Geo-environmental report. As amended it has been adequately demonstrated by a suitably accredited stability assessment that the land is stable and will remain so in accordance with Saved Local Plan policy LC25. In addition as amended, the proposals would not impact upon the archaeological and historic interest of the mine in accordance with Core Strategy policy L3.

### 9.33. Other Archaeological Impacts

9.34. As well as the archaeological constraints presented by the presence of the mine the submitted Archaeological Assessment and Authority's archaeologist agree that the site is in close proximity to surviving earthwork remains of the town's medieval field system. This includes relict ridge and furrow and strip lynchets (readily identifiable on the ground and on aerial photography) that form part of the fossilised medieval field system of Bakewell identified from historic maps. As a result there is a high potential for the groundworks associated with the proposed development, including foundation trenches, new access routes, landscaping, new drainage, services etc. to result in the truncation, damage, disturbance or destruction of any surviving archaeological remains that survive at the site, relating to medieval and post-medieval agricultural activity.

9.35. As a result a condition is considered to be reasonable and necessary to require a scheme of archaeological works. This will ensure that the nature and significance of archaeological remains, will be sufficiently characterised, and following on from this an appropriate scheme for the investigation and recording of archaeological remains will be developed and implemented to ensure that surviving archaeological remains are preserved by record. Subject to this condition it is considered that the proposals would conserve the significance of archaeological assets in accordance with policy L2.

### 9.36. Issue 6 – Impact on Sports Facilities

9.37. Core Strategy policy HC4 states that the redevelopment of a community recreation sites or sports facility for other uses will not be permitted until a satisfactory replacement site or facility has been provided, or it can be demonstrated that the facility is no longer required. Additionally, Sport England, the statutory consultee for development which affects sports facilities, have an adopted policy to oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or part of a playing field, unless specific exceptions apply.

9.38. The playing fields at Lady Manners School extend to approximately 9 hectares in area. They are/have been laid out with a variety of pitches including 3 football pitches, 4 rugby pitches, a surfaced 'Redgra' hockey court and a further tennis/netball court area. The playing fields are used by students at the school and also by community groups including the Bakewell Mannerians Rugby Football Club who have used the rugby pitches regularly in recent years due to issues with flooding at their pitches on the Bakewell Show Ground.

9.39. The area of the playing field that would be affected by the development (as amended) is not marked out as a pitch at present, but it is understood that historically it has been laid out as a fourth rugby pitch (and also as a rounders pitch during the summer). The application site as amended would encroach onto the north western corner of the rugby pitch and would remove, in total, approximately 0.23 hectares of the total area of the playing field.

9.40. At the officers site visit it was evident that the area of the playing field in question is steeply undulating in parts and because of this, and poor drainage, the school have stated that it is rarely used. Notwithstanding this Sport England consider that the area forms an integral part of the overall usable playing field and the main residual playing field, post development, would represent a net reduction in quantitative capacity and would have a much reduced flexibility in terms of its ability to accommodate a range of pitch layouts. In addition Sport England considered that due to its constrained size the area of new 'replacement' playing field to be created to the west of the existing school buildings would only be able to accommodate a Football Association (FA) compliant football pitch suitable for players up to under 9/10 years of age (and that this would not reflect identified need). The replacement playing field would therefore not represent equivalent replacement provision in the context of their Policy Exception E4.

- 9.41. Material to the consideration of this issue is the Playing Pitch Strategy and Action Plan that was produced for Derbyshire Dales District Council in 2017. Whilst the overall summary for rugby union provision for the area in which the National Park falls states that current demand is being met, the report does identify that the facilities for rugby at Lady Manners School are at capacity and that there is a longer term requirement for new pitches for the Mannerians with appropriate security of tenure.
- 9.42. As a result of Sport England's initial objection and on their suggestion, the school commissioned an agronomist (sports turf specialist) report to consider whether improvements could be made to the existing retained playing field to provide enhancements to carrying capacity that might compensate for the loss. In summary the only option that would meet Rugby Football Union guidelines on pitch dimensions required the relocation of a football pitch and bitmac courts. The estimated cost of this was between £136,600 and £147,000 and was therefore dismissed by the school as unaffordable.
- 9.43. Consequently Sport England suggested that another opportunity for compensation for the loss of the rugby pitch would be through a financial contribution toward the delivery of alternative provision off-site. In September 2017 planning permission was granted for the creation of 2 no. rugby pitches and erection of a storage and welfare building on land to south of Shutts Lane.(NP/DDD/0917/0934). The application was made by the Mannerians RFU on land on which it has secured a long term tenancy from Haddon Estates.
- 9.44. The Rugby Football Union (RFU) has obtained costings for the pitch construction which amount to £198,157.60 in total. Sport England are satisfied that these costings are reasonable and considers that half of the cost of one of the new rugby pitches would be a reasonable and proportional basis for calculating an off-site contribution. This would amount to £49,538.90, secured through a section 106 agreement.
- 9.45. The developer has agreed to this contribution, however the NPPF makes it clear that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 9.46. All options for providing on-site mitigation have been explored and none have been judged to off-set the loss of the playing field at the site. The contribution is therefore necessary to make the development acceptable. The proposed sum would provide a reasonable contribution to secure the delivery of a replacement rugby pitch for that which is lost and consequently is directly related to the development. On balance the calculations used by Sport England are considered to be fair and reasonable and so the third and final test is met. Obviously the cost of the contribution can be offset either wholly or partly by the omission of the provision of the new playing field originally proposed to the south of the school.
- 9.47. In conclusion subject to a section 106 agreement as described above the proposals would provide for a satisfactory replacement playing field in accordance with Core Strategy policy HC4.
- 9.48. Finally, for information, it is understood that the income from the land sale received by the school will be spent either wholly or partly on the upgrading of an existing all weather 'Redgra' hockey pitch to and Artificial Turf Pitch, for which planning permission was granted in 2016 and this permission is extant.
- 9.49. Issue 7 – Landscape Impact, Layout and Design

- 9.50. The proposed dwellings would be mainly two, and occasionally one storeys in height. The application site benefits from an existing belt of mature planting along the majority of its northern boundary with Monyash Road. Furthermore a mature native hedgerow is present along the boundary with Shutts Land and along the boundary of the remaining playing field on Shutts Lane. All of these trees and hedgerows would be retained, the trees forming a separate landscaping zone outside of the curtilages of the dwellings. As such the proposed dwellings would be well screened from the majority of public vantage points. The most prominent part of the scheme would be the dwellings and proposed parking court on the north eastern boundary of the site, which would be visible from Monyash Road. Consideration was given to a drystone wall to define the northern boundary of the site but it was considered that parked vehicles may still be seen above it. Instead a native hedgerow is proposed along with a number of individual trees which in time will help to soften the edge of the estate.
- 9.51. The proposed dwellings would be arranged loosely around a number of cul-de-sacs and it is considered that the informal arrangement of short terraces and semi-detached properties would bring a pleasant character to the development. Following negotiations the use of natural drystone walls to define front gardens has been introduced to anchor the development into the landscape, with the continued use of hedgerows on the outer boundary in keeping with boundary treatments in the area.
- 9.52. With regard to massing, the proposed gable widths are fairly wide at around 7.5m but the eaves heights of the two storey dwellings are traditional at around 5m. Some of the wide gable ends are broken up by lower single storey projecting elements with narrower gables, in particular the more prominent elevations facing towards Monyash Road at the northern end. On balance given the need to accommodate a fairly high density of units on the site, the wider than average gables are acceptable in this case.
- 9.53. Materials would be a mixture of natural limestone and gritstone with blue slate roofs. The applicant sought to secure agreement on stone samples at the pre-application stage. The proposed sample of limestone, although natural, was not considered to be in keeping with the local area. The proposals would represent a significant new housing development at the entrance to the town and consequently the use of high quality materials is considered to be important in the interests of the character of the area. It has therefore been agreed that a commuted sum of £50,000 that was secured by the Authority from a scheme at Deepdale in Bakewell specifically for the provision of affordable housing in the town, will be made available to Derbyshire Dales District Council to secure the use of high quality, local stone on this scheme.
- 9.54. Overall fenestration and other design details are traditional in character and following some minor amendments would contribute positively to the character of the area.
- 9.55. In conclusion, as amended the scheme would conserve the established landscape character of the area in accordance with policies GSP3 and L1, and LC4.
- 9.56. Issue 8 – Ecological Considerations
- 9.57. A phase 1 habitat survey and phase 2 protected species surveys in relation to badgers and bats were submitted with the application. A single holed badger sett was found within the application site, believed to be used on an occasional basis. The Authority's ecologist has recommended that as the survey was carried out 18 months ago and the development may not commence for some time, and given that badger activity can change, a condition is appended to require an updated badger survey together with detailed recommended mitigation and compensation measures as appropriate. A site for a replacement sett has been identified in the submitted ecological reports. As such, whilst it is considered that the submitted information is sufficient to understand the likely impacts of the development on

protected species (in line with the requirements of the Habitats Directive) further survey work is required in order to formulate appropriate mitigation.

9.58. The majority of trees on the site were judged to be in good condition and therefore roosting opportunities for bats is limited. The impact of the demolition of the existing storage buildings on bats has already been assessed as part of the application for their demolition. Conditions to submit and agree external lighting in order to prevent illumination of habitats and to require native species within the new planting are considered to be necessary and reasonable.

9.59. Subject to these suggested conditions it is considered that the proposals would conserve the ecological interests of the site in accordance with policies L2 and LC17.

9.60. Issue 9 – Impact on Trees

9.61. An arboricultural survey and impact assessment has been submitted with the application. No tree preservation orders are in place either on or adjacent to the site. The report confirms that the perimeter groups of trees along the roadsides and a large mature ash tree on the south eastern boundary of the site would be retained. During the course of the application the crown spread of this important tree has been more accurately plotted on the plans, and which now confirms that there would be no built development below its canopy.

9.62. Eight trees within the development site would be lost, mainly semi-mature cherry, willow and poplar. These trees are assessed as having moderate value and their removal would not have a significant impact on the visual amenity of the area. Replacement trees within the landscape scheme for the new development would replace the amenity value of the trees in the long term. The Authority's Tree Conservation Officer concurred with the findings of the report subject to a condition to require retained trees to be protected during construction.

9.63. Subject to this condition the proposals would accord with policies L2 and LC20 in these respects.

9.64. Issue 10 – Highways and Parking

9.65. The Highway Authority had confirmed that the scale of the development does not necessitate a Transport Statement. Nonetheless a Transport Statement has been carried out and submitted and it demonstrates that the proposals would not have an adverse impact on the highway network. The development is also significantly below the threshold for a Travel Plan although one has been submitted and suggests measures to promote and encourage sustainable travel.

9.66. The proposed access onto Shutts Lane would provide adequate visibility splays. Whilst the concerns of some local residents about parked cars on this road at busy times, this is an issue that is prevalent in many settlements in the National Park and it is not considered that overall this would result in an access that is unsafe otherwise dangerous to highway users.

9.67. The application site is within walking distance of Bakewell town centre via the B5055 Monyash Road. Some objectors have noted that there is not a continuous footway along the eastern side of Monyash Road and that two crossings of the road are required to reach to town centre. Officers acknowledge this issue but note that as part of proposals for the erection of a dwelling on the former Pinfold site (currently under construction) a section 106 agreement requires the construction of new pedestrian footway along the site frontage before the dwelling is first occupied. Once completed this will reduce the need to cross the road. On balance it is considered that the proposals provide a safe and suitable means of pedestrian access.

- 9.68. Adequate off street parking provision is proposed in the form of two spaces per dwelling and one per flat or bungalow.
- 9.69. Objectors have raised the issue of the speed limit on Monyash Road and whether the 30mph zone should be extended to the junction of Monyash Road and Shutts Lane for highway safety reasons. This is a matter for Derbyshire County Council as the Highway Authority and is not a material consideration in the determination of this application.
- 9.70. The conditions recommended by the Highway Authority are considered to be necessary and reasonable and subject to these conditions the proposals accord with policies T1, LT11 and LT18.
- 9.71. Issue 11 – Impact on Residential Amenity
- 9.72. The nearest residential properties to the application site are Bank Top Farm on the opposite side of Monyash Rd, a group of properties at ‘The Kennels’ on the south western side of Shutts Lane and the estate of affordable local needs dwellings at Highfields Drive to the north east. Because of the intervening distances (45m, 100m and 105m respectively) it is not considered likely that there would any detrimental impact upon residential amenity as a result of overlooking, or noise for example.
- 9.73. As with any new development there is the potential for some noise and disturbance during the construction phase but this can be mitigated by means of the construction management plan.
- 9.74. In conclusion the proposals would no cause unacceptable harm to residential amenity in accordance with policies GSP3 and LC4.
- 9.75. Issue 12 – Environmental Management
- 9.76. Core Strategy Policy CC1 states that development must make the most efficient use of land, buildings and natural resources and take account of the energy hierarchy. In this case the proposals do not propose the use of any renewable energy generating features such as solar panels or ground source heat pumps, but instead relies upon energy conservation. It is considered that the scheme would represent a sustainable use of land in that it proposes the re-use of brownfield land and has been identified sequentially to be the most appropriate site to meet the identified local housing need. The proposals will of course also be required to meet current building regulations with regard to issues such as the conservation of fuel and power and water efficiency. At the time of writing the applicant is preparing an Environmental Management Plan which will be available for the Committee Meeting. Provided the findings and recommendations of the report are acceptable then a condition to require it to be adhered to is considered to be reasonable and necessary.

## **10. Conclusion**

It is considered that exceptional circumstances exist to warrant the approval of this major development in the National Park. In terms of the three criteria set out in the NPPF:

- 1) It has been demonstrated that development would meet an identified need for affordable housing in Bakewell and that refusing planning permission would have a detrimental impact on the local economy by restricting the supply of this much needed housing;
- 2) The housing cannot be located elsewhere outside of the National Park because it is intended to meet a local need in Bakewell; and
- 3) It has been demonstrated that subject to conditions the proposals would not be detrimental to



the landscape or environment.

The application site is partly brownfield and would result in the redevelopment of unusable and unsightly prefabricated buildings that have no prospect of re-use, and subject to a section 106 agreement to secure a financial contribution towards the off-site playing field there would be no detrimental impact upon recreation opportunities. Consequently the three tests for major development are met and the proposals accord with Core Strategy policy GSP1 and para 116 of the NPPF, along with other Development Plan policies listed above.

All other material considerations have been adequately addressed and the application is therefore recommended for conditional approval.

**11. Human Rights**

11.1. All Human Rights issues have been taken into consideration in the preparation of this report

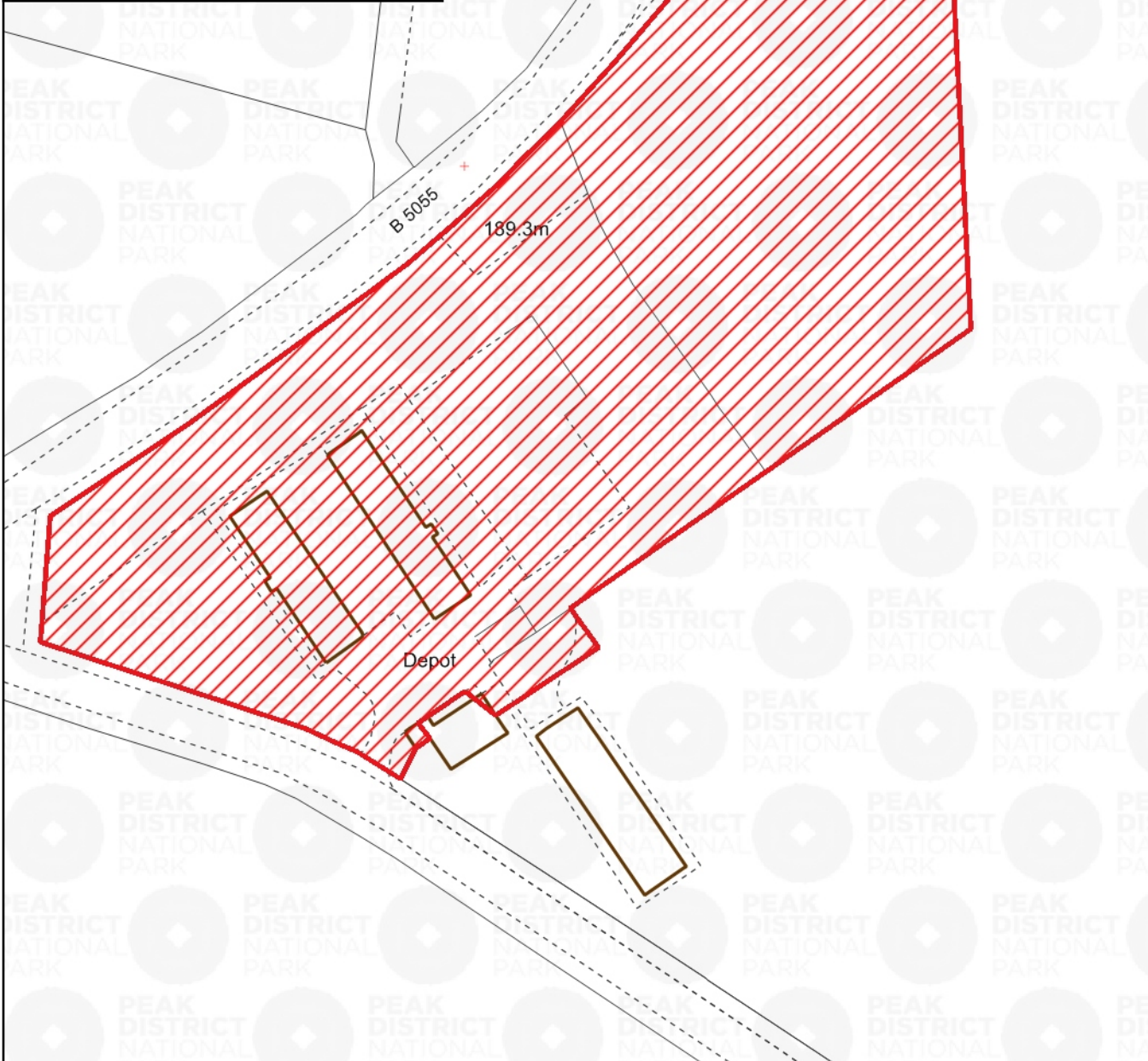
**12. List of Background Papers (not previously published)**

None

**Report Author, Job Title**

Andrea Needham, Senior Planner.

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Committee Date: 13th April 2018  
 Item Number: Item 6  
 Application No: NP/DDD/0617/0600  
 Grid Reference: 421083, 367742

**Title:** Lady Manners School,  
 Bakewell



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**7. OUTLINE APPLICATION – PROPOSED FOUR AFFORDABLE/LOCAL NEED FLATS AND EIGHT OPEN MARKET FLATS. PLOT 3 AND 11A, DEEPDALE BUSINESS PARK, BAKEWELL (NP/DDD/0118/0078 420932 / 368985 P11903 MN 31/01/2018)**

**APPLICANT: MR D CLAPHAM**

**1. Site and Surroundings**

- 1.1. Deepdale Business Park lies approximately 1km to the northwest of Bakewell's town centre and is accessed from the A6 Ashford Road. The site is designated for employment uses (B1 and B2) by saved policy LB6 in the Local Plan, and to the rear of the site there are a range of units occupied by various tenants. At the front of the site, there are three units, which overlook the A6.
- 1.2. Media House and Endcliffe House have a curved plan form and are built primarily from natural stone and have pitched roofs clad with blue slates. These building have now been converted to residential apartments under permitted development rights for conversion of B1(a) offices to C3 dwellings. These two units are now part of Endcliffe Court, which has been subdivided from the remainder of Deepdale Business Park.
- 1.3. Planning permission was granted at appeal for a further block of six residential apartments on Endcliffe Court, which are constructed and available on the open market to meet general demand.
- 1.4. The site is outside of the Bakewell conservation area.

**2. Proposal**

- 2.1. The current application seeks outline permission to construct two further blocks of flats on land behind those on Endcliffe Court, within Deepdale Business Park These would comprise four one-bed affordable flats and eight open market flats.
- 2.2. All matters have been reserved, which means that the precise details of the appearance of the building, means of access from the A6, landscaping, layout and scale, are reserved for further approval at "reserved matters" stage. Consequently only the principle of the proposed residential development is under consideration at this time.

**3. RECOMMENDATION**

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

1. **Core Strategy policy E1D requires safeguarding of the existing land and buildings for business use where they are in high quality suitable locations such as Deepdale Business Park. As the location is considered to be appropriate for business use, the proposal is contrary to policy E1D.**
2. **Policy HC1 does not permit new open market housing other than as an enhancement to a previously developed site. As this proposal offers no enhancement it is contrary to policy HC1. Furthermore, it is considered that the development would not deliver a significant amount of affordable housing to justify new open market housing and is therefore also contrary to the National Planning Policy Framework and the guidance provided within English National Parks and Broads: UK Government Vision and Circular 2010.**

**4. Key Issues**

- The relevance of previous appeal decisions to the current proposal
- Whether the loss of employment land is acceptable in this location

- Whether the provision of market housing on the site is acceptable
- Whether the proposal would provide significant additional affordable housing

## **5. Relevant Planning History**

- 5.1. 2000 - Full planning permission granted conditionally for Media House (NP/DDD/0499/187).
- 5.2. 2002 - Full planning permission granted conditionally for Endcliffe House (NP/DDD/0901/406).
- 5.3. 2013 - Planning permission refused for the change of use of Media House and Endcliffe House from offices to apartments (NP/DDD/0612/0616).
- 5.4. 2013 - Notification of the change of use of Endcliffe House to residential use accepted (NP/GDO/0613/0452)
- 5.5. 2013 - Notification of the change of use of Media House to residential use not accepted because of condition 12 attached to NP/DDD/0499/187 limiting the use of the building to offices (NP/GDO/0913/0771).
- 5.6. 2013 - Planning permission refused for variation of condition 12 - office use only on NP/DDD/0499/187 – the subsequent appeal was allowed in 2014 and condition 12 has been deleted (NP/DDD/0613/0451).
- 5.7. 2014 - Notification of the change of use of Media House to residential use accepted (NP/GDO/0514/0562).
- 5.8. 2014 - Notifications of the change of use of Units 1-6 and 8-12 at Arden House on Deepdale Business Park not accepted (NP/GDO/0214/0110-0119)
- 5.9. 2014 - Outline planning permission refused for erection of building to accommodate 6 No. one bedroom flats (NP/DDD/0914/0997). The subsequent appeal was allowed and the reserved matters application was consented in 2015 subject to a planning obligation securing a commuted sum of £55,000.
- 5.10. 2016 - Outline planning permission refused for 12 one bedroom flats on Plot 3 and 11A on Deepdale Business Park (NP/DDD/1215/1135). The subsequent appeal was refused. A financial contribution of £110,000 towards the provision of off-site affordable housing was proposed by the applicant/appellant at the appeal stage. In reaching their decision the Inspectorate considered that the development would result in harm to the overall purposes of the National Park due to the release of a good quality employment site for a type and tenure of housing which would not meet the priority local housing needs of the National Park. Further, they concluded that government's policies for National Parks in paragraph 115 of the NPPF and the assertion in the English National Parks and Broads: UK Government Vision and Circular 2010 that National Parks are not suitable locations for unrestricted housing meant that the proposed development should be restricted. They also concluded that the proposed financial contribution of £110,000 towards the provision of off-site affordable housing would not represent or facilitate a significant provision of affordable housing.
- 5.11. 2016 – Outline planning permission refused for 12 one bedroom flats on Plot 3 and 11A on Deepdale Business Park (NP/DDD/0716/0678), including a contribution of £110,000 to the provision of off-site affordable housing. This was a resubmission of the earlier 2016 scheme with the additional of a financial contribution, and ran parallel to the appeal against that decision.

## **6. Consultations**

- 6.1. **Derbyshire County Council (Highways)** – The application would appear similar to earlier applications (Refs NP/DDD/1215/1135 and NP/DDD/0716/0678) which were refused on planning grounds alone. As you are aware this Authority did not raise objections. If Officers are minded to approve the application they request that all previously recommended highway conditions and notes are included in any consent granted.
- 6.2. **Derbyshire Dales District Council** – Advise that the applicant has not been in contact with the Council about the proposal and that the application does not indicate whether the proposed affordable homes would be owned and managed by a housing association.
- 6.3. It is advised that the Council have been working with Lady Manners School in Bakewell and Westleigh Partnerships on a proposal to deliver 30 affordable homes in Bakewell for local people. They note that this scheme would provide a mix and type of homes based on the local housing need identified in the Bakewell Housing Need Survey Report, with the predominant need being for 2 bedroomed houses.
- 6.4. From an economic development perspective, they advise that the plots proposed for development form part of the remaining Business Park and, unlike the current residential area, are not subdivided from business activities. They consider that residential uses should be limited to the frontage of the site and not encroach on the remainder of the business park, which is allocated for and should be retained for business use purposes.
- 6.5. They note that the application refers to the application plots being empty for circa 17 years with no interest for business use but that no evidence appears to have been supplied regarding the level of proactive marketing undertaken to properly test the market.
- 6.6. **Bakewell Town Council** – Advise that the application is consistent with the emerging Neighbourhood Plan objectives, Policy H1 (provision of affordable housing) and H3 A (open market housing) but has not satisfied H3 B within the submission of the application. H3B requires all housing to be affordable housing as defined by the National Park Authority's planning policies. The only exceptions are on brown field sites where re-development would enhance the built environment where sites do not provide level access to the town centre.
- 6.7. On design and appearance grounds they support the application subject to no material objection from neighbouring premises, on condition that the Highway Authority is satisfied with the application, and providing the development complies with policy H3B.
- 6.8. **Derbyshire County Council Flood Risk Management Team** – Advise that it is not possible to provide an informed comment until such a time that the applicant has submitted further information. They list a number of details that are necessary for them to be able to assess whether the proposed site is able to drain and require that due consideration has been given to the space required on site for surface water storage.

## **7. Representations**

- 7.1. One letter of representation has been received at time of writing from a neighbouring property. This advises that they have no strenuous objections, subject to the proposed building will be built upon the current ground level and current boundary planting being maintained to protect their privacy, providing that their rights of access would be unaffected, and subject to satisfactory levels of parking being provided.

## 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 and National Planning Practice Guidance (NPPG)

- 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 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment land and where there is no reasonable prospect of a site being used for that purpose, applications for alternative use should be treated on their merits.
- 8.5. The second part of Paragraph 54 of the NPPF states that Authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. However, Paragraph 115 includes footnote 25, which notes that further guidance on how National Parks should be managed is provided in the English National Parks and Broads: UK Government Vision and Circular 2010 (the Vision and Circular). In paragraph 78 of the Vision and Circular, the government recognises the National Parks are not suitable locations for unrestricted housing. This is consistent with the Authority's own housing policies, which focus on meeting affordable housing needs within the National Park, as detailed below.
- 8.6. Paragraph 103 states, amongst other things, that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

### Development Plan policies

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



- benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.8. Policy 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.
- 8.9. 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.
- 8.10. Policy DS1 provides an overview of the development strategy for the Park.
- 8.11. 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.
- 8.12. Policy E1 is applicable because the site is a business park and the application proposes housing on it. This policy states that the National Park Authority will safeguard existing business land and buildings particularly those which are of high quality and in a sustainable location. It notes that where the location, premises, activities, or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement should be sought, which can include re-development to provide affordable housing or community uses.
- 8.13. Policy HC1 says provision will not be made for housing solely to meet open market demand and HC1(A) goes on to say that exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it addresses eligible local needs.
- 8.14. Policy LH1 only permits residential development for affordable housing on an exceptional basis in or on the edge of named settlements provided that there is a proven need for the dwelling, the need cannot be met within the existing housing stock, the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2), and the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity.
- 8.15. Local Plan policy LB6 of the Local Plan is also relevant to this application because it clarifies that general industry or business development (Use Classes B1 and B2) will be permitted on Deepdale Business Park, and that development which would prejudice the development of this site for general industry or business development will not be permitted.
- 8.16. Policy LC4 states, amongst other things, that any development must, at least, respect and conserve the landscape of the area.
- 8.17. 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.
- 8.18. Policy LC22 states that development will be permitted provided that adequate measures are included to deal with the run-off of surface water from the site. It notes that such measures must not increase the risk of a local watercourse flooding.

- 8.19. Emerging Development Management policy DME3 sets out the long term need to safeguard Deepdale Business Park as an employment site. This policy is not yet adopted but, given the advanced stage of the emerging policy document. It can be given some limited weight.
- 8.20. These policies are also consistent with the NPPF, which promotes sustainable rural economic development but encourages local planning authorities to consider appropriate alternative uses of employment sites that are no longer viable.
- 8.21. As this is an outline application, with all matters reserved, policies on detailed design and layout are not relevant at this stage.

#### Wider Legislative and Policy Context

- 8.22. In terms of legislation, under the provisions of the Town and Country Planning (Development Management Procedure) Order 2010 the current proposals represent 'major development' as they would create 10 or more dwellinghouses. In planning policy – both national and local – the term major development is also referenced. Specifically paragraph 116 of the NPPF and Core Strategy policy GSP1 seek to resist major development in National Parks in all but exceptional circumstances.
- 8.23. The NPPF seeks to resist major development in National Parks in all but exceptional circumstances, stating that proposals should be judged against the following criteria:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
  - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated
- 8.24. The 'Natural Environment' section of the National Planning Practice Guidance (NPPG) document advises, however, that whether a proposed development in a National Park should be treated as a major development to which the policy in paragraph 116 of the NPPF applies will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. It also notes though that the NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.
- 8.25. Further general policy advice is provided in the emerging Development Management Policies Development Plan Document (DPD). This document is at an advanced stage of preparation, and has been submitted to the Secretary of State for examination. This document will form part 2 of the Local Plan for the Peak District National Park and at this stage – in accordance with paragraph 216 of the NPPF – can be given some weight in assessing the current application.
- 8.26. Policy DME3 of this document addresses the safeguarding employment sites. It safeguards a number of sites within the Park, including Deepdale Business Park, for B1, B2 or B8 industrial use and employment use unless the Development Plan and evidence of strategic need justifies mixed use development, in which case the predominant use(s) should remain in the B1, B2 or B8 use classes.
- 8.27. It is noted that there is some outstanding objection to this draft policy as submitted for examination, limiting the weight that can currently be placed upon it.

8.28. The Bakewell Neighbourhood Plan is currently undergoing pre-submission consultation. Due to the outcome of that consultation potentially altering its content it can also be given only limited weight.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, L1, HC1, LH1, E1

Relevant Local Plan (LP) policies: LC4, LB6, LT18

## **9. Assessment**

### Principle of major development within the National Park

- 9.1. As noted above, due to the number of houses being proposed and the floorspace that the development would provide the proposal does represent major development under the terms of the Development Management Procedure Order.
- 9.2. In planning policy terms though, the NPPG is clear that determining whether or not development should be treated as major development to which paragraph 116 of the NPPF applies is a matter for the relevant decision taker, taking into account the proposal in question and the local context.
- 9.3. It is therefore necessary to assess whether or not the development is major in terms of its impacts on the National Park's valued characteristics as protected by planning policy.
- 9.4. The proposed buildings would be within the confines of the existing developed site, which is an established commercial site that is already populated with a number of large buildings of similar and larger scale to that of those now proposed.
- 9.5. It is also significant that the Authority's planning policies specifically seek to protect the site from being developed for uses other than further commercial use, and recognise that it is a suitable location for further development of this type.
- 9.6. On this basis it is concluded that new buildings similar in scale and appearance to those proposed would not have major adverse visual impacts above and beyond those resulting from the current site.
- 9.7. As a result, it is not considered that the development should be treated as major development to which paragraph 116 of the NPPF applies.

### Previous Appeal Decisions

- 9.8. Planning permission has previously been granted at appeal for a block of six residential apartments at Endcliffe Court, which will be made available on the open market to meet general demand. An offer of a commuted sum of £55,000 to facilitate affordable housing to meet local needs elsewhere in Bakewell was afforded significant weight by the Planning Inspector when granting permission for these apartments.
- 9.9. However, a more recent appeal has greater relevance to the current application, being for the same number of dwellings and relating to the same application area as the current proposal.
- 9.10. That appeal was against a refusal for twelve residential apartments, including a £110,000 contribution to affordable housing delivery. The appeal was dismissed.
- 9.11. When dealing with the appeal, in relation to the change of use of the existing employment site to provide residential accommodation the Inspector acknowledged that the two plots

forming the appeal site had been vacant since Deepdale Business Park opened and had been marketed with no take up to date. He also recognised that the commercial property market in the sub-region was challenging and that the appeal site was in competition with other properties in the Park and other more accessible locations within the surrounding city regions.

- 9.12. However, he noted that plots on the business park had been taken up over time, and the space which had been developed was well let, with 22 out of 24 units occupied at that time.
- 9.13. He concluded that this suggests that there is demand for business space of the right quality and type in Bakewell, and was not persuaded that the point has been reached where there was no reasonable prospect of the site being used for employment purposes. He commented that, on the contrary, given its quality, location and availability, and the difficulties with other sites in Bakewell, the appeal site remained an important part of the supply of employment land in Bakewell and the National Park.
- 9.14. He therefore concluded that the loss of employment land would be contrary to planning policy.
- 9.15. In relation to the provision of housing, the Inspector referred to Paragraph 54 of the NPPF which concerns housing in rural areas, and states that local planning authorities should “in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs”, which is not a provision allowed for within either Policy HC1 or LH1.
- 9.16. However, the Inspector gave consideration to the different expectation placed on housing delivery in National Parks by virtue of the National Parks Vision and Circular 2010, which in itself is referenced in the NPPF and states that National Parks are not sustainable locations for the provision of unrestricted housing.
- 9.17. He concluded that whilst policies HC1 and LH1 do not make provision for housing in the circumstances detailed in Paragraph 54 they are otherwise consistent with the NPPF, and with the restrictions on housing development in National Parks set out in the Vision and Circular, which is itself referenced as a supporting document in the NPPF.
- 9.18. On this basis he concluded that housing development should be restricted, and that as proposed the development was contrary to planning policy in so far as it relates to housing provision within the National Park.

#### Loss of Employment Land

- 9.19. Deepdale Business Park is considered to be a high quality and appropriately located business site. As such policy E1(D) safeguards it for this purpose, with policy LB6 protecting this site specifically from development which would prejudice its use for general industry or business development.
- 9.20. In this case, the new buildings would be located within the allocated employment site, some of which (although not the land subject of this application) has permission for additional employment buildings. Nevertheless, the proposals would directly result in the loss of potential employment land within the site, and policy E1D and LB6 apply to business land and not just existing business premises and those with permission for such use.
- 9.21. As a result the proposed use of part of the site for housing would be contrary to both policy E1(D) and LB6.
- 9.22. The Economic Development Manager of the District Council supports this position, noting

that the site is allocated for business use and should be retained for this purpose.

- 9.23. Officers note the applicant's comments that there has been a lack of interest from businesses to develop other parts of the site for further business use, although no evidence of how that land has been marketed has been submitted as part of the application and, in any case, a lack of need at the current time does not preclude one arising going forward.
- 9.24. The Bakewell Employment Land and Retail Review (2016) (BEL&RR) – an assessment undertaken by real estate consultancy GL Hearn that considered the need for employment land in the area between 2014 and 2034 – concluded that there is an additional need for 1.3ha of employment space within the town, and identifies the business park as a suitable location for future office and light industrial uses, with high quality accommodation and good strategic road access. The report concludes that all the sites identified – which includes Deepdale – should have the existing employment generating uses safeguarded for B-class employment uses, with the exception of two named sites (that are not part of Deepdale Business Park). It advises that applications which would result in a reduction of B-class employment uses should be rejected where possible.
- 9.25. Consequently, it is considered that up to date evidence confirms the site to be a key part of the strategically available employment space in the National Park.
- 9.26. In addition, the long term need to safeguard Deepdale Business Park as an employment site is clearly set out in draft Development Management Policy DME3. The rationale for this is that if employment sites are developed for other uses and then replacement space is required in future this would be likely to require development of sites on the edges of Bakewell, having an adverse impact on the conservation of Bakewell as a valued market town and a key visitor destination in the National Park. Taking account of the advanced progress of the draft policy document of which this policy is part, but giving consideration to the fact that there is some outstanding objection to it, this policy is considered to carry limited weight.
- 9.27. On the basis of the above Officers continue to agree with the conclusions reached by the Inspector in dealing with the appeal in 2016; that is to say, it is not considered that the point has been reached where there is no reasonable prospect of the site being used for employment purposes. As a result the application is contrary to policies E1 and LB6 of the Development Plan, draft policy DME3, and the guidance provided within Paragraph 22 of the NPPF.

#### Compliance With Housing Policy

- 9.28. The proposals would comprise eight open market one-bed flats and four affordable one-bed flats. It is acknowledged that the open market flats would provide accommodation for smaller households for which the Bakewell Housing Needs Survey (2015) identifies some need. However, they would not be affordable housing as defined by Policy LH1 or as detailed in Annex 2 to the NPPF.
- 9.29. There are no provisions in the policies of the Development Plan for open market housing in the National Park to meet general demand unless the proposed housing would be required to conserve or enhance a valued vernacular or listed building (HC1(C)I) or, within settlements, the proposed housing would be required to achieve enhancement objectives or the relocation of a non-conforming use in accordance with policy HC1(C)II of the Core Strategy.
- 9.30. In this case, the proposed development does not meet the requirements of HC1(C)I because it would not represent conversion of a valued vernacular or listed building – being entirely new build.

- 9.31. It would also fail to comply with HC1(C)II because the site is not in need of enhancement; the current plots are given over to grass and in no way detract from the appearance of the settlement.
- 9.32. Therefore, in the absence of justification for a permitted exception, the application conflicts with the more general presumption in policies HC1 and LH1 that new housing within the National Park will only be allowed exceptionally if it is affordable housing to meet local need.
- 9.33. These policies prioritise affordable housing in accordance with Paragraph 55 of the NPPF, but the second sentence of Paragraph 54 does require local planning authorities to “consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs”.
- 9.34. The applicant has sought to justify the proposal through the provision of four affordable dwellings, with the implication being that the eight market dwellings proposed are necessary for the development to be viable, facilitating the provision of the affordable units.
- 9.35. The applicant has asserted that the provision of a scheme comprising only affordable units would not be viable, providing a letter from Milner Commercial Chartered Surveyors that summarises the Financial Development Appraisal carried out in support of the 2016 application.
- 9.36. That letter and associated appraisal concluded that any additional burden against cost such as a planning gain contribution or an affordable housing provision would create a significant development loss and render the project commercially unviable. However, on Appeal the developer proposed a contribution of £110,000 towards off-site affordable housing provision and this current scheme proposes 4 affordable flats out of 12, despite being similar in other regards to the 2016 proposal. On this basis it is not considered that the previous Financial Development Appraisal can no longer be relied upon to inform an assessment of viability of the current proposal.
- 9.37. In any case, and as noted by the previous Inspector, with the exception of the aforementioned requirement of Paragraph 54 policies HC1 and LH1 are otherwise consistent with the NPPF; they reflect the overall approach to housing in rural areas set out in paragraphs 54 and 55 of the NPPF including an emphasis on providing for local needs and affordable housing, they are consistent with the policy of limiting development in National Parks to conserve their landscape and scenic beauty as recognised in paragraph 115, and are consistent with the restrictions on housing development in National Parks set out in the Vision and Circular – which is referenced in footnote 25 of the NPPF and makes clear that the role of the National Park is to support the delivery of affordable housing and that the provision of unrestricted housing in the area is not sustainable.
- 9.38. Paragraph 215 of the NPPF states that for plans adopted prior its publication, weight should be given to relevant existing policies according to their degree of consistency with the NPPF. On the basis of the assessment above, Officers attach very substantial weight to Policies HC1 and LH1 as they are consistent with the NPPF in almost every regard.
- 9.39. Therefore, if the Authority were to accept that the site is not appropriate for employment use then it is maintained that any new housing provision must comprise only affordable housing in accordance with adopted policy.
- 9.40. Even if a different view was taken on this issue – and if there was not also an objection in principle to the loss of the employment site for market housing - then the development would still need to demonstrate that it was delivering significant affordable housing.

- 9.41. In relation to the affordable units proposed, the local District Council advise that the applicant has not been in contact with them regarding the proposal, in contrast with a larger affordable housing scheme that is currently being brought forward adjacent to Lady Manners School in Bakewell. They point out that the joint working on that project has led to the scheme reflecting the housing need identified in the Bakewell Housing Need Survey Report, and note that the predominant need for affordable housing in the area is for two bed properties rather than one bed as is proposed as part of this application.
- 9.42. That survey dates from 2015 and reveals a predominant need for smaller family homes, advising that provision should focus on 2 bed 4 person houses for affordable rent. A need for 2-bed bungalows, 3 bed family houses and some flats for younger single people are also identified.
- 9.43. The District Council also consider that the application sites are not suitable for the proposed development because, unlike the current residential area to the front of the site, they are not subdivided from business activities. They conclude that they do not support the proposal.
- 9.44. On the basis that the Housing Enabler at the District Council does not support the proposal, because the proposal would provide only four affordable dwellings, and because their size and type is not addressing the primary need for affordable housing in the area, it is concluded that the application would not represent significant additional affordable housing. Accordingly, the proposal would not comply with the second sentence of paragraph 54 of the NPPF.
- 9.45. Further, whilst the proposed housing would have an acceptable landscape impact (according with policies L1 and LC4), permitting market housing on this site would not only be contrary to policy HC1 and LH1 and the provisions of the NPPF but would also unnecessarily increase the pressure to deliver affordable housing on greenfield sites. Site search work carried out for the emerging Bakewell Neighbourhood Plan has shown that the town has only limited capacity to meet all its affordable housing need through this and future plan periods. Approving eight out of twelve units as open market housing on the Deepdale site would therefore represent a lost opportunity to deliver a further eight affordable units on an existing brownfield site. This would conflict with the Park's statutory purpose in relation to landscape protection and to its duty to foster the economic and social well-being of the local community.
- 9.46. The Town Council advise that they consider the provision of open market housing would conflict with their emerging Neighbourhood Plan policy H3. Whilst their position broadly accords with that of the Authority's own policies, due to the fact that the Plan is at a relatively early stage in its development the conflict of with this policy is afforded only limited weight.
- 9.47. Overall, it is concluded that in relation to housing policy the proposal would be contrary to HC1 and LH1 due to its inclusion of new build open market housing on a site where it would not result in enhancement to the appearance of the village, and where such enhancement is not required. The provision of open market housing on the site is also considered contrary to the provisions of the NPPF and of the Vision and Circular . There is no overriding need for the development which justifies granting permission for major development in the National Park

#### Highway Considerations

- 9.48. The site would be accessed form the highway using the existing business park access, and the submitted plans show an indicative parking layout that demonstrates that sufficient off-road parking could be provide within the confines of the site.

9.49. The Highway Authority raise no objections to the proposal subject to conditions. Officers agree that given the existing site use, site access, and exit visibility there would be no substantive reason to refuse the application on grounds of highway safety or amenity.

#### Amenity Considerations

9.50. Whilst the application is only seeking outline permission, it is necessary to consider whether the development of twelve flats on the site could, in principle, protect the residential amenity of nearby dwellings.

9.51. The dwellings of Endcliffe Court are located approximately 25 metres from the two proposed buildings at their closest points, as they are indicatively positioned on the submitted plans. There would be some inter-visibility between the windows of the application buildings and those of Endcliffe Court. However, at these distances it is not considered that this would result in a significant loss of privacy to the occupiers of any of the buildings.

9.52. Residential neighbours are also located at Dale Head Farm and Hawthorn Farm, sited approximately 30m north east of the edge of the application site. There is a substantial embankment and mature planting along the north eastern edge of the application site which means that subject to a satisfactory arrangement of openings the development would not adversely affect the privacy of these properties, or be overbearing upon them.

9.53. Given the location within an existing business park it is not considered that the additional residential units would lead to any significant increase in noise or other disturbance to nearby residents.

9.54. The development is not considered to raise further amenity issues for any neighbouring properties, and it is therefore considered that, in principle, twelve flats could be accommodated on the site in a manner that would conserve the amenity of nearby residential properties.

#### Flooding and drainage

9.55. The Lead Local Flood Authority (LLFA) have advised that based on the information submitted it is not possible to assess whether the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.

9.56. Whilst the details of drainage measures could be agreed at a reserved matters stage if this application was to be approved, it remains necessary to establish at this stage whether the site is actually capable of providing sufficient drainage and water storage capacity. On the basis of the LLFA comments and because the development would occupy currently permeable plots it is considered that this has not been demonstrated and so the proposal is contrary to policy LC22 and paragraph 103 of the NPPF. Given that the site is within the existing business park, it is considered to be highly likely sufficient drainage and storage capacity can be provided. However, as the principle of the development is considered to be clearly unacceptable, no further information relating to drainage has been requested. If the application was considered to be acceptable in all other respects then further information to demonstrate that adequate drainage and storage provision can be made should be requested prior to any approval.

## **10. Conclusion**

10.1. It is accepted that the site is in an accessible location for housing and that the design and scale of buildings detailed on the submitted plans would be unlikely to cause visual harm to the character and appearance of the surrounding landscape, or to the amenity of nearby properties.



10.2. However, these considerations do not outweigh the conflict with the Authority's housing and economic planning policies, those of the NPPF, or the harm to the overall purposes of the National Park that would result from the release of a high quality employment site for the provision of housing which would not, in its majority, meet the affordable local housing needs of the area.

10.3. Further, it has not been demonstrated that the development would be able to provide adequate drainage and water storage to prevent an increased risk of flooding either on or off site, contrary to local and national planning policy.

10.4. 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.

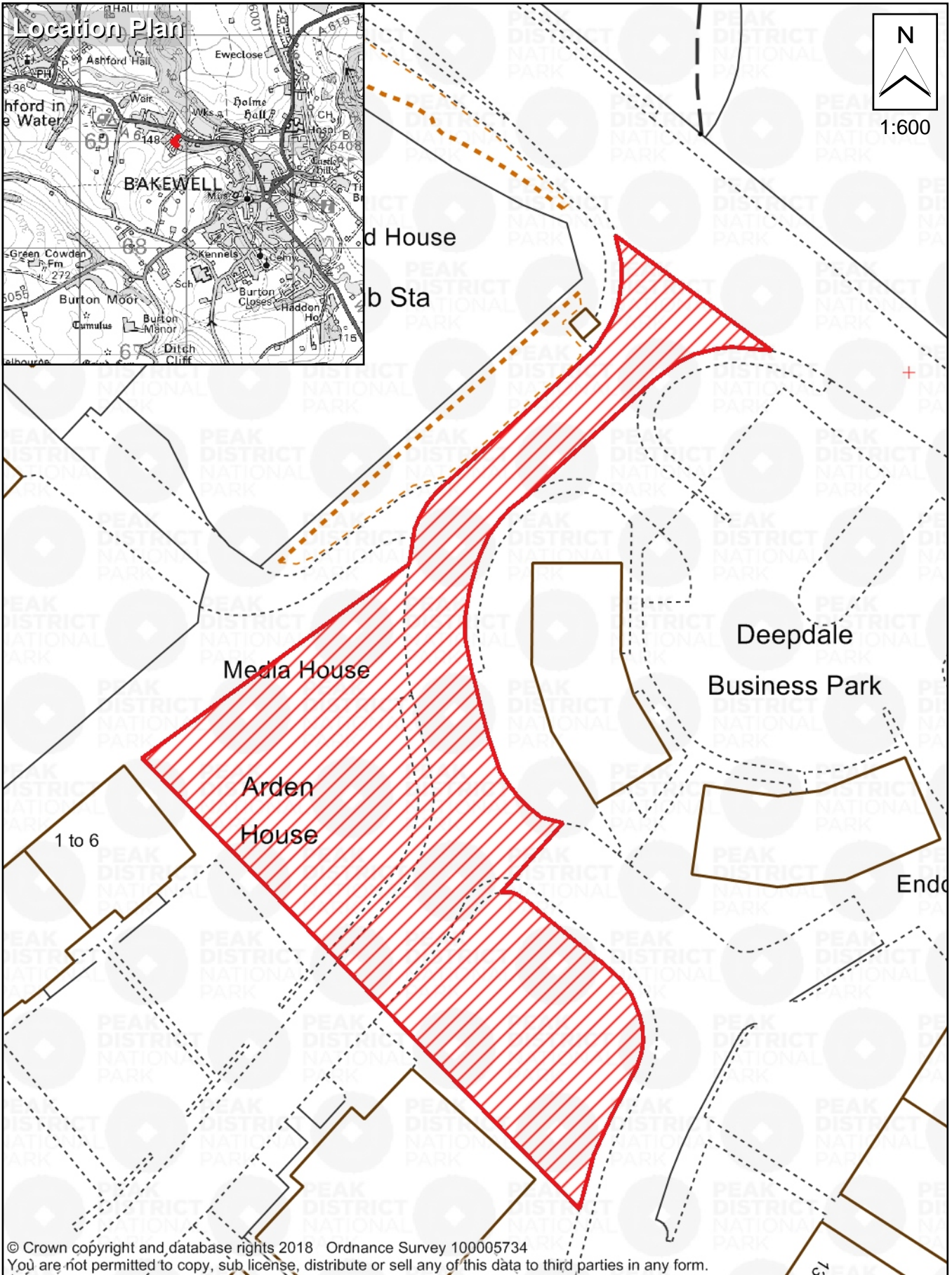
**12. List of Background Papers (not previously published)**

None


**13. Report Author and Job Title**

Mark Nutall – Senior Planner

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Committee Date:	13th April 2018	<b>Title:</b> Plots 3 & 11A, Deepdale Business Park, Bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 7		
Application No:	NP/DDD/0118/0078		
Grid Reference:	420932, 368985		

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**8. FULL APPLICATION - TO CHANGE THE USE OF THE CURRENT DINING ROOM AT THE CRAG INN INTO A BOTTLING PLANT FOR BOTTLING ON SITE SPRING WATER AT THE CRAG INN, WILDBOARCLOUGH (NP/CEC/0118/0031, P1338, 398189/368539, 16/01/2018/ALN)**

**APPLICANT: MRS MELISSA BINDER**

**1. Site and Surroundings**

- 1.1. The Crag Inn is a public house located adjacent to the minor road through Wildboarclough and to the south of the main group of buildings in the dispersed settlement. The building is not listed but is in keeping with the local building tradition and it is constructed primarily from natural gritstone under a blue slate roof.
- 1.2. The pub is served by a large car park to the south-west of the pub premises, which has two entrances at either end of the site frontage. The pub operates on the ground floor of the property with the applicant's living accommodation above.
- 1.3. The premises lie outside the confines of any named settlement and therefore the Crag Inn lies in open countryside for the purposes of the Development Plan and national planning policies in the National Planning Policy Framework.
- 1.4. A public right of way (Wildboarclough no.16) runs from the public highway to the west of the car park alongside the car park before heading in a westerly direction.

**2. Proposal**

- 2.1. Planning permission is sought to change the use of the Crag Inn from a public house to a mixed use of a public house and water bottling plant. Essentially it is proposed to use the current public house dining room, which is located on the ground floor, on the western side of the building as an area for bottling spring water that is extracted from below ground via an existing borehole located within the curtilage of the property.
- 2.2. The room in question has an floor area of approximately 29.5 m<sup>2</sup>. Bottling equipment has already been installed within the room in question and consists of a rinsing machine, filling machine and a capping machine together with a double sink.
- 2.3. After bottling (in glass bottles) the water would be stacked into crates and removed from the building through an existing window opening in the east facing elevation of the building into an enclosed yard, ready for delivery. No alterations to the pub building itself are proposed.
- 2.4. A supporting statement submitted with the application states that the income from the water bottling business would provide an additional revenue stream to support the continued operation of the public house.

**3. RECOMMENDATION**

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

- 1. 3 year temporary consent.**
- 2. Adopt submitted plans.**
- 3. Water bottling use and any associated storage to be restricted to the dining room shown on the approved plans and the enclosed yard area directly to the east of the public house only.**

4. **Any operation of machinery associated with the water bottling use and any deliveries or other activities in the yard area associated with the water bottling use to be restricted to between the hours of 08.30 and 18.00 only.**
5. **No more than 500 crates per day (or 5000 litres per day whichever is the lesser) of water shall be produced, bottled and distributed from the site in perpetuity.**
6. **There shall be no direct retail sales of the bottled water from the application site other than for consumption within the public house.**
7. **The water bottling use hereby approved shall cease completely if the Crag Inn ceases to trade as a public house.**

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

- The principle of the proposed business use in open countryside and potential impact on the public house.
- Impact on residential amenity of neighbouring properties.
- Highways considerations.

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

1979 - Planning permission granted for extensions and alterations to Crag Inn.

1980 - Planning permission granted for erection of double garage at Crag Inn.

1981 - Planning permission granted for conversion of two barns adjacent to Crag Inn to holiday cottage and cottage.

1983 - Planning permission granted for extension to Crag Inn.

1994 - Planning permission granted for extension to outbuilding at Crag Inn.

2009 - Planning application seeking change of use of public house to dwelling withdrawn prior to determination.

2011 - Planning permission refused for change of use of public house to dwelling.

2011 - Planning application seeking change of use of public house to dwelling withdrawn prior to determination.

March 2012 – Planning permission refused for change of use of public house to a dwelling. The application was refused on several grounds, including that it had not been satisfactorily demonstrated that the loss of this valued community and tourist facility was justified and that it could no longer be operated as a viable concern. A subsequent appeal was dismissed.

May 2014 – planning consent granted for erection of camping barn. This permission was not implemented and the permission has now lapsed.

October 2017 – planning permission refused for erection of single storey building incorporating 2 short term holiday lets.

#### 6. **Consultations**

- 6.1. Highway Authority – no response

- 6.2. Cheshire East Council – no response
- 6.3. Environmental Health Officer – no objections
- 6.4. Environment Agency – no comments
- 6.5. Parish Meeting – Whilst some residents have raised objections with regard to the level of information provided, the longer term motives of the applicant and the loss of amenity to the village if the pub were to close, on balance the collective view is this if the pub was to remain open and operational, then the proposals may have little or no impact and may be quite exciting.

## **7. Representations**

- 7.1. Four letters of objection have been received from local residents on the following grounds (in summary):
  - Impact on the amenity of ‘Old Beams’ to the north of the site – particularly with regard to noise.
  - The pub has been neglected and run down by the current owners – opening hours are limited. It is only open at weekends between 12 noon and 4pm.
  - There are other pubs in the local area that have proved successful.
  - The quality of the water may not meet required standards and there may be no legal entitlement for extraction.
  - The bottling operation would significantly reduce the seating available in the pub and be a distraction from the core business.
  - Environmental impact of 5 deliveries a day.
  - Concerns that the business is already up and running.
  - Concerns that the storage of crates would spill out into the car park area, causing an eyesore.

7.2 One letter of support has been received on the grounds that custom at the public house is unpredictable, even in good weather and despite advertising. Numerous events, menus and pricing strategies have been tried. The use and re-use of glass bottles is environmentally friendly.

## **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 Framework states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural area, both through conversion of existing buildings and well-designed new buildings. Para 70 states that planning decisions should guard against the unnecessary loss of valued community facilities and services and should ensure that established facilities are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

### 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). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.6. Core Strategy policy E2 states that in open countryside businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmstead and in groups of buildings in sustainable locations. Saved Local Plan policy LE4 states that expansion of existing business development outside of specific named settlements will not be permitted unless it is of a modest scale in relation to the existing activity and does not extend the physical limits of the established use and it does not harm and wherever possible secures an enhancement to the amenity and valued character of the area and the site.
- 8.7. Core Strategy policy HC4 seeks encourage the provision and retention of community facilities.
- 8.8. Core Strategy policy GSP3 states that all development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals. Particular attention will be paid to impact on living conditions amongst other things. Saved Local Plan policy also seeks to protect the privacy and amenity of residential properties.



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

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, E2, HC4.

Relevant Local Plan (LP) policies: LC4, LE4, LT11, LT18

## 9. **Assessment**

### 9.1. Background

- 9.2. The applicant and her partner purchased the Crag Inn in September 2016. Prior to that, the previous owner had operated the pub for some 19 years. The public house operated successfully for many years but in 2012 the previous owner expressed a wish to retire and applied for planning permission to convert the public house to a single open market dwelling, stating that the business was no longer viable or required by the local community. A subsequent appeal was dismissed, the Inspector concluding that the Crag Inn was a valued community and tourist facility and that insufficient justification had been submitted to demonstrate that it was no longer required by the community or could be operated as a viable enterprise.
- 9.3. Subsequently, in 2014 the previous owner applied for permission for a new build camping barn within the public house grounds which was approved. It was argued that notwithstanding the Inspector's conclusions about viability that the provision of basic holiday accommodation would provide an alternative source of revenue to improve the viability of the pub. This permission was not implemented and has now lapsed. The current owner considered that the approved position of the camping barn over the footprint of the well-used beer garden would compromise the business and in 2017 applied instead for a new build block of 2 self-catered holiday accommodation on the western corner of the car park. The application was refused on the grounds that it would be contrary to adopted policies and its location, massing and design would be harmful to the character of the area.
- 9.4. It is clear from this planning history that whilst it has not been demonstrated that the public house cannot be viable, opportunities to diversify the business have been sought and indeed the Inspector in the 2012 appeal identified that there was potential to raise additional finance to support the business.

### Issue 1: The principle of the proposed business use in open countryside and potential impact on the public house

- 9.5. The Authority's Core Strategy policy E2 does allow for business development in smaller settlements within the countryside provided it is located within existing traditional buildings of historic or vernacular merit Wildboarclough is a dispersed community but it is considered that the site is located just beyond the south western edge of the hamlet and as such the proposals would not be wholly compliant with E2. However in this case the site is already in an employment use, and the proposals relate to the use of the existing building within the site. The proposals are therefore considered business expansion, rather than a new business in open countryside. Saved Local Plan policy LE4 deals with the expansion of business development outside of settlements stating that such development will not be permitted unless it is of a modest scale in relation to the existing activity and does not extend the physical limits of the established use and it does not harm and wherever possible secures an enhancement to the amenity and valued character of the area and the site.
- 9.6. Information submitted with the application states that the bottling activity would be restricted to the dining room of the public house only. This room could currently provide seating for 22 diners on 6 tables. Presently it is used once a week for a Sunday carvery and can provide overflow for the main pub. However it is stated that the dining room is

rarely used as the main pub room has two open fires and a better atmosphere. The main pub currently seats 24. It is stated that with some re-organisation of furniture in the main pub, that space could be provided for an additional 16 diners therefore reducing the impact of the loss of the dining room.

- 9.7. The supporting statement says that the borehole, which is located in the pub car park is capable of providing 60,000 litres of water per day and that 20,000 litres of water can be extracted without an abstraction licence from the Environment Agency. The applicant is proposing to extract up to 5000 litres per day which equates to 500 crates of water and 5 van deliveries a day. It is stated that the business plan is to deliver the water to local pubs, restaurants, wedding venues and individual customers. The glass bottles would then be collected from customers, washed and re-used. In time it is proposed to employ two part-time members of staff.
- 9.8. In isolated settlements such as Wildboarclough, a public house can bring benefits to the local community such as providing a meeting point, local employment and a focus for community life. In addition the site is close to local landmarks such as Shutlingsloe and Macclesfield Forest and so the pub's continued operation could enhance visitors' quiet enjoyment of the National Park's scenery and landscape. The applicants state that they have invested significantly in the pub but that they consider that in its current state it is not viable. No evidence has been submitted to demonstrate that this is the case. Nonetheless officers do consider that the current proposals could provide a valuable additional income stream to help to support the business and at the scale proposed the use would remain modest in scale in relation to the main use.
- 9.9. There is the potential however, if the business were to be successful, for the bottling plant use to expand at the expense of the public house. As a result it is considered that conditions would be necessary and reasonable and in accordance with LE4, in order to control the scale of the use. A condition to limit the bottling plant use to the dining room and adjacent yard area is considered to be necessary and reasonable to prevent the use from expanding into the main rooms of the pub and the car park. A further condition to limit the total number of crates of water produced to 500 per day is also necessary and on balance enforceable in order to further control the level of use.
- 9.10. Some local residents have criticised the way in which the pub is operated, in particular the limited opening hours. It is clear that different licensees operate their business in different ways and this cannot generally be controlled by the planning system. Officers have considered whether to append a condition that requires the bottling use to cease if the opening hours of the pub drop below a certain level. However it is considered that this probably would not meet the test of reasonableness and would be difficult to enforce. However if the pub were to close completely but the water bottling use were to endure then this would be contrary to policy LE4 and could lead to amenity issues. A condition which requires that the bottling use ceases should the public house cease trading is therefore considered to be reasonable and necessary.
- 9.11. In conclusion it is considered that the proposed use in this location at the scale accords with adopted policies and that it has been adequately demonstrated that the loss of the dining area is unlikely to significantly compromise the viability of the pub through loss of revenue from dining space, because there is adequate space for dining remaining unaffected within the main bar area. In contrast it is likely that the additional revenue would help to support the pub as a going concern and therefore contribute to the aims of policy HC4 which seeks to provide and retain community facilities.
- 9.12. The main issue that remains to be considered is the impact of the proposals on the privacy and amenity of local residents.

## Issue 2 – Impact on Amenity of Local Residents

- 9.13. The only residential property in the vicinity of the application site is a property known as 'Old Beams'. Old Beams is located immediately to the north of the public house. The property is orientated such that its principle elevation faces east. Its south facing gable end is approximately 4.5m from the northern boundary of the enclosed yard area that would be used for the storage and delivery of the crates of bottles. As a result there is the potential for this property to be affected in particular through noise and general disturbance from the yard area. The owner of this property has objected strongly for a number of reasons (summarised above) and in particular on the ground of loss of amenity.
- 9.14. Old Beams sits at a higher level to the adjacent yard area associated with the pub and when standing in the yard there is a 1.1m retaining wall on the boundary, topped by a 1.5m high close boarded fence and above that a 600mm high trellis. In total therefore the boundary treatment is 3.2m in height. On the gable end of Old Beams there is ground floor bedroom window facing towards the fence. Whilst there would be no opportunities for overlooking due to the fencing there is the potential for noise emanating from the yard to be heard within this room and generally within the curtilage of the property. However the yard in question is currently a delivery and storage yard in association with the pub. Deliveries of beer etc. come into the yard and barrels and bottles are stored in the stone outbuildings on the eastern side of the yard. As a result there is already the potential for noise and disturbance in association with the current lawful use, especially if the public house were open say 7 days a week and late into the evening. It is considered unlikely that the proposed use would increase the noise emanating from the yard significantly over and above existing potential levels if the pub were operated more intensively. However the applicant has agreed to a 3 year temporary consent. It is considered that such a condition meets the tests of necessity and reasonableness as it would enable the Authority to re-assess any impacts on amenity and indeed on the pub use itself after the water bottling use has been operating for a reasonable period of time.
- 9.15. All of the equipment associated with the bottling use is to be located internally within the building so there should be no significant impact upon amenity as a result of machinery noise. However a condition to restrict hours of operation of machinery and of any activity/deliveries into the yard area to be restricted to 8.30am to 6pm would serve to restrict any impacts to working hours.
- 9.16. Subject to above conditions it is considered that the privacy and amenity of the adjacent property would be protected in accordance with GSP3 and LC4.

## Issue 3: Highway Considerations

- 9.17. The property is served by two existing vehicular accesses. At a rate of approximately 10 vehicle movements per day it is not considered that there would be any significant intensification of the use of the access or on the level of traffic on nearby rural highways. The proposals therefore accord with policy LT18.

## **10. Conclusion**

- 10.1. The proposals represent a form of development that could help to sustain the use of the Crag Inn as a public house. A 3 year temporary consent would enable any impacts on the main use of the site as a public house and on residential amenity to be re-assessed after a reasonable period of time. This together with the other suggested conditions with regard to hours of operation, the physical extent of the use and ensuring the bottling use is linked to the continued operation of the pub would ensure that the public house remains the main use of the site and that impacts on local residents are minimised. On that basis the proposals accord with policies LE4, LC4, GSP3 and LC4 and are recommended for approval.

**11. Human Rights**

11.1. All Human Rights issues have been taken into consideration in the writing of this report.

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

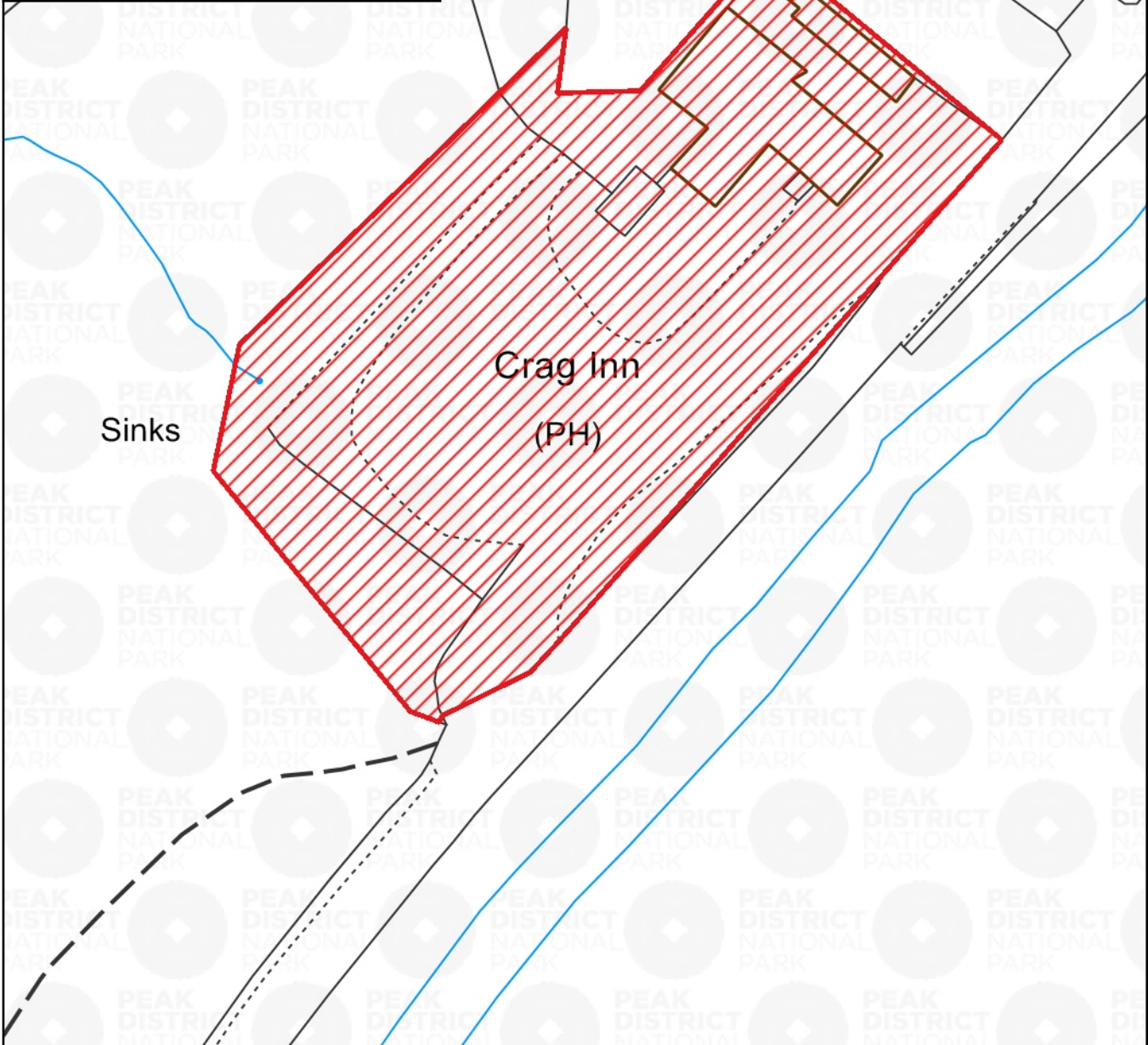
None

**Report Author and Job Title**


Andrea Needham – Senior Planner



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Committee Date:	13th April 2018	<b>Title:</b> Crag Inn, Wildboarclough, Nr Macclesfield	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 8		
Application No:	NP/CEC/0118/0031		
Grid Reference:	398189, 368539		

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**9. FULL APPLICATION - PROPOSED RE-MODELLING OF EXISTING HOUSE WITH EXTENSION AND REPLACEMENT GARAGE AT AFE WAE, BRASSINGTON CLOSE, YOULGRAVE (NP/DDD/0118/0032, P3898, 421344/364242, 12/01/18 TM)**

**APPLICANT: STEVEN AND JULIE WHITE**

**1. Site and Surroundings**

- 1.1. Afe Wae is a detached non-traditional two storey, three bedroom dormer bungalow built in the 1960s. It is constructed from concrete Warren Carr blockwork, concrete tiled roof, Upvc/timber windows and timber doors. The building is in a poor condition.
- 1.2. The site is situated on Brassington Close, which is a cul de sac off Mawston Lane (an un-adopted highway). The site follows the slope away from Youlgrave towards Bradford Dale. The cul de sac is made up of similar non-traditional style houses and bungalows. The nearest neighbouring properties are Pathways 11m to the South West, Stone Ends 25m North, Maren 25m South East and East View 29m South.
- 1.3. To the North West lies the centre of the village of Youlgrave and to the North East are open fields. The South East features wide views towards Birchover and Elton. To the South West is the boundary to Brassington Close and the main access into the site. The Grade I Listed All Saints Church lies approximately 150 metres to the north of the site, within the centre of the village. The site lies just outside the boundary of the Youlgrave Conservation Area

**2. Proposal**

- 2.1. The application seeks full planning permission for re-modelling the existing dwelling, a two storey extension and replacement garage. It is proposed to demolish the garage, utility room, outside toilet and office, leaving the main house.
- 2.2. The proposal to re-model the existing property in a contemporary design includes: maintaining the existing ridge height but creating a new roof profile; creating a two storey extension to the rear, and; an addition of a large dormer to the front elevation roof slope. The front elevation would be predominantly glazed and there would also be a large section of glazing to the west facing side elevation.
- 2.3. As initially submitted, the resultant dwelling would have been constructed predominantly with chalk rendering and hyperion clad (stone) walls. With cladding predominately to East side towards the fields and render towards the West towards the roadside area. The scheme also includes a very large flat roofed dormer and a replacement garage constructed with render to the front elevation.
- 2.4. After consultation with the applicant and their agents, the proposed design and materials have been modified to reflect a more traditional aspect and to reflect the local vernacular. The amended scheme includes a large amount of natural limestone and a reduced amount of render. The use of cladding has been omitted. The dormer to the front elevation has been reduced in size and is now proposed to have a pitched roof. The new roof of the dwelling would be constructed of grey concrete tiles and the submitted plans show solar panels to the front elevation roof slope. The doors and windows would be powder coated grey aluminium. It is also now proposed to use natural stone to the front elevation of the replacement garage.
- 2.5. Authority Parish Member Andrew McCloy has asked that the item be exempted from the scheme of delegation. His notice under the scheme sets out that whilst the need for renovation is understood, there has been concern expressed locally about materials, excessive garaging, landscape impact and the impact on the setting of the Grade I Listed

Church. The Director of Conservation and Planning has agreed that the application be determined by Planning Committee.

### **3. RECOMMENDATION**

**That application NP/DDD/0118/0032 be APPROVED subject to 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 amended plans.**
- 3. Sample and colour of render to be approved**
- 4. Sample of stone to be approved**
- 5. Landscaping scheme to be submitted and agreed.**

### **4. Key Issues**

- The principle of development
- The impact on the appearance of the property
- The impact on the character of the area, the landscape and the special qualities of the National Park
- The impact on residential amenity

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

- 5.1. RE\2017|ENQ\30494: Pre-application Enquiry for the remodelling of the dwelling.

During the pre-application enquiry, it was suggested by officers that the scheme should be amended to be more in keeping with the local vernacular by altering the materials and form of the proposed development.

### **6. Consultations**

- 6.1. Youlgrave Parish Council: Consider this is an innovative design and of merit, however they have the following concerns
- Materials: Whilst acknowledging that the proposed site is outside the conservation area and surrounding houses are dormer bungalows. The proposed materials of rendering the curves rather than stone, concrete tiles and imitation timber cladding do not lend themselves to a Youlgrave vernacular.
  - Concerned that the dominant cladding to the East face along with the high flat roofed first floor dormer will feature prominently in the views seen from the two public footpaths along Bradford Dale. Also that it may impact the focal point of the Church Tower. Recommend that planners should walk these paths to ascertain the affect this may have. The vertical cladding also appears to give an industrial façade more in keeping with the former look of the unit on Alport Lane than a domestic dwelling.
  - Garage: Whilst noting the proposed business use, Council notes that a triple garage gives a scale of ancillary building that seems disproportionate to the main dwelling on a domestic basis.



6.2. Derbyshire County Council (Highways): No objections.

6.3. Derbyshire Dales District Council: No response.

## 7. **Representations**

7.1. There have been two letters of support and 1 letter of objection to the proposal.

7.2. The letters of support note that the design is very modern looking but there are some concerns with the materials and suggest the finish should be more traditional and also note that it is good to see the property being rebuilt.

7.3. One letter of objection raises concerns that the removal of the existing tree belt to the southern boundary of the application site would result in overlooking to the neighbouring dwelling at Maren.

## 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. Para 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.'*

### Development Plan policies

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

- 8.5. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 8.6. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
- 8.7. DS1 supports extensions to existing buildings in principle, subject to satisfactory scale, design.

#### Local Plan

- 8.8. Local Plan policy LC4 states that where development is acceptable in principle it will be permitted provided it is of a high standard of design that respects and conserves the landscape, built environment and characteristics of the area.
- 8.9. Local Plan policy LH4 states that extensions and alterations to dwellings will be permitted provided that they do not detract from the appearance or amenity of the original building, its setting or neighbouring buildings.

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

Relevant Local Plan (LP) policies: LC4, LH4

## **9. Assessment**

### Design/Use of the Buildings

- 9.1. Saved Local Plan policy LH4 states that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbours buildings, does not dominate the original dwelling where it is of architectural historic or vernacular merit and does not amount to the creation of a separate dwelling or annexe. LC4 sets out criteria to ensure that detailed design is to a high standard. Amongst other things it refers to scale, form, mass and orientation in relation to existing buildings and the degree to which design details, material and finishes reflect or complement the style and tradition of local buildings.
- 9.2. The 1960's property is typical of properties of that time and is not considered to be particularly high quality modern design. It is set within other non-traditional properties on Brassington Close. Whilst it is not particularly desirable to maintain the character of the existing dwelling, it is essential that, if amended, the dwelling respects the character of the locality and conserves the special qualities of the National Park.
- 9.3. To the west elevation overlooking the field, the main part would be limestone, with the front corner render and stone. The rear elevation would be mainly render with some limestone to the side of the two storey extension. The front elevation is proposed to be mainly full height windows with limestone columns, and a rendered pitched dormer. To the west elevation, which faces the road, would be limestone at the front and the rest would be half render and half limestone.

- 9.4. Due to weight restrictions on the frontage, all three sides of the pitched dormer would be rendered. It would be desirable for the front of the dormer to be faced in natural stone. The concerns in respect of weight loading are however acknowledged and on balance it is considered that render here would be acceptable subject to a suitable colour finish being approved. The impact of the two storey extension would be reduced by the positioning of the extension to rear of the property whilst maintaining the sloping roof to the front of the house.
- 9.5. The Parish Council have expressed concerns regarding the materials proposed. However, amended plans have been received since the Parish Council comments were submitted. The amended design seeks to address the concerns regarding materials. It is considered that the increased use of limestone and reduced use of render reflects local traditional materials and improves the development in that respect. A flat roof dormer has been amended to a more traditional pitched roof dormer. It is considered that the amendments have resulted in a scheme which would still deliver a contemporary and interesting dwelling but one that much better reflects principles of the local vernacular and is appropriate for the National Park.
- 9.6. The scheme includes the provision of solar panels. It is noted that these would be Permitted Development if added after the other aspects of the development was complete. It is considered that the visual impact of the panels would in any case be acceptable, whilst helping to achieve the high level of energy efficiency that the applicant is aiming for.
- 9.7. The proposed replacement triple garage is required to store the applicants vintage car (which is used in the applicant's business). The triple garage will be used for additional parking and storage purposes. This removes the need for additional parking on the Close.
- 9.8. The Parish Council have expressed concern regarding the scale of the triple garage being disproportionate to the main dwelling. The triple garage would be constructed to the rear of site and set into the slope to minimise the visual impact. It would be constructed using the same grey roof tiles, aluminium roller shutter doors, limestone and render to match the dwelling. Existing screening along the site boundary breaks up the appearance of the garage as viewed from outside the site.
- 9.9. The amended plans show a balance between contemporary and traditional design and materials. It is considered that the scheme is acceptable and would make a positive contribution to the locality in accordance with policy GSP2.
- 9.10. Overall, it is considered that the proposed size, form and massing of the remodelling, extension and garage are sympathetic to the local building tradition and would not have a detrimental effect on the character and appearance of the property or its setting in accordance with policies GSP3, LC4, LH4, and guidance in the SPD.

#### Character/Landscape

- 9.11. Afe Wae is located within the built-up area of Youlgrave, outside the Conservation Area. Afe Wae is a non-traditional dwelling set within the context of other modern dwellings. The gardens have no major trees, but do have overgrown hedging to the south and shrubs to the stone wall to West elevation overlooking Brassington Close.
- 9.12. The applicant proposes to change the boundary planting to incorporate plants that are naturally occurring in the locality. Planting will aim to give some privacy, but also at appropriate points 'frame' the views over parts of the landscape beyond. It is considered that a condition requiring details of the replacement landscaping to be approved is reasonable and necessary.
- 9.13. Since the amendment of the scheme, it is considered that the wider landscape impact would now be acceptable. The roofline, pitched dormer and east face can only just be seen

from the public footpaths along Bradford Dale. Due to the intervening distance of over 150m, it is considered that the development would not have an unacceptable impact on the setting of the Grade I listed Church.

- 9.14. It is considered that the proposed development would not have a significant impact on the wider landscape character. The proposal complies with the requirements of GSP3, L1, LC4 and LH4.

#### Amenity

- 9.15. Core Strategy Policy GSP2 and Saved Local Plan policies LC4 require that the amenity, privacy and security of the development and of nearby properties be given due consideration. The nearest neighbouring properties are Pathways 11m to the South West, Stone Ends 25m North, Maren 25m South East and East View 29m South
- 9.16. The windows on the rear elevation have been limited in number to reduce overlooking the neighbouring property to the north of the site.
- 9.17. The neighbours that are located 25m to the south east (Maren) of the proposed site are concerned about the full height windows to the south elevation. Currently the boundary is screened by trees and a fence. The neighbours are concerned that if these trees were removed, it could compromise privacy and would allow overlooking from the numerous windows on both the lower elevation and windows on the first floor extension. Whilst this concern is noted, it is considered that the 25 metre separation distance would prevent any significantly harmful overlooking between the application site and the neighbouring dwelling to the south.
- 9.18. Significant amounts of glazing are also proposed to the west facing side elevation. The nearest property to the west of the site is Pathways, which is approximately 11 metres away. Given that the application site is off-set from Pathways and the intervening road and boundary treatments, it is considered that the resultant level of overlooking between the host dwelling and Pathways, and the other existing dwellings, would not be significantly harmful.
- 9.19. The proposed works would increase the scale and massing of the host dwelling. However, it is considered that the position of the dwelling in relation to neighbouring properties can accommodate the proposed enlargement without resulting in any significantly harmful overshadowing or overbearing impact to any neighbouring dwelling .
- 9.20. Overall it is considered that the scale of the works proposed and the separation distances between the site and neighbouring properties would not result in any harm to the amenity of occupiers and users of any nearby property. The proposals therefore accord within policies GSP3 and LC4 in these respects.

## **10. Conclusion**

- 10.1. The re-modelling of the existing dwelling, a two storey extension and replacement garage would not have an adverse impact on the character and appearance of the dwelling, its setting or the wider area. The proposals are therefore considered to be in line with the requirements of GSP1 and GSP3, LC4 and LH4.
- 10.2. The development would also not have an unacceptable impact on the amenity of the locality or the nearest neighbouring properties. The proposal is in accordance with the relevant planning policies and guidance, and therefore the application is recommended for approval subject to conditions securing compliance with the plans and design details.

**11. Human Rights**

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

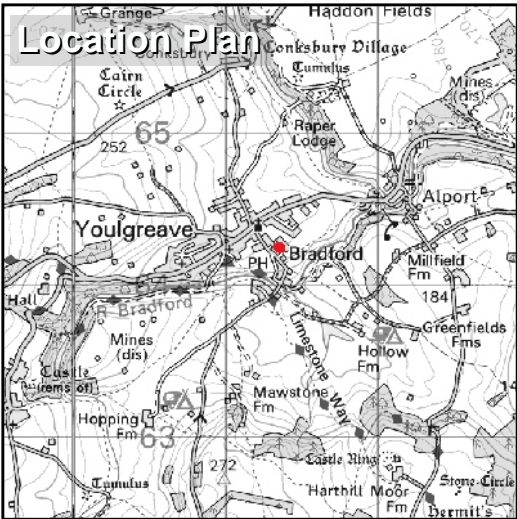
**12. List of Background Papers (not previously published)**

None

**Report Author, Job Title**

Teresa MacMillan, Planning Assistant.


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Committee Date:	13th April 2018	<b>Title:</b> Afe wae, Brassington Close, Youlgreave	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 9		
Application No:	NP/DDD/0118/0032		
Grid Reference:	421344, 364242		

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**10. FULL APPLICATION - FULL APPLICATION - EXTENSION TO CARE HOME AT THE LODGE, MANCHESTER ROAD, HOLLOW MEADOWS (NP/DDD/1217/1246, P.7130, 425648 / 387941, 07/12/2017/ AM)**

**APPLICANT: MOORVILLE RESIDENTIAL**

**1. Site and Surroundings**

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

**2. Proposal**

- 2.1. An extension to the existing care home.
- 2.2. The plans show a two storey extension located to the west of the existing building. The extension would provide four self-contained units along with a conservatory. The extension would allow for up to ten residents to occupy the property at any time.
- 2.3. The extension would be a two storey building built from natural stone and slate reflecting the detail of the existing building but separated from it and linked with a new glazed conservatory.

**3. RECOMMENDATION**

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

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

**4. Key Issues**

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

**5. Relevant Planning History**

- 5.1. 1987: Planning permission granted for extension.  
2007: Planning permission refused for two storey rear extension.  
2011: Planning permission granted for conversion of garage to gym and granny flat.  
2015: Planning permission granted for first floor extension over existing kitchen.

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

## **6. Consultations**

6.1. Highway Authority: No response to date.

6.2. Sheffield City Council: No response to date.

6.3. Parish Council: Recommend refusal as it is felt that the application would result in over development of the site.

## **7. Representations**

7.1. The Authority has received a total of 18 representation letters from individuals during the consultation period. Ten letters object to the development and eight letters support. The reasons given are summarised below, the letters are available to read on the authority's website.

### **7.2. Objection**

- The size, scale and design of the proposed development is unacceptable.
- The proposal would result in over development of the site.
- The proposed extension will visually have a detrimental impact upon the open character of the countryside and the scenic beauty of the National Park.
- The proposal would increase traffic to the site and create pollution.
- The proposal would create additional waste which often results in littering in the gardens of neighbouring properties.
- The development would harm the residential amenity of residents of the Mews.
- The change of the lodge from a family home to a care home has harmed the privacy and security of neighbours and this would be increased by the proposed extension.
- The proposal would lead to additional light pollution in the area.
- Concern in regard to foul sewerage and the capacity of the existing system.
- Concerns in relation to current operation of the care home and the planning permission granted in 2017.
- Concerns in relation to the conduct of the applicant and future intentions for further development of the site.

### **7.3. Support**

- Further expansion of the facility would enable the applicant to continue to provide personalised, high quality, safe and effective support.
- The location of the property creates an ideal, tranquil setting for people with autism who struggle with sensory overload created by many other environments, and provides good access into the National Park.

- The proposal will improve the accessibility of Derbyshire and the Peak District for disabled people and increasing the capacity of the site will help achieve this objective.
- The proposal would ensure that occupants get the services and support needed.
- Sites such as this are rare and care providers such as this are not available in Sheffield and as a result adults are sent outside of the city isolated from their families.
- The National Park should take into account not only the needs of the current residents but also the levels of demand placed on sites like this and the current low supply of this type of care provision.

## 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. Para 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. Para 28 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 8.5. Para 59 and 60 of the NPPF say that Authorities should consider using design codes and should concentrate on guiding design elements of new development in relation to neighbouring buildings and the local area. It is not appropriate to impose architectural styles or tastes but it is proper to seek to promote or reinforce local distinctiveness.

### Development Plan policies

- 8.6. Policy GSP1 sets out the broad strategy for achieving the National Park’s objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.7. 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 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.
- 8.9. There is no specific relevant policy within the Authority’s Development Plan covering care homes generally or for adults with autism and learning difficulties. Policy HC4 enables the provision of community services but these are encouraged within sustainable locations within settlements, elsewhere proposals to provide community facilities or services involving change of use of traditional buildings or replacement buildings achieving enhancement will be encouraged.
- 8.10. Policy E2. D says that 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. Policy LE4 (b) provides detailed criteria to assess proposals for industrial or business expansion. In the countryside expansion of existing businesses will not be permitted unless it is of a modest scale in relation to existing activity and/or buildings and does not extent the physical limits of the established use and does not harm the amenity and valued characteristics of the area and the appearance of the site.
- 8.11. Policies LT10 and LT18 require satisfactory parking and safe access as a pre-requisite for any development within the National Park.
- 8.12. The Authority’s adopted design guide and alterations and extensions detailed design guide are adopted supplementary planning documents and therefore should be afforded weight in determining the application.

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

Relevant Local Plan (LP) policies: LC4, LE4, LT10 and LT18

## **9. Assessment**

### Principle

- 9.1. The use of the site as a care home was granted by the Authority last year and the approved scheme allows for a maximum occupancy of 9 persons in care, 6 in the main lodge and 3 in the detached annex at the rear.

- 9.2. The site forms part of the former Hollow Meadows Hospital, a group of traditional buildings now in residential use (with the exception of this building) which are located within the open countryside close to the eastern boundary of the National Park and away from nearby settlements within the National Park, albeit only a short drive from the city of Sheffield. Although there is a bus service on the A57, the site could not be said to be in a sustainable location and relies heavily upon use of the private motor car. It is recognised however that the site provide a much needed and a valuable service for people with learning disabilities, autism and/or dual diagnosis.
- 9.3. There is no specific policy in the Development Plan for Care Homes and therefore the Authority determined the application on its own merits against the Authority's development strategy and relevant landscape, conservation and highway policies. The Authority approved planning permission having concluded that subject to conditions that the change of use of the dwelling to a care home would have no adverse impact upon the landscape, highway safety or the amenity of nearby residents and would provide a beneficial use within an existing traditional building.
- 9.4. This application proposes an extension to the existing care home. The Authority's development plan does allow for extensions to existing building in principle. Policy HC4 does not refer specifically to extensions to existing community facilities in the open countryside but HC4. B indicates that community facilities should involve the change of use of traditional buildings or a replacement of an existing building where there is enhancement. Policy E2 and LE4 together say that the expansion of existing businesses will be carefully considered in terms of landscape impact and should be a modest scale in relation to existing activity and/or buildings.
- 9.5. Therefore it is considered that relevant policies do offer support in principle an extension to the existing care home provided that the design, scale and landscape impact was acceptable and that the development was acceptable in all other respects.

#### Design and Landscape Impact

- 9.6. Concerns have been raised by the Parish Council and in representations over the scale of the extension and its impact upon the site and the wider landscape. Officers have also raised concerns in regard to the design and scale of the extension with the agent and applicant during the course of the application.
- 9.7. The original lodge building has been subject to several extensions in the past resulting in a pair of two storey extensions to the rear, a single storey conservatory to the side and the annex building to the rear of the building.
- 9.8. The amended drawings show a two storey extension to the west side and rear of the existing lodge. The majority of the extension would be built from materials to match the existing building with a glazed conservatory linking to the existing building. The scale of the extension would equate to an increase in floor space of just over 80% of the existing lodge building (including extensions but excluding the annex).
- 9.9. In design terms the extension would appear as a separate structure from the existing house linked by the proposed conservatory. Due to a combination of the design of the extension and its scale it is considered that the extension would read as a new dwelling attached to the existing lodge by way of a link rather than as an extension to the existing building.
- 9.10. It is accepted that the use of the lodge has changed and that it is no longer a single dwelling house. However, in design terms its conversion has been successful in that the

character and appearance of the building remains that of a traditional residential property, indeed this was a key aspect of why the change of use of the property to a care home was considered to be acceptable.

- 9.11. The Authority's design guide and detailed design guide states (paragraphs 7.8, 7.11 and 7.12) states that all extensions should harmonise with the parent building and that an extension should respect the dominance of the original building and be subordinate to it in terms of size and massing.
- 9.12. The scale of the proposed extension and the design approach is such that the proposed extension would not be subordinate to the original building. It would appear as a separate dwelling of similar materials and design to the existing building and would compete with the original building visually on equal terms rather than appear as a subordinate harmonious extension.
- 9.13. The proposed conservatory which would act as a link between the two buildings would also be a significant feature due to its height finishing above the eaves height of the adjacent roofs. The window and door frames for the conservatory would also be formed from white uPVC which would be an inappropriate building and would contrast to the existing and proposed timber windows and doors and use of traditional stone and slate.
- 9.14. Officers therefore agree with the concerns raised by the Parish Council with regard to scale and design, and conclude that due to the proposed design and scale that the extension would not be in accordance with the Authority's adopted design guidance and would harm the character and appearance of the existing building, the site and its setting in the wider landscape contrary to policies GSP3, L1, HC4, E2, LC4 and LE4.

#### Amenity and Highway Safety

- 9.15. Concerns have also been raised that the proposed extension would lead to further activity on the site and that additional traffic and waste would result in harm to the amenity of neighbouring properties.
- 9.16. The planning permission granted last year allowed up to 9 residents to occupy the building (along with carers and other staff) at any one time. The submitted application states that there are currently 6 occupants and while permission exists for another 3, only 2 could be accommodated while meeting desired standards. The application states that due to the success of the self-contained units within the annex, the proposal is to provide a total of 4 self-contained flats within the extension.. Along with the re-configuration of the existing lodge and the annex, in total with the proposed extension the site would then allow up to 10 residents to occupy the site and enjoy as much independence as practicable while having 24 hour support.
- 9.17. Therefore the proposed extension would only result in a modest increase in the number of residents at the property (along with carer and other staff). There is ample parking space to accommodate this increase and it is considered that the proposal would not result in a substantial increase in activity, traffic or other issues such as waste over and above the existing.
- 9.18. Given the position of the proposed building to the west of the lodge and away from neighbouring properties which lie to the east and the intervening distances, there are no concerns that the extension would lead to any loss of privacy or amenity to neighbouring properties. Officers note the concerns raised about the operation of the existing use and potential future aspirations of the applicant. However the application must be determined on its own merits.

9.19. Therefore it is considered that the proposed development would not harm the amenity, privacy or security of neighbouring properties or harm highway safety.

#### Other Considerations

9.20. A number of representations have been received which emphasise the importance of the existing care home and its location in providing personalised, high quality, safe and effective support for residents in a tranquil setting for people with autism. It is highlighted that homes such as this are rare within Sheffield and that as a consequence adults are sent outside of the city, and isolated from their families. Representations also underline that the care home improves access to the Peak District for disabled people.

9.21. Officers are sensitive to these points and recognise the importance of the accommodation provided by the applicant for residents and for people with autism who would benefit from the opportunity to live independently with care. Therefore approving the application would provide a public benefit of enhancing the existing accommodation and providing for additional residents at the site.

9.22. The Authority's policies do allow in principle for extensions to the existing building and in principle Officers welcome proposals to improve the accommodation provided at the lodge. However, significant concerns in regard to the scale, design and landscape impact of the proposal remain.

9.23. Policy GSP1 makes clear that where there is conflict between the Authority's statutory purposes that the conservation and enhancement of the National Park will be given priority. In this case Officers have discussed the proposals with the applicant and agent and recommended that it would be appropriate to pursue more modest extensions in accordance with the Authority's design guidance to provide enhanced accommodation within the limits of the existing building, the site and the wider landscape.

9.24. Therefore, while the potential benefits of allowing the scheme are understood and recognised it is considered that these benefits can be provided in a different scheme which is in line with design and conservation policies. The National Park has the highest level of landscape protection, and the Authority's policies in relation to design and conservation cannot be put aside because the use has benefits in other respects, particularly when these benefits can be realised in a scheme which would not be detrimental to the National Park.

### **10. Conclusion**

10.1. It is therefore concluded that the proposed extension by virtue of its scale, form and design would harm the character and appearance of the existing building, its setting and the wider landscape contrary to relevant development plan policies and adopted design guidance.

10.2. Officers recognise the benefits of the accommodation and care provided on site to occupants and the wider community and in principle welcome development to enhance this accommodation and the National Park.

10.3. However these benefits are not considered to outweigh or override the conflict identified with the Authority's conservation policies and in the absence of further material considerations it is therefore concluded that the proposed development is contrary to the development plan. The application is therefore recommended for refusal.

**11. Human Rights**

11.1. All human rights issues have been considered in the preparation of this report.

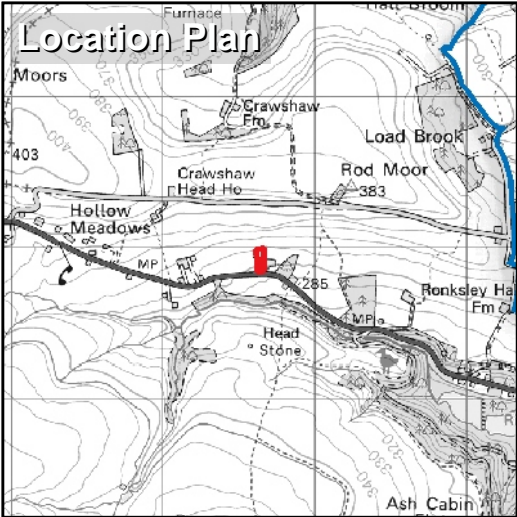
**12. List of Background Papers (not previously published)**

None

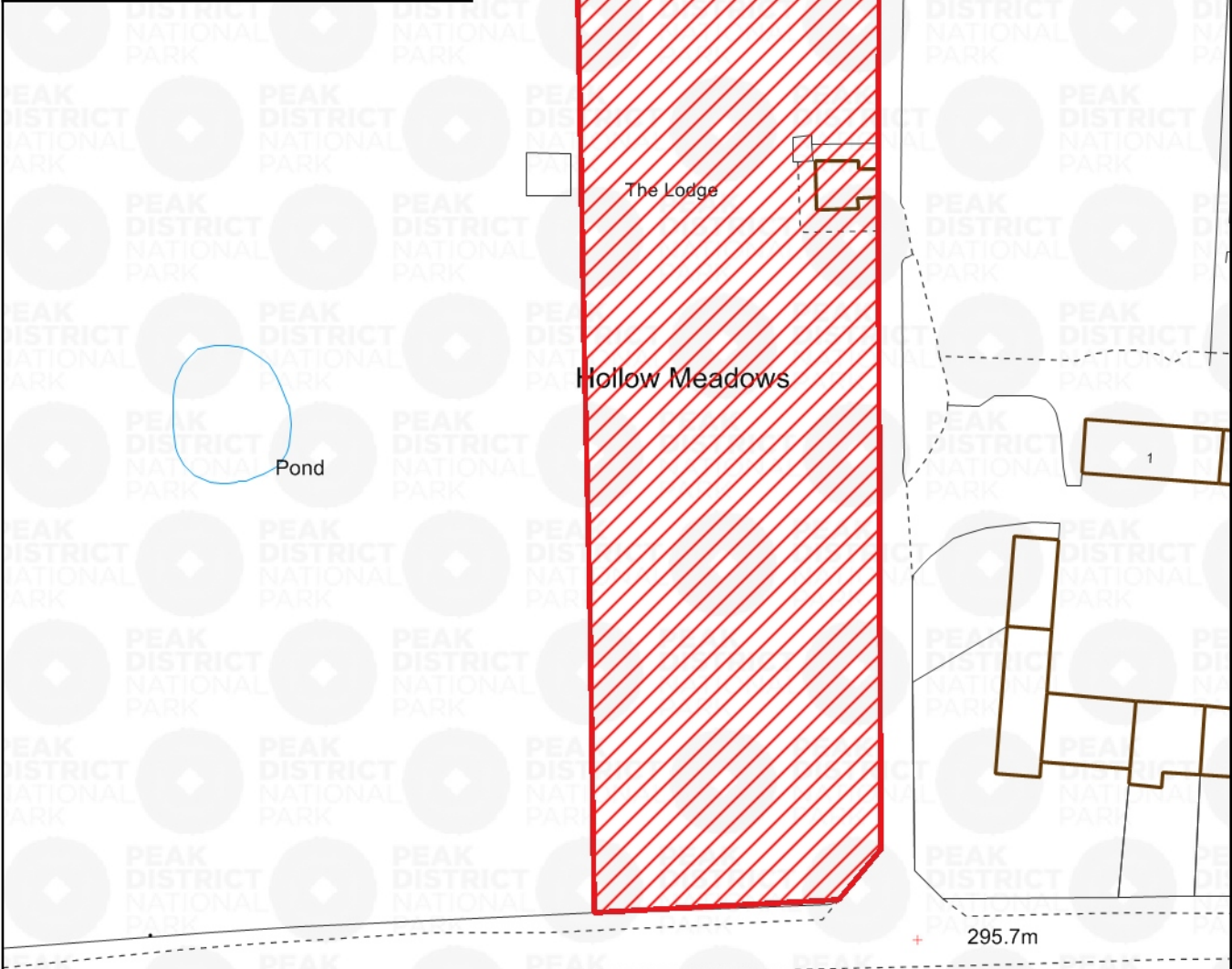
**Report Author, Job Title and Publication Date**

Adam Maxwell, Senior Planner






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Committee Date:	13th April 2018	<b>Title:</b> The Lodge, Manchester Road, Hollow Meadows	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 10		
Application No:	NP/S/1217/1246		
Grid Reference:	425648, 387941		

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**11. FULL APPLICATION - DEMOLITION OF EXISTING FLAT ROOF EXTENSION TO BE REPLACED WITH TWO STOREY SIDE EXTENSION, BRAMBLEGATE, TIDESWELL LANE, EYAM, (NP/DDD/0118/0055)**

**APPLICANT: MR AND MRS S ROWLAND**

**1. Introduction**

- 1.1. The proposal is for a two storey side extension of a large detached house located on Tideswell Lane in Eyam. The dwelling is situated at a raised level above the main centre of Eyam village, within a Conservation Area.

**2. Site and Surroundings**

- 2.1. The property located on Tideswell Lane which is situated to the North of the site, open fields and residential properties are situated to the East of the site, and other neighbouring properties are situated to the South and West of the site. A sizeable front garden and driveway leads up to the property, to the North of the site. Further extensive areas of garden surround the property to the South, East and West of the site. The boundaries to the site comprise stone walls, timber fences and areas of foliage. The property itself is set over two floors, with further accommodation within the roof. The principle East elevation of the house is of a natural stone construction, the North and South side elevations are part stone and part rendered, and the Western rear elevation is rendered. The property has a pitched slate roof, with timber windows and doors and stone detailing. The property has two ground floor bay windows to the East elevation, two chimney stacks, and four rooflights. A series of single storey extensions are attached to the Northern side of the house. These comprise a flat roofed porch, a flat roofed extension and a lean-to hybrid conservatory. The extensions are clustered together as a group and project beyond the building lines to the front and rear of the property. An L-shaped stable block is situated to the North East of the house and a detached double garage is situated to the North West of the house.

**3. Proposal**

- 3.1. The application proposes the demolition of the existing flat roof extension to be replaced with a two storey side extension. The two storey extension would be attached to the Northern side of the house and would be constructed using materials to match. The extension would follow the form of the existing property, with a lean-to glazed aspect to the East elevation. The extension would largely appear as a continuation of the main dwelling, however it would be set in slightly from the front and rear building lines and would be set down slightly from the roofline. The main extension would measure approximately 8.7M in height to the ridge, 5.3M in height to the eaves, 9.8M in width and 8.8M in depth, with a further single storey lean-to section measuring approximately 1.2M in depth. To the Northern side elevation, the plans are for three French doors and a pair of casement windows at ground floor level with a pair of casement windows at first floor level. To the Western rear elevation, the plans are for a set of three casement windows, a door and a single casement window at ground floor level with a two pairs of casement windows at first floor level. To the Eastern rear elevation, the plans are for a glazed lean-to structure at ground floor level with two sets of triple casement windows and a set of double casement windows at first floor level. Internally it is proposed to create a kitchen, utility and garden room at ground floor level, with a master suite, dresser, boiler and two en-suite bathrooms at first floor level. There are concerns that an extension of this nature would have a harmful visual impact upon the existing building, its setting, that of neighbouring properties, or the surrounding Conservation Area.

#### **4. RECOMMENDATION**

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

- 1. The excessive scale, poor design and dominant massing of the proposed plans would result in an adverse impact on the character and appearance of the property, its setting and the wider Conservation Area. The proposed plans would not be sympathetic, subservient to the original building or limited in size, would not respect, conserve and enhance the valued characteristics of the site or the surrounding landscape, and would harm the character and appearance of the existing building and its setting. As such, this application is contrary to the Extensions and Alterations SPD, and Policies GSP3, L1, LC4 and LH4 of the Peak District National Park Core Strategy and is therefore recommended for refusal.**

#### **5. Key Issues**

- Whether the development would conserve the character, appearance and amenity of the existing building.
- Whether the development would conserve the setting of the existing building.
- Whether the development would conserve the amenity of neighbouring properties.
- Whether the development would conserve the character of the surrounding Conservation Area.

#### **6. Relevant Planning History**

- 6.1. Application WED1079499 was approved in 1979 for the erection of a garage.
- 6.2. Application WED0381105 was approved in 1981 for a proposed conservatory.
- 6.3. Application NP/DDD/0810/0881 was approved in 2010 for the erection of equestrian stables.

#### **7. Consultations**

- 7.1. Highway Authority: No objection.
- 7.2. Borough Council: No response received to date.
- 7.3. Parish Council: Supports the application.

#### **8. Representations**

- 8.1. No representations have been received to date.

## 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 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

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. Para 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.'*

### Development Plan policies

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

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

9.6. 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.

- 9.7. Policy DS1 indicates that extensions to existing buildings in all settlements will be acceptable in principle.
- 9.8. Policy L3 states that development must conserve and enhance any asset of archaeological, architectural, artistic or historic significance or its setting that has statutory designation or registration or is of other international, national, regional or local significance.
- 9.9. Policies LC4 and LH4 state that all domestic development must not harm the character, appearance and amenity of the existing building, its setting or that of neighbouring properties. GSP3 also requires a high standard of design in accordance with adopted design guidance.
- 9.10. Policies LT11 and LT18 require safe access provision and adequate parking arrangements.

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

Relevant Local Plan (LP) policies: LC4, LH4, LT11, LT18

## 10. **Assessment**

### Design/Use of the Buildings

- 10.1. The proposed scale and design do not reflect adopted design guidance. The Extensions and Alterations SPD states that extensions should be sympathetic, subservient to the original building, and limited in size. The existing house measures approximately 12.7M in width and the extension would measure approximately 9.8M in width. As such, the plans would result in a two storey side extension that would measure more than three quarters of the width of the original dwelling. The current proposal is considered to be excessive in scale in relation to the host property. The single storey lean-to extension would not remain subservient to the main dwelling as it would project beyond the building line to the front of the property, on the primary elevation.
- 10.2. It is also excessively glazed, poorly detailed and too wide, resulting in an unacceptable quality design. The proposed fenestration relates poorly to the existing dwelling, comprising a mix of glazing styles with little consistency. The majority of the windows in the original dwelling to the West elevation are of an equal sized sash design, however the application proposes an extension with casement windows and little attention to symmetry to the primary elevation. The triple French doors to the North elevation are considered to relate poorly to the main dwelling, and the glazed lean-to would dominate the primary East elevation and have an adverse impact on the character of the property. It is acknowledged that the existing extensions to the house are not of a high quality, however they remain largely subservient to the main dwelling and do not dominate the property in the manner of the extension that is now proposed.
- 10.3. It is considered that a smaller two storey side extension of an alternative design could be appropriate at this property. Officers have worked with the applicants agent to try to secure an alternative scheme, but this has not been forthcoming.

### Character/Landscape

- 10.4. The proposed extension by virtue of its scale and massing would dominate the property within the wider landscape. The site is situated within a Conservation Area, and it is considered that the proposed plans would result in an adverse impact on this sensitive

location. Policy L3 of the Core Strategy relates to cultural heritage assets including Conservation Areas and states that development must conserve and enhance any asset of archaeological, architectural, artistic or historic significance or its setting that has statutory designation or registration or is of other international, national, regional or local significance. It is considered that these plans would fail to do so, due to the excessive scale, poor design and dominant massing.

#### Amenity

- 10.5. It is not considered that the proposed location, scale or form of the extension would result in any adverse impact on neighbouring properties. Neighbouring properties are situated a significant distance away, and as such there would be no issues in terms of overlooking, overshadowing or an overbearing impact.

#### Highway Considerations

- 10.6. Given the location of the proposed extension and its relationship to the existing property and neighbouring properties there are no concerns that the proposed development would result in any significant impact in terms of highway matters. There have been no objections from the Highway Authority.

### **11. Conclusion**

- 11.1. The scale, design and massing of the proposed would result in an adverse impact on the character and appearance of the property, its setting and the wider Conservation Area.
- 11.2. This application is contrary to the Extensions and Alterations SPD, which states that extensions should be sympathetic, subservient to the original building, and limited in size. It is contrary to Policy GSP3, which states that 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, and design in accordance with the National Park Authority Design Guide. It is contrary to Policy L1 which states that development must conserve and enhance valued landscape character and valued characteristics, and Policies LC4 and LH4 which state that all domestic development must not harm the character, appearance and amenity of the existing building or its setting.

### **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)**

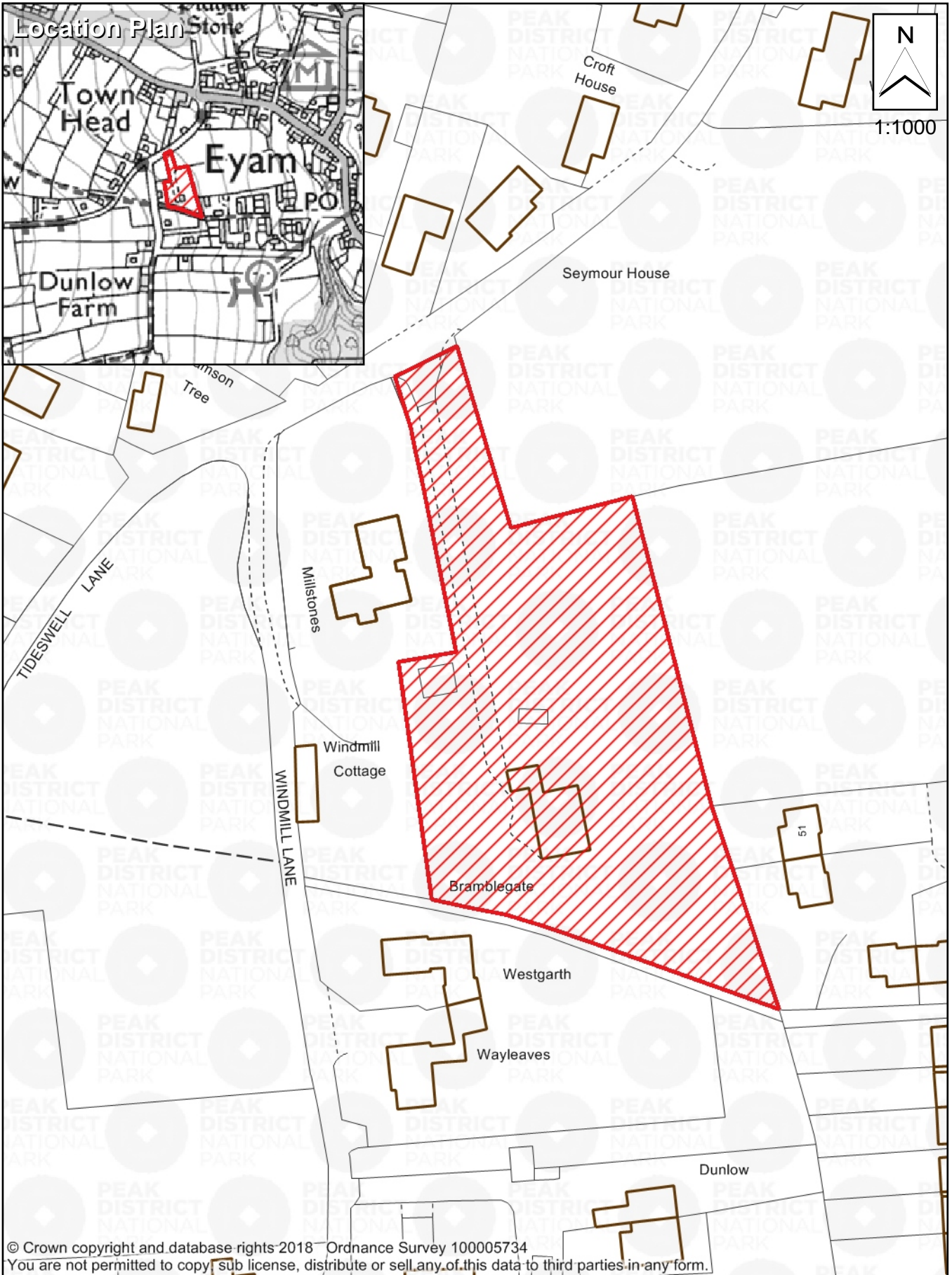
None


#### **Report Author**

Joe Freegard, Planner

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Committee Date:	13th April 2018	<b>Title:</b> Bramblegate, Eyam	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 11		
Application No:	NP/DDD/0118/0055		
Grid Reference:	421295, 376539		

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**12. FULL APPLICATION - USE OF PREVIOUSLY REFURBISHED BARN AS HOLIDAY ACCOMMODATION, CONSTRUCTION OF GENERATOR AND BATTERY HOUSE AND LAYING OUT OF PARKING/TURNING AREA AT EASTSIDES LANE, LITTON (NP/DDD/1017/1051, P.8564, 416566 / 374856, 10/10/2017)**

**APPLICANT: MR JAMES HARDY**

**1. Site and Surroundings**

- 1.1. The application site is located in open countryside just south of Litton on Easysides Lane and adjacent to the designated Litton Conservation Area.
- 1.2. The application site forms part of a strip field and includes a stone field barn constructed from natural limestone under a pitched blue slate roof. The land around the barn is separated from the field to the south by a stone wall and gate.
- 1.3. Access to the site from Eastsides Lane is via a field gate adjacent to the barn. The nearest neighbouring properties are to the north within Litton. The modern agricultural buildings associated with Litton View Farm extend southwards from Litton towards the site and the field to the east of the site is used for the storage of silage.

**2. Proposal**

- 2.1. Conversion of the existing barn to holiday accommodation with extension to house generator and battery.
- 2.2. The plans show that the holiday accommodation would have living accommodation at ground floor and one bedroom within the roof. The amended plans show that the generator and battery would be located within a lean-to extension built from matching materials off the eastern gable of the barn.
- 2.3. The conversion would utilise existing window and door openings. A new roof light is proposed on the southern facing roof slope.
- 2.4. The existing wall and gate to the south of the barn would be moved 6m closer to the barn and the area immediately around the barn would be surfaced with limestone chippings. A package treatment plant would be installed underground to the south of the wall.

**3. RECOMMENDATION**

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

- 1. Statutory time limit for implementation.**
- 2. In accordance with specified amended plans.**
- 3. Conversion within shell only and with no re-building.**
- 4. All service lines to be underground.**
- 5. Restrict residential curtilage and stone wall and gate to be re-positioned before the first occupation of the development.**
- 6. No external lighting other than in accordance with approved scheme.**
- 7. Noise attenuation for generator to be installed in accordance with submitted noise surveys.**

8. **Design details including matching materials for extension, conservation roof light, soil vent tile and painting existing window and doors.**
9. **Restrict occupancy to holiday accommodation, no more than 28 days occupation by any individual in any calendar year.**
10. **Remove permitted development rights for domestic extensions, alterations and outbuildings.**

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

- The impact of the development upon the existing building, the setting of Litton and the wider landscape.

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

- 5.1. 1995: WED/1194/498: Planning permission refused for conversion and extension of barn to form holiday cottage.
- 5.2. 2015: 15/0056: Enforcement file in relation to demolition and re-building of barn.
- 5.3. The Authority concluded that the works consisted the repair and maintenance of the existing barn. It was found that the roof of the building had been increased by around 300mm and that the window in the south elevation of the building had been increased in size. On these points the Authority concluded that the alterations to the building did not materially affect the external appearance of the building and that consequently it was not expedient to pursue enforcement action.
- 5.4. 2017: ENQ 30559: Pre-application advice in regard to potential conversion of barn to holiday accommodation.
- 5.5. The applicant was advised that subject to revisions to the proposed design and a limited curtilage that Officers would be likely to be supportive in principle.

#### 6. **Consultations**

- 6.1. Highway Authority: Make the following comment.
- 6.2. *“The property is served via a private track access which carries the route of a Public Right of Way (FP10 Litton on the Derbyshire Definitive Map). This access is of single vehicular width and is without formal passing places. The access serves agricultural buildings and land.*
- 6.3. *The proposal is to use the barn for holiday accommodation. There is a parking and nominal turning proposed within the site curtilage. Given the distance from the nearest publicly maintainable highway and the classified nature of Hall Lane (CIII) turning of suitable dimensions for service/delivery vehicles would be required. Whilst refuse collection can generally be resolved, drivers of other service/delivery vehicles may be forced to carry goods/tools/equipment over a long distance or attempt to reverse their vehicles on or off the highway and along the private drive access to premises which this Authority would not condone. Or if the driver of such a vehicle does not gain access to the site, for whatsoever reason, they would be forced to wait on the adjacent classified road for over long periods of time causing an obstruction to other highway users.*
- 6.4. *The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bin and means of access. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a dwell area for bins should be provided, clear of the public*

*highway, for use on refuse collection days. I am mindful that the proposals may result in additional traffic movements on a Public Right of Way both and there would seem limited space for turning.”*

- 6.5. District Council: No response to date.
- 6.6. Parish Council: Object to the development. The reasons given are summarised below.
- 6.7. The proposal will create harm and loss to an historic environment. The development is within the area of fossilised medieval strip fields which is a rare landscape within the National Park and is a heritage asset. The site is within a strip field with the benefit of the field barn. The shape and size of the field contributes to the overall landscape and this will be harmed by taking part of it for residential use, laying a concrete turning circle and erecting a wall.
- 6.8. The site lies on the edge of the Conservation Area and the development will affect views both in and out of the Conservation Area. The development would harm the setting of Litton on the approach from Cressbrook / Litton Cemetery and leaving Litton along Eastsides Lane and the public footpaths.
- 6.9. The proposal is outside of Litton where policy LC3 says development will not be permitted.
- 6.10. The proposed change of use from agriculture is not necessary and the agricultural use could continue. Farmers would be interested in the land to consolidate land holdings.
- 6.11. There is no need for another holiday let in Litton.
- 6.12. The proposal is for a diesel generator for electricity which is contrary to policy CC1 and will add air pollution and noise.
- 6.13. It has been reported that the work already undertaken at the site has displaced species. Concern is also raised in regard to the waste treatment plant which can fail.
- 6.14. Access to the site is along an unmade muddy single carriageway track which is used by farm traffic and walkers. The access to Hall Lane from Eastsides Lane is on a blind bend with no passing places. Walkers and cars would be in competition for road space.
- 6.15. PDNPA Archaeology: Object to the development.
- 6.16. *“The site of the proposed development is a site of archaeological and historic interest. The proposed development is within an area which is defined as ‘Ancient Enclosure - Fossilised Strip System (Known)’ under the National Park’s Historic landscape Character assessment. These are fossilised medieval strip fields that relate to the medieval open field system of Litton. The map and field shape evidence (characterised by the enclosed narrow strips with a characteristic s-shaped curve) suggest that remnants of the medieval open fields survived to the relatively late date of 1764, when the Litton Enclosure Award was made. The relatively late survival is likely why the field system survives with such legibility. Fields that reflect these very early enclosure patterns survive extensively to the north, west and south of the village. The fossilised medieval strip fields are a rare and precious landscape character type and important to the Peak District National Park. They are a non-designated heritage asset of archaeological interest and have intrinsic landscape value, providing the area a distinct character, a time depth to the landscape. They are the most important, and rarest, historic landscape feature type within the National Park.*
- 6.17. *The barn that is the subject of this application is also a non-designated heritage asset. It is recorded within the Peak District National Park Authority’s Historic Buildings, Sites and Monuments Record and the Derbyshire Historic Environment Record as an extant 19th century outfarm (MPD 11996).. This was identified during Historic England’s 2016 Historic*

*Farmstead Project. Outfarms are farm buildings, either singular or small groups of buildings, usually set around a yard. The barn that is the subject of this application can more accurately be considered a field barn due to its form, a single building with no associated yard and its location within the well preserved fossilised medieval strip field system of Litton. It was likely used for sheltering livestock (cattle or sheep), for storage hay, fodder and other crops, or a combination of these activities.*

- 6.18. *The Peak District National Park Historic Farmstead Character Statement identifies that field barns are an important part of the Peak District's landscape, they are highly characteristic and strongly contribute to local distinctiveness, even more so when combined with the distinctive pattern of dry stone wall enclosure reflecting the development of the historic landscape. They are located in areas where such as this, around villages and within former open field systems, where the irregular ancient enclosure meant that farmland remained intermixed, and field barns allowed such land to be managed remotely without the need to move stock and produce to the main farmstead. The Peak District National Park Historic Farmstead Character Statement also identifies that farm buildings that are detached and remote from a main farmsteads (both outfarms and field barns) have been subject to high levels of change both with the Peak District and nationally, with a 57% loss of such features from the Peak District landscape. This makes those that survive all the more precious.*
- 6.19. *The development also lies immediately on the southern edge of the Litton Conservation Area. The Litton Conservation Area Appraisal (2008) identifies the fact that the surviving undeveloped medieval strip field pattern in this area 'provides a wide and striking foreground to the settlement' (para. 9.3). This statement is illustrated by a photograph (P51) which shows Litton Edge when viewed from the east across the field system of which the field barn is a component.*
- 6.20. *The planning application details indicate that the structure has recently been refurbished, in the process of which it appears that surviving original internal features will have been removed and the external appearance and character of the building changed, this has resulted in harm to a non-designated heritage asset. The current application will result in the relocation an existing wall to the south of the building, some 6m northwards to form an enclosure area around the barn (domestic curtilage?), and a concrete apron has been created around the south and east elevations of the building. These works will, and have, negatively impacted on the significance of the heritage asset through the removal of original historic fabric and changes to the setting of the building.*
- 6.21. *The proposal is for the change of use of the barn to a holiday let. in addition to the new enclosure around the barn, development plans show that there will be a further domestication of the site as a result of the insertion of a septic tank, the creation of a parking area and the inclusion of a generator and generator house adjacent to the barn. The introduction of a residential and domestic use into this agricultural site and landscape the comes with the introduction of a domestic curtilage, parking, provision of services, light pollution, septic tank, generator and its housing etc. would introduce elements that are out of place, incongruous and are harmful to this most important historic landscape. A further consideration is that the development is not on the road network of the village, but a green lane which is part of the medieval strip field system and which in the past simply would have provided agricultural access to the adjacent fields and Tansley Dale to the east.*
- 6.22. *Taking in to account the context and setting of this scheme we would advise that it will harm the significance of the historic landscape character and setting of Litton village. This is because it will create a visual intrusion in to a relatively rare, intact, block of former medieval strip fields in an area which is recognised as making an important contribution to the Litton Conservation Area. In addition to this, the proposed use of a generator to power the scheme will result in aural intrusion and will negatively impact visitors and residents experience of this rare, special and important landscape.*

6.23. *Taking this in to account we cannot support the positive determination of the application and would recommend refusal on the grounds that the development is at odds with the requirements of Local Development Framework policy L3.”*

## **7. Representations**

- 7.1. A total of six representations from individuals have been received to date. All five letters object to the development, the reasons given are summarised below:
- 7.2. The site is located outside of the Litton village boundary and if granted would represent a creeping spread of building into the beautiful Peak District landscape and the medieval strip field.
- 7.3. The proposed generator will give constant noise pollution and atmospheric pollution a very rural area. The generator would sit within a new building and would worsen the landscape impact. The site would be to resemble an electricity substation or sewage works rather than a barn.
- 7.4. The development of this site has already cost the area some valued bird life. Adding a generator and traffic to this location can only worsen this impact.
- 7.5. The track / public footpath is muddy for much of the year and is not suitable for additional traffic from occupants / servicing.
- 7.6. Lack of need in the village for more holiday accommodation.
- 7.7. Potential for future extension or other larger buildings built on the site.
- 7.8. The site is adjacent to the farm and land used as a fodder store. The use of the site as holiday accommodation could conflict with this use and potentially disrupt a local business.
- 7.9. The odour from the adjacent silage store would harm the amenity of occupants of the holiday let.
- 7.10. Object to the fact that the applicant has already carried out development at the site without planning permission.
- 7.11. The development will require lighting internally and externally and this will cause light pollution in an area of open countryside.
- 7.12. The development would only be of limited benefit to the village.

## **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. Para 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. Paras 128 – 134. Of the NPPF are relevant for development affecting the historic environment and require applications to describe the significance of affected heritage assets and Local Planning Authority to identify and assess the particular significance of any heritage assets that may be affected including their setting. In determining applications great weight should be given to the asset's conservation.
- 8.5. Planning permission should be refused where development would lead to substantial harm or total loss of significance of a designated heritage asset unless there are substantial public benefits that outweigh that harm. Where development would lead to less than substantial harm this should be weighed against the public benefits of the proposal, including securing the optimal viable use of the heritage asset.

### Development Plan policies

- 8.6. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.7. 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 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.
- 8.9. Policy L2 says that development must conserve or enhance the biodiversity of the National Park and other than in exceptional circumstances development which has a harmful impact will not be permitted.



- 8.10. Policy L3 says that development must conserve or enhance the significance of the National Park's heritage assets and their setting and other than in exceptional circumstances development which has a harmful impact will not be permitted.
- 8.11. Policy RT2 sets out policy in regard to hotels, bed and breakfast and self-catering accommodation. The change of use of a traditional building of historic or vernacular merit to holiday accommodation will be permitted except where it would create unacceptable landscape impact in open countryside.
- 8.12. Policies LC4 and LC5 provide more detailed design criteria to assess developments within the National Park and within designated Conservation Areas. Policy LC8 is relevant for conversions and says that proposals must conserve or enhance the character and appearance of the existing building and its setting.
- 8.13. Policies LC15 and LC17 set out detailed criteria for the assessment of proposals which affect sites of archaeological interest and biodiversity.
- 8.14. Policies LT11 and LT18 require satisfactory parking and safe access as a pre-requisite of any development within the National Park.

#### Other relevant documents

The Authority's adopted design guide is a relevant material consideration as is the adopted Litton Conservation Area appraisal.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, CC1, L1, L2, L3 and RT2

Relevant Local Plan (LP) policies: LC4, LC5, LC8, LC15, LC17, LR6, LT11 and LT18

### **9. Assessment**

#### Planning History

- 9.1 The Authority was made aware of alleged work to demolish and re-build the barn along with increasing its roof height, construction of concrete apron and new walling at the site in 2015.
- 9.2 The Authority's Monitoring and Enforcement investigated the case and the Authority determined that the works consisted the repair and maintenance of the existing barn.
- 9.3 The investigation did find that the roof of the building had been increased by around 300mm and that the window in the south elevation of the building had been increased in size. On these points the Authority concluded that these alterations did not materially affect the external appearance of the building and that consequently it was not expedient to pursue enforcement action.
- 9.4 The other works to create the concrete apron and erect the new wall and gate within the field were permitted development and therefore no enforcement action could be taken.
- 9.5 A number of the consultation responses and representations received in relation to the current application refer to previous work carried out to the barn and the impact of these upon the building and its setting in the wider landscape.
- 9.6 However, it is important in determining this application to take into account the Authority's previous decisions that these works were repair and maintenance and that it was

determined to not be expedient to pursue the other alterations to the building. It is therefore considered that the current application should be considered on its own merits outside of the maintenance already carried out.

#### Principle of Proposed Development

9.7 Concerns are raised by the Parish Council and in representations that the site is outside of Litton and therefore should not be developed in principle. However policies DS1 and RT2 do allow for the conversion of existing buildings within the open countryside to create holiday accommodation in principle and therefore the fact that the site is outside of the village does not automatically make the development unacceptable.

9.8 It is clear from consultation responses and representations received that the existing building and the site is of historic merit forming a field barn within part of the wider strip field system which forms such an important aspect of the setting of the village. Therefore, in principle policy RT2 does allow for the change of use of the building to holiday accommodation.

9.9 The key issue therefore is whether the development would conserve or enhance the building, the landscape and the valued characteristics of the National Park.

#### Landscape Impact

9.10 Having regard to consultation responses received by the Parish Council, the Authority's Senior Archaeologist and in representations one key issue is the potential impact of the development upon the building and the historic strip field system which is recognised as an important aspect for the setting of Litton.

9.11 The application site is located within the White Peak and within the Limestone Village Farmlands landscape character type. This is a small-scale agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls.

9.12 The Peak District National Park Historic Farmstead Character Statement identifies that field barns are an important part of the landscape, that they are highly characteristic and strongly contribute to local distinctiveness, even more so when combined with the distinctive pattern of dry stone wall enclosure reflecting the development of the historic landscape.

9.13 The Historic Farmstead Character Statement also identifies that farm buildings that are detached and remote from a main farmsteads (both out farms and field barns) have been subject to high levels of change both with the Peak District and nationally, with a 57% loss of such features from the Peak District landscape.

9.14 The site lies immediately on the southern edge of the Litton Conservation Area. The Litton Conservation Area Appraisal (2008) identifies that the surviving undeveloped medieval strip field pattern in this area 'provides a wide and striking foreground to the settlement'.

9.15 The site is within the fossilised medieval strip fields. Fields that reflect these very early enclosure patterns survive extensively to the north, west and south of the village. The fossilised medieval strip fields are a rare and are a non-designated heritage asset of archaeological interest and have intrinsic landscape value. Indeed the Authority's Senior Archaeologist advises that these are the most important, and rarest, historic landscape feature type within the National Park.

9.16 The application building is itself recorded within the Peak District National Park Authority's Historic Buildings, Sites and Monuments Record and the Derbyshire Historic Environment Record as a 19th century outfarm. These are farm buildings, either singular or small groups

of buildings, usually set around a yard. The application building can more accurately be considered a field barn due to its form, a single building with no associated yard and its location within the strip field system.

- 9.17 It is therefore clear that the application building and site make a positive contribution to the wider medieval strip field system, the setting of Litton and wider landscape character.
- 9.18 It is clear from the planning history that the building has undergone recent repair works and alterations which have resulted in the building being re-roofed, the roof height raised by approximately 0.3m and alteration to the window on the southern elevation.
- 9.19 Concern has been raised in consultation responses and representations about these works and the impact they have had. However the Authority considered these works in 2015 and determined that the works constituted the repair and maintenance of the building and that the alterations to roof height and to the window did not materially affect the appearance of the building. On that basis that it was not expedient to take any enforcement action.
- 9.20 It would be unreasonable to now take a different view in relation to the works that have already taken place when assessing the impact of the current proposal. Similarly the concrete hardstanding and walling / gate erected to the south of the building are existing and were erected under permitted development. It is therefore considered that the proposal must be assessed on its own merits against the existing condition of the building.
- 9.21 While policy RT2 allows for the conversion of existing buildings in principle, policies L1, L3, LC5 and LC8 are clear that the development must conserve or enhance the character and appearance of the existing building, the landscape and the setting of the Conservation Area.
- 9.22 The submitted plans show that the conversion would create a single bedroom dwelling which is proposed to be used as holiday accommodation. The living accommodation would be provided within the existing building. The amended plans show that a lean-to extension would be erected to the east gable to house a generator and battery to power the development. The other alterations to the building would be limited to the installation of a roof light on the southern elevation and a soil vent pipe. The application also proposes to paint the existing stained window and door frames a dark blue / grey colour.
- 9.23 The proposed alterations to the existing building overall are considered to be relatively minor. The most significant change would be the lean-to extension for the generator and battery, however this will still be of a modest scale and clearly read as subordinate to the main building and built from appropriate materials. An extension of this form and position is not uncommon on traditional barns and therefore it is considered that this addition would not harm the character or appearance of the building.
- 9.24 The proposed roof light would face away from the lane and subject to details to secure an appropriately sized conservation roof light this is considered to be acceptable. The projecting soil vent pipe would add a further domestic element and therefore would need to be amended to terminate through a vent tile which would avoid the need for an external pipe. The proposed re-painting of the window and door frames would be an improvement over the existing brown stain.
- 9.25 Overall therefore the proposed changes to the existing building are considered to be modest, in accordance with adopted design guidance and that they would not harm the character or appearance of the existing building.
- 9.26 Turning to the wider site and proposed curtilage. Concern is raised in regard to the fact that a wall would be erected within the strip field to define the curtilage. Officers understand this concern, however, it must be recognised that there is an existing wall within the field. The proposal would result in the existing wall and gate being re-built 6m closer to the barn

which would be a modest improvement over the existing arrangement.

- 9.27 The proposal would result in part of the curtilage closest to the building being surfaced with limestone chippings to provide parking and turning area for a single car. The hard surfacing itself would not be visible in the wider landscape as it would be below the stone boundary walls. The proposed package treatment plant and soakaways would be underground and therefore not impact upon the setting of the barn or the wider landscape.
- 9.28 The occupation and use of the building as holiday accommodation would have a visual impact of its own. During occupation it is likely that a vehicle would be parked to the rear of the barn and occupants would be likely to sit outside to the rear of the barn. Other domestic elements such as sheds, washing lines and formal planting would be unlikely if the use of the property was restricted to holiday accommodation. At night light from within and outside the building would have the potential to give rise to light pollution.
- 9.29 It is recognised that the occupation of the building would have a visual impact, however It is considered that the visual impact from wider vantage points such as from the approach from Cressbrook Dale or Hall Lane would be limited due to the distance and small scale of the development. The visual impact would be more significant from the closer footpaths on the approach from the south, however from these views the barn is clearly read against the backdrop of modern farm buildings and the wider village.
- 9.30 If permission is granted a condition to restrict external lighting to be in accordance with an approved scheme would be recommended. This would allow the Authority to control this aspect and effectively limit lighting to very low power down lighting required for safety reasons.
- 9.31 Concern has also been raised about the potential noise impact from the proposed generator. Officers have discussed this with the agent and sought a noise survey to evidence the noise level of the generator within the proposed housing and calculate noise levels at the edge of the site and at nearby residential properties.
- 9.32 The submitted noise surveys state the background noise level at the site to be 32 dB(A) which is considered to be reasonable given the quiet rural location. The surveys calculate that the noise level from the generator in operation at the north eastern edge of the site would be 33 dB(A) and 25 dB(A) at the nearest residential dwelling.
- 9.33 Having had regard to this evidence Officers are satisfied that noise created by the generator can be mitigated such that it is comparable to existing background noise level at the edge of the site (for example from Eastsides Lane) and below background noise levels at the nearest residential properties. Therefore subject to the provision of an acoustic louvre used in the noise surveys Officers are satisfied that noise from the generator would not harm the tranquillity of the area of the amenity of neighbouring properties.
- 9.34 Careful consideration has been given to the impact of the development, taking into account the issues raised in consultation responses and representations. However, having assessed the issues raised and potential impact of the development in detail Officers have concluded that the subject to appropriate conditions to secure design details, restrict curtilage and to mitigate the noise impact of the generator that the proposal would not harm the existing building, its setting and the wider landscape.
- 9.35 It is considered that the scheme would be a sensitive conversion which overall would conserve the existing building and the landscape in accordance with policies GSP3, L1, L3, RT2, LC4, LC5 and LC8.
- 9.36 If permission is granted a condition to restrict the occupancy of the development to short term holiday accommodation in accordance with policies RT2 and LC6 would be necessary both to comply with policy LC6 but also because the potential impact of use as a

permanent market dwelling would be considerably greater than short term holiday accommodation. Furthermore a condition to remove permitted development rights would also be essential to ensure that the Authority can control development such as extensions, alterations and outbuildings which could fundamentally change and harm the character of the building and landscape.

#### Other Issues

- 9.37 Concern has been raised in regard to the suitability of the access to the property. The access is a track which is currently used by farm traffic and by walkers and Officers acknowledge that the track can be muddy especially during the colder months. However the stretch of the track to the barn is relatively short with ample width and visibility to avoid conflict with other road users and there is ample visibility from Easysides Lane to Hall Lane. The proposal is for a single bedroom dwelling and therefore additional traffic from occupants and service vehicles would be of a very limited nature.
- 9.38 Officers are therefore satisfied that the proposed development would be provided with suitable and safe access and that proposed use would not conflict with other road users or harm highway safety. There is ample space within the site for parking and turning a single vehicle.
- 9.39 Given the distance from the site to the nearest residential properties there are no concerns in regard to overlooking or harm to residential amenity. Concern has been raised about the proximity of the site to neighbouring fields and the nearby farm which would remain in agricultural use. Officers noted that the field to the east of the site was in use for storage of silage. This would be visible to occupants of the development and potentially give rise to odour impacts. However the impact would not be so severe to justify the refusal of planning permission especially taking into account that the development would be occupied on a short term basis by holiday makers.
- 9.40 Concern has been raised that the proposed use of a diesel generator would be unsustainable and would result in the release of air borne pollution. Officers accept that when in operation the generator would produce pollution and that policy CC1 requires development to make efficient use of resources and achieve high standards of carbon reductions. Officers have discussed this with the agent however a mains connection is not considered to be viable and the use of alternative means of electricity production such as solar panels in combination with batteries would themselves have a considerable visual impact in this location.
- 9.41 The operation of the generator would be limited due to the provision of batteries and the nature of occupation of the holiday accommodation which would be less frequent than a permanent dwelling. Therefore the impact of the generator would on balance be limited and therefore Officers conclude that in the overall balance acceptable.
- 9.42 There are no objections to the proposed package treatment plant as a connection to the mains sewer is unlikely to be viable or practicable in this case. The use of a package treatment plant rather than a septic tank is required to ensure that there is no adverse impact upon the water environment.
- 9.43 Concern has been raised that the previous works to the building affected birds and bats within the building. However, as this work has been carried there is no evidence available to corroborate these concerns before the Authority. The building as it exists today has a new roof and therefore Officers are satisfied that the proposed conversion would be unlikely to adversely affect any protected species or their habitat. Given the distance to Cressbrook Dale and the scale and nature of the development Officers are satisfied that the proposal will not harm nearby designated sites including Cressbrook Dale.

## **10. Conclusion**

- 10.1 The application building is a field barn located within the medieval strip field system to the south of Litton. The existing building and field system make an important positive contribution to the setting of Litton and to the wider landscape and are considered to be non-designated heritage assets.
- 10.2 Concerns have been raised in regard to the impact of the proposed conversion. These have been carefully considered by Officers, but on balance it has been concluded that the development would be a sensitive scheme which overall would conserve the character and appearance of the building and the landscape.
- 10.3 In the absence of other material considerations it is therefore considered that subject to appropriate planning conditions that the proposed development is in accordance with the Development Plan and the National Planning Policy Framework.

## **11. Human Rights**

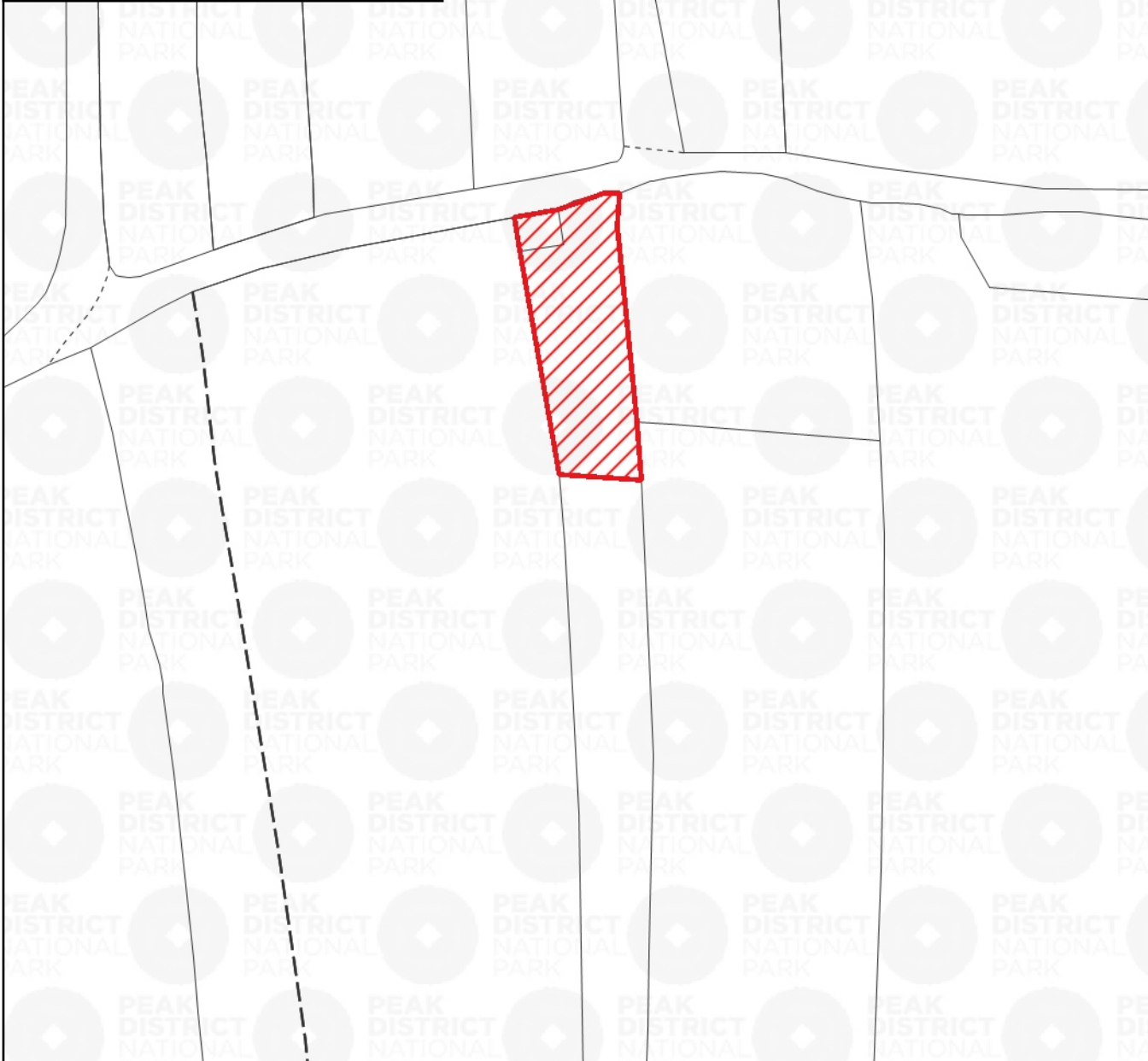
- 11.1 All human rights issues have been considered in the preparation of this report.

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

None

### **Report Author**

Adam Maxwell, Senior Planner



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Committee Date:	13th April 2018	<b>Title:</b> Land at Eastsides Lane, Litton	
Item Number:	Item 12		
Application No:	NP/DDD/1017/1051		
Grid Reference:	416566, 374856		

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**13. FULL APPLICATION - RE-ROOFING OF THE WORKSHOP AT BRUNT'S BARN  
BRUNTS BARN CENTRE, UPPER PADLEY, GRINDLEFORD (NP/DDD/0218/0112  
424671/378923 P6187 13/02/2018)**

**APPLICANT: MATT FREESTONE – PEAK DISTRICT NATIONAL PARK AUTHORITY**

**1. Site and Surroundings**

- 1.1. Brunts Barn Centre is located in Upper Padley within the designated Conservation Area, the building is not listed and there are not any listed buildings on the site. The building is constructed of natural gritstone, its roof is clad with a mix of natural blue slate and corrugated sheets. The section with the corrugated sheets is the eastern section, providing the workshop.
- 1.2. Immediately to the north of the site there is Padley Chapel which is a Grade 1 listed building. To the east there is another listed building, Padley Manor Farm, this is a Grade 2 listed building.
- 1.3. Padley Chapel also sits within an area designated as a scheduled monument, this relates to Padley Hall a medieval great house.
- 1.4. The application site is open to public view from the adjacent track, which has a public right of way. It is also open to view in the wider landscape.

**2. Proposal**

- 2.1. The proposal is to replace the corrugated sheets on the building with another corrugated sheet, finished in a dark grey (A/Grey 00A11).
- 2.2. The replacement sheet is made of metal, with a plasticoat finish, the wavelength of the corrugation is shorter than the existing sheets, full details of which are included with the application.
- 2.3. There is an error on the annotation on the submitted plans which states a powder coated finish for the sheets. The applicant has confirmed that the finish they are seeking permission for is in fact the plasticoat finish seen at the pre application enquiry stage. A sample of the finish has been provided as part of the application.

**3. RECOMMENDATION**

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

1. **Standard time limit.**
2. **Development in complete accordance with the submitted plans and specifications.**
3. **Factory colour coated sheets finished as per the submitted sample 'A/Grey 00A11' and permanently so maintained.**

**4. Key Issues**

- Design, impact on the character and appearance of the building and its setting including the designated Conservation Area, the nearby listed buildings and the Scheduled Monument. Does the proposal affect the significance of these heritage assets?

## **5. Relevant Planning History**

- 5.1. In 1979 planning permission was granted for change of use of a barn to Ranger Briefing Centre and Base for Conservation Volunteers. Officer note that at this time the eastern section of the barn already had corrugated sheet roofing.
- 5.2. Pre application discussions have been carried out with the applicant to ascertain if permission is required and to discuss detailing.
- 5.3. A like for like replacement would not need planning permission, as it would not materially alter the appearance of the building and would not be development. However, the applicant sought to take this opportunity to enhance the character of the building by replacing the untreated corrugated sheets with a dark coloured sheet and one with a shorter wavelength. As this would alter the appearance of the building officers have advised that planning permission would be required.
- 5.4. Officers discussed the use of natural blue slate to match the rest of the building but this was not considered acceptable, as it would mean upgrading the roof structure to take the additional weight of the slate. Fibre cement sheets finished in a dark colour have also been discounted on the same basis. The metal sheets proposed are longer lasting, easier to maintain and lighter on the structure.

## **6. Consultations**

- 6.1. Derbyshire County Council (Highways) – No objection
- 6.2. Grindleford Parish Council – Reservations about the use of corrugated metal sheeting to replace the existing roof. As the building is no longer in agricultural use, blue slates to match the rest of the existing roofing of the building would be more in keeping with the location and the nearby Listed building of Padley Chapel.
- 6.3. Derbyshire Dales District Council – No response to date.

## **7. Representations**

- 7.1. None have been received.

## **8. Policies**

- 8.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
  - Conserve and enhance the natural beauty, wildlife and cultural heritage
  - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

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

### 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. Para 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.'*

### Development Plan policies

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

8.5. Policy GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, and opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.

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. 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.

8.8. L3 deals with heritage assets including Conservation Areas, the setting of listed buildings and Scheduled Monuments and requires that development must conserve and where appropriate enhance or reveal the significance of the heritage assets and their settings. Other than in exceptional circumstances development is not permitted that is likely harm the significance of a heritage asset.

8.9. Policies in the Core Strategy are also supported by saved Local Plan policies LC4, LC5, LC6 LC15 and LC16.

8.10. Local Plan Policy LC4 explains that if development is acceptable in principle it will be permitted provided that the detailed treatments are to a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area. Particular attention is paid to *inter alia* (i) scale, form,

mass and orientation in relation to existing buildings, settlement form and character, and (ii) the degree to which design details, materials and finishes reflect or compliment the style and traditions of local buildings.

- 8.11. Local Plan Policy LC5 deals with development in Conservation Areas and also with development that affects the setting of a Conservation Area or important views into or out of the area. It requires that as part of the application it is demonstrated how the proposal will conserve and enhance the character and appearance of the Conservation Area. The following matters are taken into account, form and layout of the area including views into or out of it and open spaces; scale, height, form and massing of the development and existing buildings to which it relates; locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; the nature and quality of materials.
- 8.12. LC6 Would not permit development that harmed the setting of a listed building. LC16 sets out the criteria for development to be considered against where they would affect amongst other things Scheduled Monuments.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, GSP4, L1, L3.

Relevant Local Plan (LP) policies: LC3, LC4, LC5, LC6, LC16.

## 9. **Assessment**

### Design

- 9.1. Brunts Barn is of historic and vernacular merit and contributes positively to the character and appearance of the Conservation Area and also the setting of the adjacent Grade1 listed building Padley Chapel and the Scheduled Monument. This proposal is to replace the corrugated sheets on the workshop area of Brunts Barn with metal corrugated sheets that have a dark grey plasticcoat finish. The existing sheets are matt in appearance, but the plasticcoat finish is not matt. A matt finish would be preferable, but the finish of the plasticcoat has some texturing to it, which should reduce sheen.
- 9.2. As the existing sheets are an untreated fibre cement sheet they have a relatively light appearance, much of it has weathered and its appearance softened, however there are some sections where the sheets have been replaced and these stand out, giving the existing roof an inconsistent appearance. The proposed change of the whole of the roof material for the workshop area to a dark grey plasticcoat finish as per the submitted sample is therefore considered to offer a minor enhancement to the character and appearance of the barn and its setting, including the Conservation Area and setting of the adjacent listed building and will not affect the Scheduled Monument.
- 9.3. Officers have encouraged the use of natural blue slate to match the existing, however they are cost prohibitive as the roof structure would need upgrading. Officers note the parish council's reservation in relation to use of another corrugated sheet, and their preference for natural blue slate. Although this is preferable, it is not a viable alternative.
- 9.4. Considering that the proposal does offer a minor enhancement it is considered to be acceptable in terms of its design and will offer a minor enhancement to the National Park's landscape.

### Heritage Assets.

- 9.5. The proposal is not considered to harm the significance of the barn or its setting including the Conservation Area, nearby listed buildings and Scheduled Monument. The proposal also offers a minor enhancement and is therefore considered to be in accordance with the policies of the development plan insofar as they relate to heritage assets.

Amenity

9.6. The proposal does not raise any amenity issues.

Highway Considerations

9.7. None

**10. Conclusion**

10.1. Subject to conditions the proposal is considered to be in accordance with the policies of the development plan.

**11. Human Rights**

11.1. This application does not raise any human rights issues.

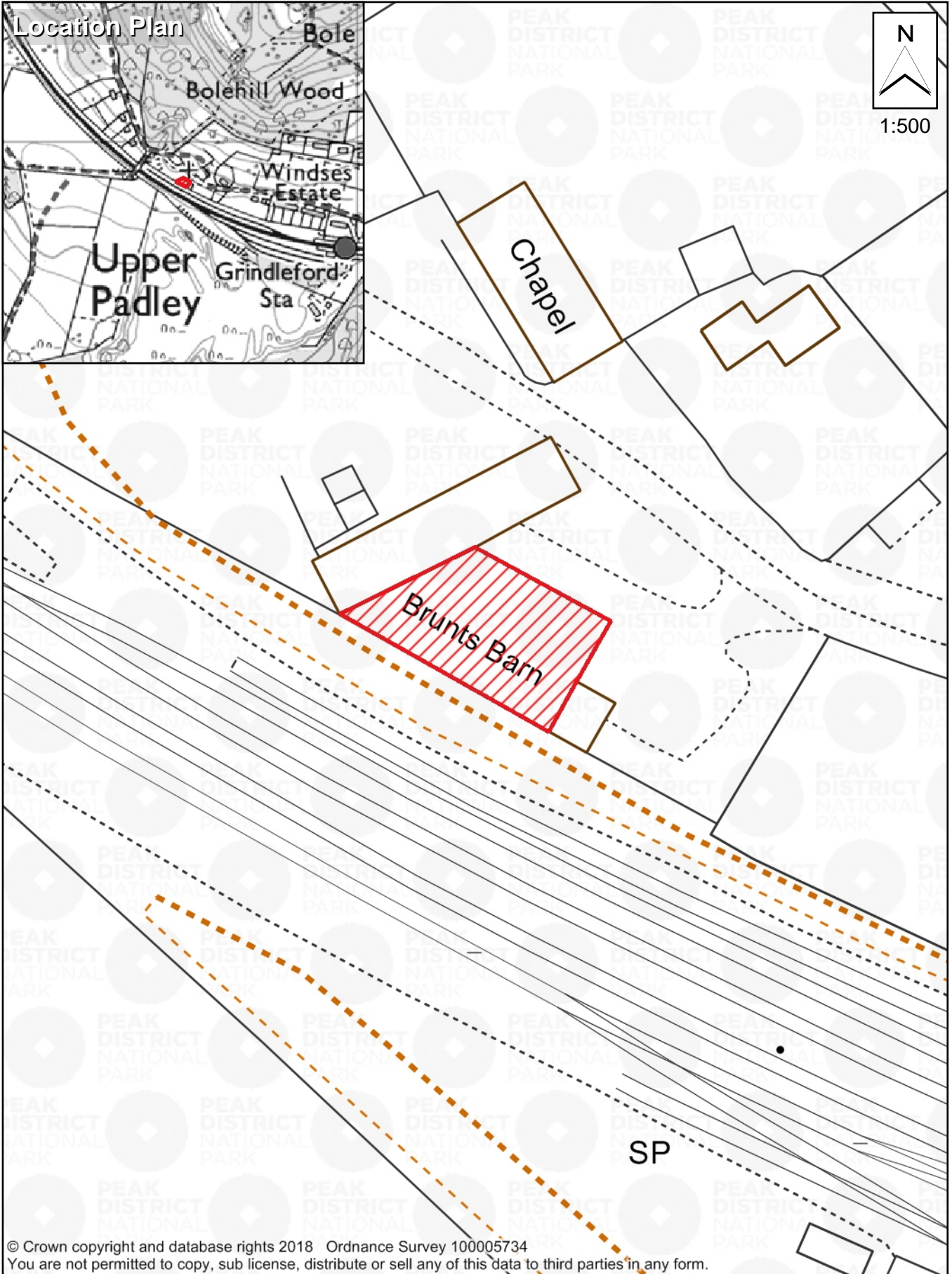
**12. List of Background Papers (not previously published)**

None

**Report Author, Job Title and Publication Date**

Steven Wigglesworth. Planner

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Committee Date: 13th April 2018  
 Item Number: Item 13  
 Application No: NP/DDD/0218/0112  
 Grid Reference: 424671, 378923

**Title:** Brunt's Barn, Grindleford



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## **14. MONITORING & ENFORCEMENT ANNUAL REVIEW – APRIL 2018 (A.1533/AJC)**

### **1. Introduction**

- 1.1 This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last year (April 2017 – March 2018). The report also includes information on the breaches of planning control that have been resolved in the latest quarter (January – March 2018). The majority of breaches are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Head of Development Management and Head of Law have joint delegated powers to authorise such action whereas delegated authority not to take formal action is held by the Head of Development Management, Monitoring & Enforcement Manager and Area Planning Managers.
- 1.2 The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so, having regard to planning policies in the development plan and any other material considerations. Any action needs to be proportionate with the breach of planning control to which it relates. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. It must also be clear that resolving the breach would be in the public interest.
- 1.3 The National Planning Policy Framework states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. Many, but by no means all, LPAs have published a Plan. In March 2014 the Authority published its Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to the attention of the Authority, what matters may or may not be investigated and the priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches. The Local Enforcement Plan is available on the Authority's website.
- 1.4 Appendix 1 is a list of formal notices issued since 2012 which have not been fully complied with. The relevant issue date, effect date and compliance date is given for each of these together with a summary of the current position.

### **2. RECOMMENDATION:**

**That the report be noted.**

### **3. Summary of Activity 2017-18**

#### **3.1 Notices issued**

11/0111A The Lodge Manchester Road Hollow Meadows Sheffield	Alterations to vehicular access and creation of driveway	Enforcement Notice issued on 5 April 2017 Notice withdrawn on 24 May 2017 as planning permission granted
11/0111B The Lodge Manchester Road Hollow Meadows Sheffield	Change of use of land from agricultural use to recreational/amenity use in association with a care home	Enforcement Notice issued 5 April 2017 Notice withdrawn on 24 May 2017 as planning permission granted

15/0141 High Peak House Blackbrook Chapel-en-le-Frith	Change of use of outbuilding to a dwellinghouse	Enforcement Notice issued on 4 May 2017 Appeal dismissed and Notice came into effect on 2 January 2018 Compliance date 2 January 2019
15/0110 Land at Diggle Mill Diggle Oldham	Untidy land	Section 215 Notice issued on 13 June 2017 Problem with service of Notice so further Notice to be issued
10/0189 Fox Holes Farm Hoar Stones Road Low Bradfield Sheffield	Change of use to mixed use comprising agriculture, a single dwellinghouse, holiday accommodation and as a venue for the holding of wedding events and functions	Enforcement Notice issued on 28 June 2017 Notice withdrawn on 6 October 2017 and replacement issued – see below
17/0054 Land to the north of Mortimer Road Bradfield Sheffield	Alteration of existing track, extension of track and engineering operations to create a flat area	Enforcement Notice issued on 30 June 2017 Appeal lodged – being dealt with by written representations procedure
08/0069 Bent Farm Bent Lane Tissington	Residential static caravan	Enforcement Notice issued 3 August 2017 No appeal so Notice took effect on 15 September 2017 Compliance date is 15 September 2018
10/0189A Fox Holes Farm Hoar Stones Road Low Bradfield Sheffield	Change of use to mixed use comprising agriculture, a single dwellinghouse, holiday accommodation and as a venue for the holding of wedding events and functions	Enforcement Notice issued on 6 October 2017 Copy of appeal form received on 16 November 2017 – awaiting start letter from PINs

3.2 In addition, officers in the Minerals and Waste Team issued an Enforcement Notice in December 2017 with regard to Moss Rake East Quarry. This will be covered in more detail in the Minerals and Waste Annual Report which is due to be considered at the Planning Committee in May 2018.

### 3.3 Enforcement appeal decisions

13/0146 Land North of Brown Lane Flash Quarnford	Use of land for storage, handling and processing of wood	15 February 2018 - Appeal allowed in part on grounds (f) and (g) – Notice upheld subject to variations – Compliance dates between 15 May 2018 and 15 April 2019
15/0141 High Peak House Blackbrook Chapel-en-le-Frith	Change of use of outbuilding to a dwellinghouse	2 January 2018 – Appeal dismissed and Notice upheld – Compliance date 2 January 2019

### 3.4 Workload and performance

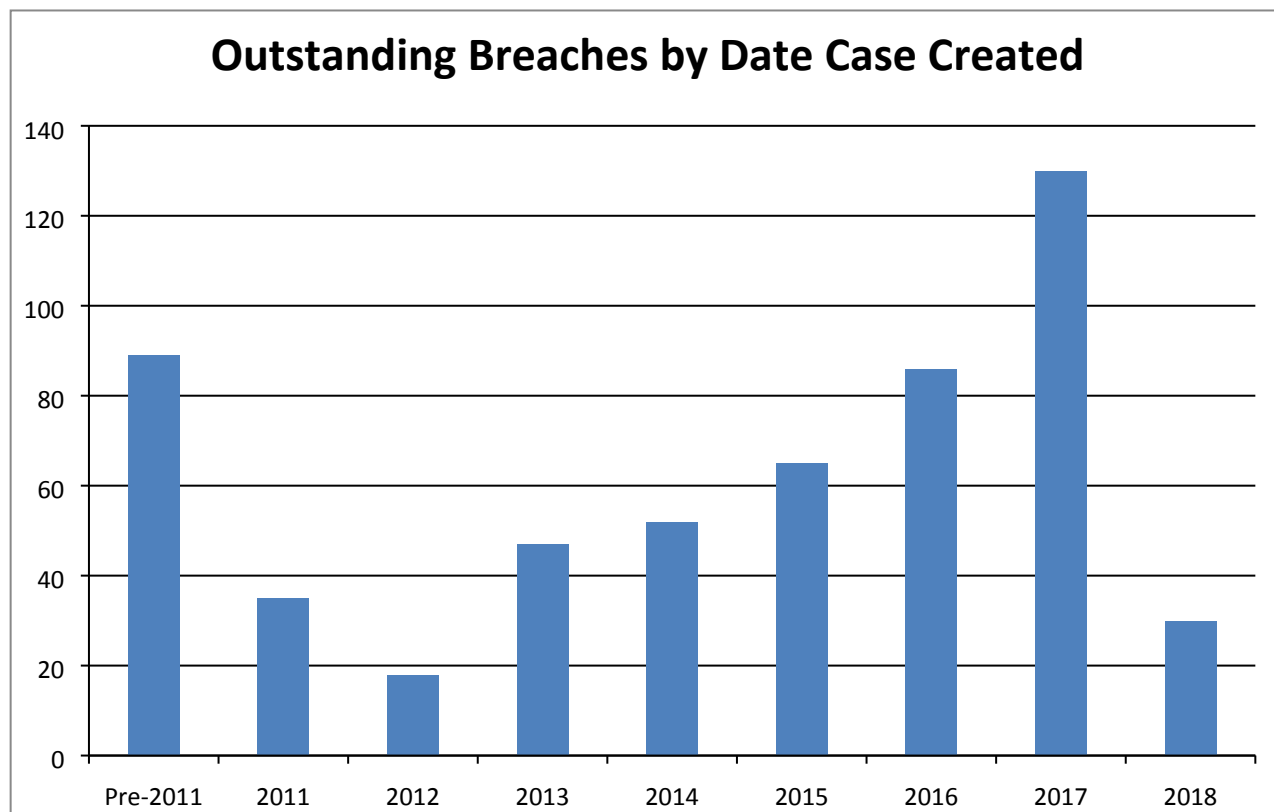
3.5 The following is a summary of the Monitoring & Enforcement Team’s workload and performance over the last year. The main performance target in the Planning Service Plan is to resolve 120 breaches of planning control each year and in the past year we have resolved 122 breaches. The number of new breaches has increased from 164 in 2016/17 to 186 in 2017/18. This is reflected in the increase in outstanding breaches at the end of the year - from 494 (in 2016/17) to 551.

3.6 The past year has seen a significant improvement in dealing with enquiries. The number of enquiries outstanding at the end of the year has almost halved – from 116 to 63 – and 85% of enquiries have been investigated within 30 working days. This compares favourably with the Service Plan target of investigating 80% of enquiries within 30 days. It also represents a significant improvement on the previous year’s figure of 77%. It is also worth noting that over the past year, 50 more enquiries have been investigated than was the case in 2016/17.

	<b>Received</b>	<b>Investigated/Resolved</b>	<b>Outstanding</b>
Enquiries	400 (424)	458 (408)	63 (116)
Breaches	186 (164)	122 (132)	551(494)

3.7 Enquiries from different sources but relating to the same issue are logged as separate enquiries and included in the overall figure of 400 received. Over the year there have been 55 of these ‘duplicate’ enquiries so if these are discounted then the number of issues on which enquiries have been raised was 345. This figure has not been provided in previous quarterly or annual reports but will be included in future reports.

3.8 The chart below shows the outstanding breaches broken down according to the year that each case was created.



#### 4. Breaches resolved in the latest quarter

16/0036 Woodside Farm Peak Forest Buxton	Internal alterations to agricultural building. Possible residential use.	No evidence of residential use
17/0055 Land rear of the Crofts Hathersage	Untidy land	Land tidied
17/0165 Bank House West Bank Winster Matlock	Change of use to holiday dwelling	Not a material change of use
12/0111 Land off Smith Lane Rainow	Use of agricultural land for storage	Enforcement Notice issued and use ceased
10/0194 Craig Cottage Froggatt Edge Calver	LISTED BUILDING - Internal works, new frontage wall and creation of terracing within the garden	Listed building consent granted

16/0131 Hurdlow Farm Upper Hulme Leek	Breach of conditions requiring the submission and approval of details	Conditions complied with
13/0122 Barrel Inn Bretton Eyam	Extension of car park	Immune from enforcement action
16/0128 The Former Shop The Square School Lane Parwich	Non-compliance with conditions on approval for change of use to residential use (NP/DDD/0509/0370)	Variation of conditions approved
17/0155 Former Bonsall Tip Winster	Alterations to access and site boundary including fencing and gates	Fencing and gates lowered as agreed
17/0143 Riverdale Edale Road Hope	Garage not built in accordance with plans approved under planning permission NP/HPK/0915/0861	Section 73 approval granted
12/0068 Fold Farm Main Road Taddington	Breach of Conditions 2, 6 & 7 on approval for conversion of buildings to five dwellings with (NP/DDD/0114/0072)	Conditions complied with
12/0087 Land opposite Torgate Farm Macclesfield Forest	Erection of timber building	Building removed
17/0100 Steak and Burger Bar Bridge Street Bakewell	Provision of hot takeaway food	Use ceased
10/0136 Bushey Heath Depot Clement Lane Bradwell Moor	Siting of residential caravan	Caravan removed following permission for steel fabrication workshop
14/0466 6 Brentwood Close Bamford	Breach of s106 local occupancy restriction	Restriction applied to nearby property
18/0008 The Shoulder Of Mutton PH Church Street Bradwell	Provision of roof terrace over the entrance lobby	Duplicate record

17/0091 Former Goldcrest Engineering Main Road Stanton-In-The-Peak	Non-compliance with landscaping conditions discharged under planning approval NP/DIS/0217/0143	Not expedient to take enforcement action
18/0020 Curtilage listed Wall to West of Elba Hair and Beauty Rutland Buildings Bakewell	Erection of timber panels attached to listed railings	Timber panels removed
17/0036 Higg House Higg Lane Longnor	Breaches of condition on permission for conversion of barn to two dwellings (NP/SM/0904/0977)	Some conditions discharged – not expedient to take enforcement action against remainder
18/0021 The Thorns Bradbourne Road Parwich	Use of part of field for car parking	Not a material change of use
17/0168 Rocklands The Bent Curbar Calver	Erection of poultry shed	Planning permission granted
12/0004 Land and buildings east of Lane End Farm Abney	Change of use to a mixed use including siting of caravan for human habitation, storage of a caravan and provision of work experience	Enforcement Notice complied with
14/0465 Burton Springs Farm Saltersford Rainow	Erection of sheep shelter	Immune from enforcement action
17/0175 2 Booths Edge Cottages Sheffield Road Hathersage	Dwelling partially demolished and rebuilt in breach of planning permission for extensions and alterations (NP/DDD/0815/0767)	Planning permission granted
17/0080 Riverside Country House Hotel Riverside Country House Hotel Fennel Street Ashford-In-The-Water	LISTED BUILDING - provision of extractor flue in breach of condition on permission for reinstatement of window and new vertical ducting	Planning permission and listed building consent granted
16/0164 The Old Coach House The Stones Castleton	Change of use of part of dwelling to two holiday lets	Planning permission granted

## Formal Notices Issued 2013/14 – 2017/18: Notice Requirements Not Complied With

In this five year period we have issued 52 formal notices. Nine of these have not been complied with (or fully complied with) by the date specified in the notice, or the compliance date resulting from any variation or appeal. Details of these and a summary of the current position is given in the following table.

2013/14						
Case Reference	Location	Breach	Issue Date	Effect Date	Compliance Date	Current Position
08/0021	Land off Smith Lane, Rainow	Erection of building	13/05/13	28/06/13	28/08/13	Site meeting February 2018 – Land being purchased by new owner who has agreed to remove building
12/0105	Land at Shuttle Cottage, Calver	Storage of plant, machinery etc	23/10/13	14/05/14	14/08/14	Small number of items remaining – meeting to be arranged with owner to encourage full compliance
2014/15						
Case Reference	Location	Breach	Issue Date	Effect Date	Compliance Date	Current Position
11/0222	Land at Stanedge Road Bakewell	Erection of building and use of land for storage	24/10/14	7/08/15	7/02/16	Presence of protected species has delayed progress on taking further action
12/0040	Wigtwizzle Barn Bolsterstone Sheffield	Erection of building	20/01/15	3/10/15	02/07/16	Application for retention of building refused April 2016 – appeal dismissed March 2017 – further action being considered but presence of protected species has delayed progress

2015/16						
Case Reference	Location	Breach	Issue Date	Effect Date	Compliance Date	Current Position
07/0042	Hurdlow Grange Farm Hurdlow Buxton	(1) Lean-to building and car port (2) Residential caravan	18/09/15	6/11/15	(1) 6/09/16 (2) 6/03/17	Further action being considered
15/0083	Maynestone Farm Hayfield Road Chinley	Extension to dwelling	25/09/15	20/09/16	20/06/17	Prosecution papers being prepared
2016/17						
Case Reference	Location	Breach	Issue Date	Effect Date	Compliance Date	Current Position
13/0051	Holly House Farm Flagg	Residential caravan	22/06/16	29/07/16	29/09/17	Appeal submitted but subsequently withdrawn
15/0021	Backdale Quarry Hassop	Storage of materials	7/07/16	9/08/16	9/10/17	Discussions with owner ongoing
12/0113	Mixon Mines Barn Onecote	Cladding of building and extension	23/9/16	4/11/16	4/07/17	Redevelopment proposals being discussed which would resolve the Notice requirements
12/0113	Mixon Mines Barn Onecote	Erection of building	23/9/16	4/11/16	4/06/17	As above



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

**1. APPEALS LODGED**

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0917/0960 3192321	Rear extension to form garden room, extension at front to form ground floor bedroom, garage conversion to ground floor shower room, re-roofing of carport and garage and new terrace at rear at 12 Cliffe Lane, Hathersage	Written Representations	Delegated
NP/SM/0517/0529 3193872	Removal of condition on Planning Application No. NP/SM/1116/1116 at Keg Cottage, Warslow	Written Representations	Delegated

**2. APPEALS WITHDRAWN**

The following appeal has been withdrawn during this month.

NP/DDD/0917/0960 3192321	Rear extension to form garden room, extension at front to form ground floor bedroom, garage conversion to ground floor shower room, re-roofing of carport and garage and new terrace at rear at 12 Cliffe Lane, Hathersage	Written Representations	Delegated
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**3. APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/K/0317/0264 3183587	Renovation of farmhouse and change of use of barn to form single family dwelling house at Royd, Magdalen Road, Meltham, Huddersfield	Written Representations	Dismissed	Delegated

The Inspector felt that the proposed development would have a significant harmful effect on the character and appearance of the area. It would also be contrary to one of the statutory purposes of the National Park, that is conserving and enhancing the natural beauty, wildlife and cultural heritage of the area. The proposed development would introduce domestic activity into the landscape, which given the general absence of such forms in the environs, would detract from the isolated nature and scenic beauty of the area. The appeal was dismissed.

**4. RECOMMENDATION:**

**That the report be received.**

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