

# Public Document Pack

**Peak District National Park Authority**

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



Our Ref: A.1142/2118

Date: 28 February 2019



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 8 March 2019**

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 8 February 2019 (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 - New building to provide Dambusters Exhibition, cafe space and shop at Fairholmes Visitor Centre, Bamford (NP/1218/1205, AM) (Pages 15 - 36)**  
Site Plan
- 7. Full Application - Construction of 9 no. residential units (Use Class C3), comprising 2 no. 1-bedroom Flats; 2 no. 2-bedroom dwellings and 2 no. 3-bedroom dwellings for affordable rent and 3 no. 3-bedroom dwellings for shared ownership, associated car parking, creation of new access, landscaping and associated works at land off Church Lane, Rainow (NP/CEC/1118/1125, AM) (Pages 37 - 60)**  
Site Plan

8. **Full Application - To provide outside eating/drinking area containing no more than 25 covers (8 table, 25 chairs) to the existing cafe at Blueberry Cafe, Castleton Visitor Centre, Buxton Road, Castleton (NP/HPK/0119/0075 DH) (Pages 61 - 70)**  
Site Plan
9. **Full Application - Remove clause limiting use of the cafe to the able bodied by use of first floor and allow other items to be sold on the ground floor to be sold on the first floor. Realign the opening times with permissions for other local businesses to 11pm. Replace the felt on board roof on part of kitchen with powder coated insulation square profile tin. Legalise the sale of food and drink for off site consumption. Fit security cameras to protect the back of property. Formalise the use of our land for the use of clients to sit and drink. This has been a feature for at least 10 years at Dollys Coffee and China Shop, The Stones, Castleton, S33 8WX (NP/HPK/1018/0917 JF) (Pages 71 - 82)**  
Site Plan
10. **Householder Application - Demolition and rebuild of western section of dwelling (retrospective); renovation and alterations to the vehicular access at Primrose Cottage, Windmill (NP/DDD/0918/0855 DH) (Pages 83 - 92)**  
Site Plan
11. **Full Application - Rebuilding of barn and conversion to a dwelling at Barn to the west of The Rake, Monyash (NP/DDD/0119/0042, TS) (Pages 93 - 104)**  
Site Plan
12. **Full Application - Two storey extension to the rear elevation, with ground floor porch to the front elevation, at 1 Woodland View, Butts Road, Bakewell (NP/DDD/1118/1123 P4826) (Pages 105 - 112)**  
Site Plan
13. **Full Application - Demolition of a small section of the existing garden wall/hedge to allow the wall to be re-built (to match existing) further back and amendments to surfacing at The Cottage, Butts Road, Bakewell (NP/DDD/1018/0950) SC) (Pages 113 - 118)**  
Site Plan
14. **Listed Building Consent Application - Demolition of a small section of the existing garden wall/hedge to allow the wall to be re-built (to match existing) further back and amendments to surfacing at The Cottage, Butts Road, Bakewell (NP/DDD/1018/0952) SC) (Pages 119 - 124)**  
Site Plan
15. **Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 125 - 126)**

### **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.

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

**To: Members of Planning Committee:**

Chair: Mr P Ancell  
Vice Chair: Cllr D Birkinshaw

Cllr J Atkin	Cllr P Brady
Cllr C Carr	Cllr M Chaplin
Cllr D Chapman	Cllr A Hart
Mr R Helliwell	Cllr Mrs C Howe
Cllr H Laws	Cllr A McCloy
Cllr J Macrae	Cllr Mrs K Potter
Cllr Mrs L C Roberts	Mr K Smith

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

Mr Z Hamid	Mr J W Berresford
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Constituent Authorities  
Secretary of State for the Environment  
Natural England

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## MINUTES

Meeting: **Planning Committee**

Date: Friday 8 February 2019 at 10.00 am

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

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr J Atkin, Cllr P Brady, Cllr C Carr, Cllr M Chaplin, Cllr D Chapman, Mr R Helliwell, Cllr A McCloy, Cllr Mrs K Potter, Cllr Mrs L C Roberts and Mr K Smith

Apologies for absence: Cllr A Hart, Cllr Mrs C Howe, Cllr H Laws and Cllr J Macrae

### 16/19 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 11 January 2019 were approved as a correct record.

### 17/19 URGENT BUSINESS

Cllr Kath Potter thanked the Minerals Team for the work to restore Moss Rake East Quarry and requested that a visit to the site be included in the Members Annual Tour in June.

### 18/19 MEMBERS DECLARATIONS OF INTEREST

#### Item 7

Mr Paul Ancell declared that he had received an email from the applicant which had also been sent to all Members of the Planning Committee

#### Item 8/9

Mr Paul Ancell declared that he had received correspondence from the applicant which had also been sent to all Members of the Planning Committee.

#### Item 12

Cllr Andrew McCloy declared a personal and prejudicial interest as he is a member of Youlgrave Parish Council and would leave the room during the discussion of this item and would not vote.

#### Item 13

Cllr David Chapman declared a personal interest as he is Chair of the Moors for the Future Partnership Board

All Members declared a personal interest as the application was by the National Park Authority.

## **19/19 PUBLIC PARTICIPATION**

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

## **20/19 FULL APPLICATION - DEMOLITION OF RISING SUN HOTEL AND ERECTION OF HOTEL (CLASS C1) INCORPORATING GROUND FLOOR FLOORSPACE WITH FLEXIBILITY TO BE USED FOR RESTAURANT/BAR(CLASS A3/A4 USES) AND FUNCTION FACILITIES, ALTERATIONS TO EXISTING SITE ACCESS, CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS AT THE RISING SUN HOTEL, HOPE ROAD, BAMFORD**

Members had visited the site on the previous day.

The Planning Officer introduced the report and provided updates regarding representations received following its submission:

- A petition had been received from local residents titled 'the undersigned strongly object to the plans for such a large hotel' which had 36 signatures.
- Three further letters of representation had been received which raised similar issues to those already set out in the report.

The Planning Officer requested that the recommendation of the report on page 17, point A, the requirement for the section 106 agreement covering highway improvement be a Grampian style condition. This is more appropriate as a condition and would achieve the same outcome.

The previous building had no architectural value and had been stripped out since it had become empty in 2017 and was no longer fit for the hotel market. Although the current building was well screened by trees, the proposed building would be visible due to the increase in size but Planning Officers on balance, considered that there was insufficient impact on the neighbouring property or surrounding landscape to oppose the application. There were no highway, archaeology or ecology concerns.

The site contained a high pressure sewer pipe and the proposed plans had been adapted to avoid this which had also constrained the development.

The following spoke under the Public Participation at Meetings Scheme:

- Mr John Church, Objector
- Mr Jeremy Williams, Agent

Members requested clarification regarding the viability of the development and if the size of the property was necessary to the development. The Planning Officers confirmed that the scale of the proposal was supported by the viability information and that this was consistent with other recent hotel proposals in the National Park.

Members expressed support for the design and improvement to the street scene that the development would bring.

The Officer recommendation to approve the application was moved.

Members confirmed support for the demolition of the current building and redevelopment of the site but were concerned regarding the size of the proposal and asked if smaller options could be considered. The Planning Officer confirmed that the current application was based on the viability study which only considered the application proposal. This was not a full development financial viability assessment which would normally assess the viability of other development within policy alongside smaller scale hotel proposals.

Members expressed concern that refusal of this application would lead to a derelict site being left undeveloped.

The Committee Chair confirmed with Officers that it would be reasonable to refuse the application on the issue of scale and massing and no other issues to be considered.

The Officer recommendation to approve the application was seconded, put to the vote but not carried

A motion to refuse the application contrary to Officer recommendation was moved and seconded.

Members confirmed that the reason for refusal was the scale and mass of the development and the impact on the landscape

The motion to refuse the application contrary to Officer recommendation was voted on and carried.

**RESOLVED:**

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

- 1. That the excessive scale, height and massing of the hotel building in this proposal for 'major development' would cause significant harm to the valued character of the National Park landscape and that the harm identified would not be outweighed by the public benefits arising from the proposal.**

**21/19 FULL APPLICATION - CHANGE OF USE OF SITE FROM INDUSTRIAL TO RESIDENTIAL; ERECTION OF A RESIDENTIAL ANNEX AT STONE PITTS WORK, UNNAMED ROAD FROM THE GABLES TO CRESSBROOK OLD SCHOOL, VIA LOWER WOOD, CRESSBROOK**

Members had visited the site on the previous day.

The Planning Officer confirmed that work had not yet started on the development approved in 2018 and that the annex approved in that application had been moved to be attached as a rear extension to the main house following discussions between the applicant and the Planning Officer.

The Planning Officer stated that the concrete wall which was located on the site of the proposed annex building had been expected to be removed following submission of a detailed landscape plan pursuant to the planning application in 2018, but this had not yet been discharged. The wall is shown on the approved 2018 plans as remaining with planting to the front, and the bank remains behind. As a result, the applicants' starting point is with the wall in situ.

The Planning Officer noted that the second annex was acceptable in principle but that there were concerns regarding the harm to the landscape and the erosion of the openness of the site by adding another building and retaining the raised banking.

The following spoke under the Public Participation at Meetings Scheme:

- Ms Amy Lewis, Applicant

Members requested clarification of the objections to the application as the site visit the previous day had not clarified this.

The Planning Officer confirmed that the previous application had included an annex in the same location as the application being considered. Planning officers had negotiated a change to the proposal to move the annex to the rear of the house to open up the site. The new application 'closed' the site and did not enhance the landscape scheme. Planning officers had strived to reduce the 'defensive' nature of the design by moving the previously approved annex nearer to the house.

Members commented on the good design of the proposal.

A motion to approve the application contrary to Officer recommendation was moved and seconded.

If Members were minded to approve the application a condition to restrict the building to ancillary residential use would be required.

The motion to approve the application contrary to Officer recommendation and subject to conditions was voted on and carried.

**RESOLVED:**

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

- 1. Commencement of development within three years**
- 2. No construction to take place in advance or separately to the construction work on the main house.**
- 3. Ancillary dependant unit to the house only part of the single planning unit.**
- 4. Detailed landscaping scheme**
- 5. Specification of materials to be agreed in advance of construction**
- 6. Metal, estate fencing to replace wall and mound as part of the landscaping scheme**
- 7. No external floodlighting of the site other than an external lighting scheme agreed in advance with the Authority in writing.**
- 8. The annexe for residential use only.**

The meeting was adjourned at 11.30 for a short break and reconvened at 11.35

**22/19 FULL APPLICATION - PARTIAL DEMOLITION OF LINKING STRUCTURE AND CONSTRUCTION OF REPLACEMENT LINKING STRUCTURE. INTERNAL ALTERATION OF EXISTING STONE STAIR. ALTERATION OF INTERNAL STAIR AND CONSTRUCTION OF WALL IN EXISTING ANCILLARY ACCOMMODATION/BARN CONVERSION TO PROVIDE ACCOMMODATION FOR A DEPENDENT RELATIVE. REMOVAL OF STUD PARTITIONS AND PARTIAL REMOVAL OF WALLING TO RELOCATE KITCHEN. EXTENSION OF EXTERNAL TERRACE AND WALL. FLUE TO**



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**WOODBURNING STOVE, EXTERNAL DOOR AND EXTERNAL LIGHTS AT MITCHELL FIELD FARM, UNNAMED ROAD FROM THE DALE TO CAM HEIGHT, HATHERSAGE**

Members had visited the site on the previous day.

The Chair advised that as items 8 & 9 on the agenda were linked, they would be considered together (see also minute 24/19)

The Planning Officer introduced the report and reported that the applicant had withdrawn some sections of the proposal after publication of the report. These included the sky lights in the converted barn and loss of the shippon wall to allow access for the cloakroom.

Key considerations were the impact upon significance from replacing the link corridor, currently hidden behind the garden wall, with a visible glazed extension and the impact on the foundations of the barn by the changes to the steps and doorway to the barn from the linking structure.

The following spoke under the Public Participation at meetings scheme:

- Peter Tavern, Applicant

Members supported the proposal to improve the linking structure due to the environmental impact of the improvement for heating and the opportunity to preserve the listed buildings.

The Planning Officer confirmed that there was no objection to rebuilding the link but there were issues with the design. The development would cause substantial harm in comparison to the public benefit gained from the changes.

Members considered the size of the link which had been dictated by the location of the door in the shippon part of the building and the stairs into the barn. There were concerns that the size of the link would lead to it being used as a room.

Members expressed concerns regarding the late changes to the plan and the impact this had on their ability to make a decision as the changes were not clear.

A motion to defer the item contrary to Officer recommendation was moved to allow for a new report to include the late changes made by the applicant.

The motion to defer the item contrary to Officer recommendation was seconded.

The Planning Officer confirmed that the changes to the link were harmful to the listed buildings and were not outweighed by the benefits of preserving the main buildings.

The motion to defer the item contrary to Officer recommendation was put to the vote and lost.

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

**RESOLVED:**

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

- 1. The proposed development would have a harmful impact upon the significance of Mitchell Field Farm and its setting. There are no public benefits that would outweigh this harm and therefore the proposals are contrary to Core Strategy policies GSP1, GSP3, L1 and L3, saved Local Plan policies LC4, LC6 and LC8 and the National Planning Policy Framework.**

**23/19 LISTED BUILDING APPLICATION - PARTIAL DEMOLITION OF LINKING STRUCTURE AND CONSTRUCTION OF REPLACEMENT LINKING STRUCTURE. INTERNAL ALTERATION OF EXISTING STONE STAIR. ALTERATION OF INTERNAL STAIR AND CONSTRUCTION OF WALL IN EXISTING ANCILLARY ACCOMMODATION/BARN CONVERSION TO PROVIDE ACCOMMODATION FOR A DEPENDENT RELATIVE. REMOVAL OF STUD PARTITIONS AND PARTIAL REMOVAL OF WALLING TO RELOCATE KITCHEN. EXTENSION OF EXTERNAL TERRACE AND WALL. FLUE TO WOODBURNING STOVE, EXTERNAL DOOR AND EXTERNAL LIGHTS AT MITCHELL FIELD FARM, UNNAMED ROAD FROM THE DALE TO CAM HEIGHT, HATHERSAGE**

This item was considered in conjunction with the related planning application details of which are in the minute 23/19 above.

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

**RESOLVED:**

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

- 1. The proposed development would have a harmful impact upon the significance of Mitchell Field Farm and its setting. There are no public benefits that would outweigh this harm and therefore the proposals are contrary to Core Strategy policies GSP1, GSP3, L1 and L3, saved Local Plan policies LC4, LC6 and LC8 and the National Planning Policy Framework.**

**24/19 FULL APPLICATION - ERECTION OF CONDENSING UNIT AT GROUND LEVEL TO THE WEST ELEVATION OF THE BUILDING AT J E NOUTCH, HOPE ROAD, BAMFORD**

Members had visited the site on the previous day.

The Planning Officer introduced the report and updated Members on a report from the Environmental Health Officer regarding the alleged noise nuisance to the neighbouring property. The noise level in the property had been measured over the previous few days and was low and it was considered could have been generated by another source other than the condensing unit. The Environmental Health Officer therefore had no objection to the proposal.

The Planning Officer confirmed that a reported change of use of the property had been investigated by the Authority's Monitoring and Enforcement Team and no change of use had been identified.

The following spoke under the Public Participation at Meetings Scheme:

- Ms Linda Warrington, Objector
- Ms Caroline McIntyre, Agent

The Officer recommendation to approve the application was moved and seconded.

The Planning Officer confirmed that the unit was to cool a room where bodies were stored and that the condensing unit had now been fitted on rubber mounts.

The Officer recommendation to approve the application was voted on and carried.

**RESOLVED:**

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

- 1. The external condensing unit hereby approved shall incorporate anti-vibration mounts to prevent structure-borne noise to adjoining properties and shall be permanently so maintained.**

**25/19 FULL APPLICATION - ERECTION OF STABLES AND STORE AT WESTFIELD, PINFOLD HILL, CURBAR**

Members had visited the site on the previous day.

The Planning Officer introduced the report.

Members requested that the reference to matt black paint for the cladding in the conditions be removed and a natural wood coloured stain that would weather be used for treatment of the cladding.

The Officer recommendation to approve the application was moved and seconded.

Members requested an additional condition to ensure waste material from the stables was stored or removed with minimum impact.

The Planning Officer agreed to add a condition for the management plan for storage or removal of waste from the stables including storage on site.

Members requested clarification regarding other similar applications and future impact which the Planning Officer agreed to clarify by email to all members following the meeting.

Members raised concerns regarding the store which was to be attached to the bungalow and the possibility of this becoming habitable space. The Planning Officer confirmed the location was chosen as an unused corner and that there were no concerns regarding becoming part of the living area as there was no internal connection to the house and the construction of the store was not suitable for habitation. An additional condition to ensure the store could not be part of the living space was considered necessary by members and the officer confirmed this could be added.

The Planning Officer confirmed there were three amendments or additional conditions relating the colour of the stain on the wood cladding, the management of the waste from the stables and the restriction on the store relating to it becoming part of the main house.

The Officer recommendation to approve the application subject to changes to the conditions was voted on and carried.

**RESOLVED:**

**That the application be APPROVED subject to the following conditions or modifications-**

- 1. Standard time limit**
- 2. Development in complete accordance with the submitted plans 'P3 B' and specifications, subject to the following conditions or modifications.**
- 3. The timber shall be finished in a natural wood coloured stain and shall be permanently so maintained.**
- 4. The roof of the stable hereby approved shall be clad with timber shingles and shall be permanently so maintained.**
- 5. The roof of the store hereby approved shall be clad with materials to match the existing roof of the dwelling.**
- 6. Any additional lighting attached to the stable or store shall be operated only on a motion sensor basis between 7pm and 7am.**
- 7. The stables hereby approved shall be ancillary to the existing dwelling 'Westfield' for the private use of the occupants only and shall not be used for commercial stabling or livery. The existing dwelling and the stables shall remain within the same planning unit.**
- 8. A Management Plan for the storage and removal of manure including a storage unit on site to be submitted prior to commencement of construction of the stables.**
- 9. The 'store' attached to the bungalow shall not become a habitable part of the bungalow.**

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

## **26/19 FULL APPLICATION - RELOCATION OF THE TOILET BLOCK AND EXTENDED CAR PARK AT THE CAR PARK, COLDWELL END, YOULGRAVE**

Cllr Andrew McCloy left the room during this item due to a prejudicial interest as member of Youlgrave Parish Council.

Members had visited the site on the previous day.

The Planning Officer introduced the report and clarified that amended plans had been received showing that the proposed site for the toilet block would be clear of any neighbouring properties and alongside open fields and that the access doors had been moved to the car park side of the building in response to objections to the initial scheme. The amended plans were re-advertised. Several objectors to the initial scheme confirmed they now had no objections to the amended scheme and no additional objections were received.

Members requested that a condition be added to limit external lighting on the toilet block

The Officer recommendation to approve the application subject to an additional condition was moved and seconded.

There was no information regarding the opening hours of the toilets but this would be managed by the Parish Council.

The Office recommendation to approve the application subject to the additional condition was voted on and carried.

**RESOLVED:**

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

- 1. Three year time limit**
- 2. Development to be carried out in accordance with the amended plans.**
- 3. Doors to be timber construction**
- 4. No external lighting unless agreed with the Authority**

Cllr Andrew McCloy return to the meeting

**27/19 FULL APPLICATION - PLACEMENT OF A 20FT SHIPPING CONTAINER NEXT TO AN EXISTING CORRUGATED CORRUGATED IRON SHED AT UNITED UTILITIES, BOTTOMS YARD, WOODHEAD ROAD, TINTWISTLE**

The Director of Conservation and Planning declared a prejudicial interest as the Director responsible for the Moors for the Future Partnership and did not take part in the discussions.

Mr R Helliwell declared a personal interest in that he was involved with Moors for the Future

The Planning Officer introduced the report.

The Officer recommendation to approve the application was moved, seconded, voted on and carried.

**RESOLVED:**

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

- 1. This permission shall be for a limited period expiring on 1 July 2021. On or before that date the building shall be permanently removed from the land and the site shall be reinstated to its former condition.**
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans 'greenclimber2' and specifications, subject to the following conditions or modifications.**
- 3. The dimensions of the container hereby approved shall be limited to 6m x 2.4m x 2.6m.**
- 4. The container shall be finished in dark green as shown on the submitted brochure '20ft New Container'.**

## **28/19 HEAD OF LAW REPORT - PLANNING APPEALS**

A 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

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**6. FULL APPLICATION – NEW BUILDING TO PROVIDE DAMBUSTERS EXHIBITION, CAFÉ SPACE AND SHOP AT FAIRHOLMES VISITOR CENTRE, BAMFORD (NP/1218/1205, AM)**

**APPLICANT: SEVERN TRENT WATER LTD**

**Site and Surroundings**

1. Fairholmes visitor centre is located in open countryside between the Derwent and Ladybower Reservoirs and approximately 6.5km North West of Bamford.
2. The site is access via Derwent Lane off the A57 and includes an upper and lower car park, a building at the entrance to the site housing toilet facilities, shop, food kiosk and office occupied by National Park Authority Ranger Service and a second building to the south west providing Peak District National Park Authority cycle hire and service facilities.
3. Derwent Lane leading up to the site is a clearway (parking and stopping prohibited) with double yellow lines painted on both sides of the highway along its length leading to the site. Public access for vehicles past the site is restricted. There are three public car parks located on Derwent Lane on the approach leading up to the application site.
4. The site is located within the Dark Peak and within the reservoir valleys with woodland landscape character type as identified by the Authority's Landscape Character Assessment.
5. Higher ground to the north of the valley is located within the Peak District Moors Special Protection Area (SPA), the South Pennine Moors Special Area of Conservation (SAC) and Dark Peak Site of Special Scientific Interest (SSSI).
6. Derwent Dam is a Grade II listed building and is located approximately 400m to the north of the site. The nearest neighbouring properties are Jubilee Cottages which are located 140m to the east of the site on the far side of the reservoir.

**Proposal**

7. The erection of a new building at the site to house a café (77 square metres floorspace), exhibition space (36 square metres floorspace) and shop (21 square metres floorspace) along with associated plant and storage.
8. The building would be single storey with the walls of the building clad with natural gritstone with open overhanging roof elements on either gable with timber louvres and oak supporting columns. The roof would be pitched and clad with natural Welsh slate with an overhanging element to the front supported by oak columns with concealed gutters. Windows and doors would be aluminium.
9. There would be an observation balcony to the rear (north elevation) of the building bounded by a metal railing along with an air source heat pump and bin storage area bounded by stone walling. Cycle racks would be installed adjacent to the building.
10. The existing building on site would be re-configured internally to provide greater space for the existing kiosk and toilets and to provide a 'changing places' facility for visitors to the site. No external changes to this building are proposed.

11. The new building would be located within the lower car park on the lower boundary of the site and would displace a total of 10 parking spaces. The application proposes to re-locate these parking spaces within the site and the amended plans propose an additional 12 parking spaces (two of which reserved for use by disabled visitors).
12. Additional information has been provided by the applicant about traffic management. Discussions have been held between the applicant and Derbyshire County Council Highways about potentially providing funding for Civil Enforcement Officers along Derwent Lane. Derbyshire County Council have advised the applicant that additional funding is not required and have committed to instruct enforcement to carry out patrols of Derwent Lane at weekends starting immediately (this is irrespective of whether planning permission is approved for the proposed development or not). Patrols will be undertaken for a provisional six month period with a review then undertaken and continuing as necessary.
13. The applicant also proposes to repaint the double yellow lines along Derwent Lane and to undertake daily patrols of Derwent Lane reporting any illegal parking to the civil enforcement team along with reporting parking issues raised by local residents. The applicant also proposes to review the verges along Derwent Lane with the County Council to see if there are any further measures that can be implemented to reduce illegal parking. Finally, the applicant proposes to install a sign along Derwent Lane close to the turning loop to display messages when the car park is full to encourage visitors to turn around rather than driving down to the site and back.

**RECOMMENDATION:**

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

1. **Statutory time limit for implementation.**
2. **Development to be carried out in accordance with specified approved plans.**
3. **Submit and agree details of foul sewerage prior to first occupation of development. Implementation prior to first occupation of the development.**
4. **Submit and agree details of landscaping including gritstone paving prior to installation. Hard landscaping to be implemented prior to first occupation of the development any planting to be completed within first planting season following first occupation of the development.**
5. **Implementation of tree protection measures in accordance with submitted details.**
6. **Implementation of submitted ecological impact assessment report.**
7. **Provision of space within site for site accommodation, storage, materials and parking during construction period to be submitted and agreed.**
8. **New parking spaces to be surfaced, laid out and available for use prior to first occupation of the development hereby approved.**
9. **No external lighting other than in accordance with approved scheme.**
10. **No external Closed Circuit Television Equipment (CCTV) or alarm system to be installed other than in accordance with scheme to be submitted.**



11. **Installation of cycle parking prior to the first occupation of the development.**
12. **Installation of air source heat pump and stone wall to compound area prior to first occupation of the development.**
13. **Agree stonework sample panel and roof sample panel prior to erection of external walls and roof.**
14. **Agree finish of external timberwork, railings, window and doors prior to installation.**
15. **Number of covers shall be restricted to a maximum of 60 at any time.**
16. **No additional outside seating shall be provided at any time other than in accordance with the approved plans.**
17. **Restrict use of café to Use Class A3 only.**
18. **Restrict hours of opening of café to 09:00 – 18:00 on any day.**

### **Key Issues**

14. Whether the proposed development is acceptable in principle.
15. Impact of proposed development upon the landscape character, biodiversity and cultural heritage of the National Park.
16. Impact of the proposed development upon visitor pressure, vehicle movements, highway safety and the amenity of the local community and road users.

### **History**

17. 2018: ENQ 33423 Pre-application enquiry in relation to proposed extensions of visitor centre at the site to provide improved toilet facilities with shower, exhibition space to house the dambusters exhibition and indoor seating for the kiosk / café. Officers gave the following advice:
18. In principle, extensions to provide enhanced facilities are acceptable. Facilities need to be of an appropriate scale to facilitate recreation, environmental education and interpretation rather than be an attraction in their own right. Encourage any evidence there is on visitor numbers and how the scale of the development is proportionate to be submitted as part of a planning statement. A tree survey and protected species survey are required to support the application.
19. Design will be a key issue and needs to be in accordance with the Authority's adopted design guide which is an adopted Supplementary Planning Document. Concerns were raised about the design proposed with the enquiry because the proposed form, detailing and materials all did not reflect the built traditions of the National Park and would therefore be contrary to the design guide.
20. There is scope for a contemporary design rather than a pastiche or copy of the local vernacular. Retaining a gable form with pitched roofs is important and window and door openings should have a strong vertical emphasis. The site is in woodland and therefore use of timber could work, however care needs to be put into the detail using stone and timber where appropriate.

21. Suggested considering moving toilets into a separate building could be the best option and later agreed that alternatively moving the exhibition space and café within the separate building could also be appropriate. This would free up space in the existing building and avoid a first floor extension.
22. Finally, Officers provided design advice for a worked up scheme which lead to the building which is the subject of this application.

### **Consultations**

23. Officer note – amended plans showing an additional 12 parking spaces to be provided within the lower car park have been submitted along with revised ecological and tree surveys. A process of re-consultation is underway on the amended details which closes on the 26<sup>th</sup> February after this report was written. Any additional consultation responses or representations received will be updated at the meeting.
24. Highway Authority: No objection subject to replacement parking being provided prior to first occupation.
25. District Council: No response to date.
26. Parish Council: Object to the development. The material planning reasons given are summarised below, the letter can be read in full on the Authority's website.
27. The new building is not in keeping with any other buildings in this very rural area in terms of both size and design. For example, the application clads the building in gritstone, but the area's natural stone is sandstone; traditional barns have no overhangs; the gables have timber cladding – again, not traditional.
28. Another building will urbanise the area. The dwellings in and around Derwent are isolated farms and a very few houses, all built in a traditional manner. There are already two buildings at the visitor centre; a third building of this style and position is not in keeping with the area.
29. The existing visitor centre building has very strong lighting. Another building will cause more light pollution and compromise the current dark sky.
30. The new building is advertised as providing a home for the Dambuster museum. This only takes up 17% of the new building, the rest being given over to a new shop and 60-cover café. Fairholmes will become a destination centre instead of a short stay stop off point.
31. A new centre will attract more visitors and the existing parking is already inadequate with cars now parking along the sides of Derwent Lane on double yellow lines, on the grass verges, in gateways and on the A57 clearway. Currently this illegal parking is allowed to continue without fear of drivers being 'caught' and occurs most weekends. This will only get worse causing more congestion, queues and pollution and is already destroying vegetation and causing difficulties for residents and farmers. During last summer and autumn residents of Derwent could neither access nor leave their homes without adding a good hour each way for their journeys. Emergency vehicles could not have got through due to the number and density of parked cars which is unacceptable. We have photos and videos to show this and it is making life a misery for residents and farmers. An indoor café and museum will encourage visitors to stay longer, so with more visitors this will further exacerbate parking problems.

32. Visitor pressure especially at weekends due to cars parking in gateways, sheep worrying, damaging fences and walls and gates being left open make it difficult for local farmers to carry out day to day farming activities.
33. The development would encourage an increase in the number of outdoor organised events resulting in more visitors and traffic.
34. The A57 is lined with litter and the development would encourage more litter. Litter and fly tipping need to be tackled first before any more visitors are encouraged to visit.
35. The ecological impact assessment says that the survey showed little interesting wildlife due to the current high level of disturbance. Any further development will adversely affect what wildlife there is due to an increase in visitors and vehicles. There is nothing in the application to take measures to reverse this decline in wildlife.
36. The new building will pose a security risk as there have already been two break in's at Fairholmes recently. This will also put residents at more risk from crime.
37. The café could jeopardise existing public houses in the local area.
38. The café would not contribute to the local economy.
39. The development would increase illegal and irresponsible behaviour from visitors.
40. Environment Agency: We have reviewed the submitted flood risk assessment. Although the site lies within flood zone 3 for planning, the flood risk assessment demonstrates that due to the topography of the site it will actually lie within flood zone 1.
41. Lead Local Flood Authority: No comment and refers applicant to informative notes.
42. Natural England: Consider that the proposed development will not have significant adverse impacts on designated sites and therefore raises no objection.
43. PDNPA Ecology: Raise no objection subject to conditions and makes the following comment.
44. The building is situated very close to existing trees and although the removal of trees has been limited through the tree protection measures and pile foundations, there is likely to be some damage to the root systems. These trees do not support bat roosts, but are likely to be used by foraging bats along the reservoir.
45. Depending on the advice of the tree officer, it may be worth asking for some compensatory planting to ensure that a flight corridor is maintained in the future. Any external lighting scheme will need to consider foraging and commuting bats. Breeding birds have been noted and recommendations have been made in the report.
46. PDNPA Forestry: No objection subject to approval of the works in accordance with the submitted Arboricultural Method Statement.
47. PDNPA Landscape: Raise no objection subject to conditions and makes the following comment.
48. It appears that the root protection areas of a number of trees may be compromised. A landscape strategy should be put in place for the wider site including additional compensation planting.

49. PDNPA Policy / Transport: No objection subject to conditions and makes the following comment.
50. *“The National Park Authority is in the process of developing a Recreation Hubs Supplementary Planning Document (SPD) aimed at guiding the provision of facilities for visitors at locations in the open countryside that attract large numbers of recreational visitors.*
51. *Whilst the Recreation Hubs SPD is yet to be fully developed, preliminary work consisting of site visits and user surveys to the Upper Derwent Valley is of some pertinence. The site visits identified Fairholmes as a location where there was scope for the improvement to visitor facilities without having visible impact on the surrounding open countryside. The well-screened nature of the site, plus its popularity with visitors as accessing the wider Upper Derwent Valley highlighted the location as one where relatively modest development could bring significant enhancement to the facilities.*
52. *In relation to the Recreation Hubs SPD work undertaken thus far, the proposed scheme appears of an appropriate scale in relation to the size and popularity of the site and the current level of facilities on offer.*
53. *The proposed scheme appears to be largely in keeping with Part A of policy RT1, and whilst it does not in itself offer additional opportunities for access by sustainable means, the provision of additional cycling parking facilities, will improve the offer for cyclists, some of whom will in all likelihood be new visitors taking advantage of the improvements to the kiosk and the provision of a café. Similarly, the proposed scheme seeks to retain the existing number of parking spaces, rather than provide additional spaces. This would suggest that the intent is not to encourage more car borne visitors to Fairholmes.*
54. *Given the existing screening of the setting, the existing building group and the scale of the proposed development, the proposal is in accordance with Part B of the policy. The proposal does comprise the construction of a new building, but this is balanced against the reuse of the existing building to provide better toilet facilities for visitors with a disability. Therefore, the proposal does appear to be in keeping with Part C of the policy.*
55. *Because the proposal seeks to add benefits to existing visits, and in the case of the Dambusters exhibition, focuses activity on the Fairholmes site, it could be said that it improves opportunities for quiet enjoyment away from the site. However, there is a possibility for the site to act as an attractor for additional visits which could act to prejudice enjoyment of the valley if it leads to the number of visits exceeds capacity.*
56. *It is recognised that the intention behind the proposal is not to increase the number of visitors to the site, but is instead to improve facilities for existing visitors. However, given the combination of a new café and the reopening of the Dambuster Exhibition, there may be an increase in visitor numbers to the site. It should be noted that the previous Dambuster Exhibition was not open at all times, and that when it was open, there was some discretion available to allow those with a disability to park at the Derwent Dam car park, when the road closure was in operation. This parking offered, albeit limited spaces for visitors to the museum, away from the main Fairholmes parking facilities.*

57. *Given the high profile of the Dambusters over recent years, with three separate flypasts between 2013 and 2018, it is likely that the Dambuster Exhibition will attract additional visitors, (at least in the short-term), given its unavailability over recent years. The documentation accompanying the application, makes the assumption that when Fairholmes car park is full, that visitors will go elsewhere. However, the likelihood is that, the elsewhere will be in close proximity to Fairholmes, with a strong possibility that this will result in inappropriate or obstructive parking. The fact that Fairholmes can only be reached after driving along Derwent Lane makes it more likely, that having already made a commitment to visit, that visitors will park wherever they can rather than travel somewhere else.*
58. *Therefore, the application offers an opportunity to make better use of the space available within the Fairholmes and Derwent Overlook car parks to improve capacity within the existing footprint. It is recognised that there are environmental constraints on capacity, and that there will need to be a balance struck between providing additional space for parking and ensuring that there is no loss of habitat, trees and screening which the woodland provides.*
59. *A modest number of additional spaces spread across the Fairholmes Upper and Lower Car Parks (and if necessary the Derwent Overlook car parks) should be achievable without any significant impact. The number of additional spaces should be in the order of 10-12. This would allow for an additional number of spaces, lower, but in proportion to the number of the spaces previously used at the Derwent Dam Wall to access the Dambuster Exhibition.”*
60. PDNPA Rangers: No response to date.

### **Representations**

61. A total of 61 representations have been received by the Authority to date. Out of these 45 object to the proposed development, 12 support the proposed development and 4 make general comments. The material planning reasons given are summarised below. The letters can be read in full on the Authority’s website.

### **Letters of objection**

- Proposed development will be an attraction and will result in an increase in visitors and number of cars visiting the site.
- The proposed development does not include any proposals for traffic or visitor management contrary to policies T1, T2 and T7.
- There are already too many visitors to the site and at the Ladybower and Derwent Reservoirs, especially at weekends and bank holidays.
- The issue with visitor numbers was exemplified in November 2018 when thousands of people were encouraged to visit the remains of the submerged Derwent Village.
- The car parking at the site cannot support additional visitors.
- Proposed development will exacerbate illegal and inconsiderate parking in the double yellow lines and the verges of Derwent Road leading to the site.
- Parking issues reduce Derwent Road to a single lane at multiple points and cause significant congestion.

- Parking issues impact on the ability of local farmers to carry out their business.
- Parking issues could potentially prevent access by the emergency services.
- An increase in visitors will result in noise and litter which pollutes the local area and damage to walls, fences, rivers and farmland.
- An increase in visitors will harm designated sites which surround the site.
- An increase in vehicles will result in increased pollution and light pollution and harm local wildlife.
- The development will promote antisocial behaviour such as setting fires and barbeques.
- Proposed development will impact upon the viability of pubs in the local area.
- Proposed development will result in an increase in public events within the local area.
- Proposed development will not encourage people to walk or cycle from Fairholmes on the surrounding paths.
- The proposed building will have an urbanising impact upon the character of the area.
- The proposed building is not of an appropriate design and does not reflect local traditional buildings.
- The proposed use of natural gritstone and blue slate materials are inappropriate. Sandstone and stone slate would be more appropriate.
- The proposed development is contrary to policy RT1 because there is no demonstration of the need for the proposed development in this location.
- No evidence to demonstrate that the proposal will not increase visitor numbers has been provided or to demonstrate what the environmental capacity of the valley for visitors is.
- Proposed additional parking spaces would not alleviate traffic congestion and only lead to more vehicles.
- The proposal and proposed additional parking would result in the removal of trees from the site.
- Visibility at the junction of Derwent Road with the A57 is poor and therefore there should not be an increase of vehicles at that junction.
- Proposed development would be contrary to the Equalities Act 2010 as it would exclude groups of people who use the site.
- Proposed development would be at risk of crime.
- Café facilities should be sited at Heatherdene to encourage traffic away from the valley and to even out visitor pressure.
- Proposed development would result in pressure for further development in the future.

#### 62. Letters of support

- The provision of a site down café area would be much better for elderly and disabled visitors. The current facilities do not allow for fully disabled access.
- The site lacks interpretation of the fascinating history associated with the valley.
- The provision of a museum for dambuster memorabilia is important and is part of local history and should be preserved in the area.
- The proposed development will update facilities such as toilets and changing facilities and will improve the experience for regular and new visitors.
- Proposal will have a positive effect by providing job opportunities and services.
- Proposed design is well considered with proposed materials that would complement the surrounding natural context.

#### General comment

- No objection to upgrading of the toilet facilities.
- The proposed changing places facility is needed and should be in many more locations.
- Some of the income generated by the development should be set aside for improved parking provision or funding for increased traffic warden patrolling the area to deter parking.

#### **Main Policies**

63. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, L3, RT1, CC1, E2, T6 and T7.
64. Relevant Local Plan policies: LC4, LC5, LC6, LC8, LC15, LC16, LC17, LC20, LT10, LT14, LT17, LT18, LT20.
65. 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

66. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.
67. Para 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, 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.
68. Para 83 of the NPPF says that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
69. Para 84 of the NPPF says that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, should be encouraged where suitable opportunities exist.
70. Para 109 of the NPPF says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
71. Para 111 of the NPPF says that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

### Development Plan policies

72. 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).
73. Policy GSP3 and policy LC4 set 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 access and traffic levels and living conditions of communities.



74. Policy DS1 sets out the development strategy for the National Park. DS1 C says that in the countryside (outside of the Natural Zone) recreation and tourism development is acceptable in principle as is the conversion or change of use of buildings for business uses.
75. 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.
76. Policy L2 states that 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 it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.
77. Policy LC17 provides more detailed criteria to assess development that may affect protected sites, species or habitats. LC20 is relevant for development that would impact upon trees and requires adequate information to be submitted to allow the Authority to assess potential impact.
78. Policy RT1 states that proposals for recreation, environmental education and interpretation must conform to the following principles.
79. The National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Opportunities for access by sustainable means will be encouraged.
80. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.
81. Wherever possible, development must reuse existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable.
82. Development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.
83. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.
84. Policy E2 states that proposals for business development in the countryside must take account of the following principles.
85. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building.

86. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
87. Business use in an isolated existing or new building in the open countryside will not be permitted.
88. 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.
89. Policy T1 is relevant for reducing the need to travel and encouraging sustainable transport and seeks to deter cross-park traffic, encourage a modal shift to sustainable transport, improved connectivity between sustainable modes of travel, a reduction in impacts of traffic in environmentally sensitive locations, sustainable access for quiet enjoyment and demand management and low carbon initiatives.
90. Policy T7 is relevant for minimising the adverse impact of motor vehicles and managing the demand for car and coach parks and states. T7 C. says that non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity. New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere and wherever possible will be made available for public use.
91. Policy LT10 states that in new development parking must be of a very limited nature or accompanied by on-street waiting restrictions, especially in areas served by good public transport.
92. Policy LT14 states that enlarged car parks will not be permitted unless essential to the management of the area and so designed and integrated with other traffic management measures to enhance the valued characteristics of the area. Additional off street parking will not be permitted unless it replaced on-street parking spaces with exceptions provided under policy LT10.
93. Policy LT17 states that the provision of secure cycle parking will be encouraged at recreational attractions. New development will be required to provide secure cycle parking.
94. Policy LT18 says that the provision of safe access is a prerequisite of any development in the National Park.
95. Emerging Development Management Policy DMT5 is relevant for business parking and says that new or enlarged car parks will not be permitted unless a clear demonstrable need can be shown. Parking provision should be of a limited nature whilst being appropriate to the size of the development and taking account of its location and the visual impact of parking. The relevant parking standard for the proposed café use is 1 space for 4m<sup>2</sup> dining area plus 1 space for disabled users per 25 spaces.
96. Emerging Development Management Policy DMT7 is relevant visitor parking and says:
97. New or enlarged car parks will not be permitted unless a clear, demonstrable need, delivering local benefit, can be shown.

98. Where new or additional off-street visitor parking is permitted, an equivalent removal of on-street parking will usually be required. This will be delivered through Traffic Regulation Orders to restrict on-street parking.
99. In considering proposals for new or enlarged car parks in the Natural Zone and in Conservation Areas, the developer is expected to have assessed alternative sites located in a less environmentally sensitive location, capable of being linked to the original visitor destination either by a Park & Ride system or right of way.

## **Assessment**

### Principle of proposed development

100. The application site is located in open countryside within the Derwent Valley and provides a hub for access to the many tracks and trails throughout the area and is well used by the public. There are existing public car parks on the site and nearby off Derwent Lane along with existing public toilets, exhibition / shop space, a kiosk serving hot and cold food to takeaway and cycle hire. The Authority is aware of parking issues within the vicinity of the site along Derwent Lane during peak times and this is reflected in a number of concerns raised by the Parish Council and in representations.
101. The proposed café is intended by the applicant to provide an additional offer for visitors along with provision of a larger exhibition space on site for interpretation related to the history of the valley. The development would also facilitate the provision of additional space for the existing toilets and kiosk and a 'changing places' facility within the existing building.
102. Policy RT1 and E2 are considered to be relevant in assessing the principle of the proposed development as the proposal is for new business in the countryside which would be operated in association with well-established recreation activities associated with the site and the surrounding area.
103. The Authority is in the process of developing a Recreation Hubs Supplementary Planning Document (SPD) aimed at guiding the provision of facilities for visitors in locations that attract large numbers of visitors, such as at Fairholmes. The work undertaken so far identified Fairholmes as a location where there was scope for the improvement of visitor facilities without having a visible impact on the surrounding open countryside and that the well-screened nature of the site plus popularity of visitors highlighted the location as one where relatively modest development could bring significant enhancement to facilities.
104. Given the relatively advanced stage of the work preparing the Recreation Hubs SPD it is considered that very little weight can be given to this document in the determination of this application.
105. Nevertheless the proposal is to provide additional facilities for visitors at a well established and popular recreation site that is well connected to existing trails used by the public and would enable the provision of enhanced facilities within the existing building. Therefore in principle the proposed development is considered to be in accordance with Policy RT1 and E2.
106. A number of concerns are raised by the Parish Council and in representations in relation to many issues but principally in regard to potential impact upon visitor pressure within the local area, illegal parking and highway safety issues and the scale and design of the proposed development. The Authorities policies require all

development to conserve the valued characteristics of the National Park to conserve the amenity of the area and the local community, not harm highway safety and to be of an appropriate design and scale, amongst other things. These therefore are considered to be the key issues in the determination of the application.

#### Impact of the development upon the site and the immediate area

107. The proposed building would be located within the lower car park of the existing site and would be appropriately positioned in relation to the existing buildings on site and the layout of the car park. The scale of the building would be appropriate given the existing nearby buildings. The site is well screened in the wider landscape by existing mature trees around the site and therefore the proposed building would not be prominent or result in a harmful visual impact or adversely affect landscape character. The proposed landscaping around the building is simple and appropriate however gritstone pavers to match those in the existing outside seating area would be more appropriate than the proposed granite.
108. The Authority's Landscape Officer raises no objection but recommends that compensatory tree planting is provided to compensate for the impact of the development upon trees within the site. This is also recommended by the Authority's Ecologist and if permission is granted a condition would be recommended to require details of planting to be submitted and implemented. Care needs to be taken with any lighting on the building to avoid light pollution and if permission was granted a planning condition requiring details of any external lighting scheme would be reasonable and necessary to secure this.
109. The design of the proposed building has followed pre-application advice from Officers with a contemporary approach sympathetic to the local vernacular taken rather than a pastiche through the use of narrow gable form, pitched roof and local materials including natural gritstone and blue slate. The use of a sweeping overhanging roof adds interest to the building while maintaining a simple overall form. The use of timber louvres for gables is considered to be appropriate given the setting of the building within woodland.
110. The proposed design is in accordance with the Authority's adopted design guide and is appropriate for this site and its setting. If permission was granted then conditions would be required to secure samples of the proposed walling and roof slates along with finishes of the proposed window and door frames and exposed roof structure. Other conditions to specify minor design details would also be recommended.
111. The proposed building would be heated using an air source heat pump located in the compound to the rear of the building and a high level of insulation would be installed to provide an efficient building and reduced requirement for heating. Finally cross laminated timber would be utilised in the construction sourced from sustainably produced timber. The development therefore incorporates measures to minimise energy consumption in accordance with policy CC1 and the adopted Climate Change and Sustainable Building Supplementary Planning Document.
112. The proposed development would be sited some distance from the Grade II listed Derwent Dam and this along with established intervening tree planting means that the development would not have an adverse impact upon the setting of the dam or any other heritage assets in accordance with policies L3 and LC6.

113. An Ecological Assessment Impact report has been submitted following survey on site. The proposed building would be located on a part of the existing car park and an adjacent grassed area which is used for picnics, occasional motorcycle parking and as a pathway used by visitors. The area of land does not contain any protected species or important habitat. The proposed development and associated parking proposals would result in the removal of one early mature Norway Spruce. These trees are not identified as providing roosting habitat for bats but are likely to be used by foraging bats along the reservoir and by breeding birds.
114. The Authority's ecologist has been consulted and raises no objection to the proposed development provided that it is carried out in accordance with the submitted report and that compensatory planting is provided to mitigate for the impact upon the trees on site along with details of lighting. As discussed above it is necessary for these issues to be dealt with by appropriate planning conditions if permission is granted.
115. The development would require the removal of one early mature Norway Spruce and would be positioned within the root protection area of a number of trees along the northern edge of the site. An arboricultural assessment has been carried out and submitted and recommends mitigation for the retained trees close to the development including the erection of a protective barrier during works, the use of pile foundations and routing service trenches to avoid and reduce impacts upon root systems.
116. Provided that the tree mitigation is carried out and compensatory planting provided the proposed development would not have an unacceptable impact upon trees on site which would be conserved in accordance with policy LC20. This can be secured by an appropriately worded planning condition.
117. Given the distance from the site to the nearest neighbouring properties there are no concerns that impacts related to the proposed building and use on site would result in any significant loss of amenity or privacy to neighbouring properties or undermine their security.
118. In regard to security on site the applicant has advised that they are aware of recent security issues and would intend to install Closed Circuit Television (CCTV) an alarm system and shutters at the new development. The proposed development would be unlikely to generate any significant security issues and there is no evidence to indicate that the development would lead to anti-social or criminal behaviour on site or in the local area. Details of CCTV, external alarm boxes and shutters are not included on the plans and if permission is granted it would be necessary to approve details of these because these elements could potentially undermine the merits of the proposed design.

#### Impact of the development upon the wider area

119. Significant concerns have been raised by the Parish Council and in representations about the potential impact of the proposed development upon visitor numbers, traffic and associated issues such as illegal parking, environmental damage and anti-social and illegal behaviour. Concern has also been raised about the potential impact on existing local businesses.
120. The intention stated by the applicant is to provide additional facilities for visitors to the site. There are existing food and drink, shop, interpretation and toilet facilities on the site and the proposed development would provide additional space for each of these elements along with a 'changing places' facility. The concern raised by the Parish Council and in representations on the other hand is that the proposed development and the café in particular would be a destination in its own right and attract additional visitors.

121. It is acknowledged that the visitor centre and the surrounding reservoirs and valley is popular with visiting members of the public. There is evidence that on busier days such as on weekends and bank holidays that the car parks at and near to the site become full quickly and rather than leaving the area additional visitors arriving by car choose to park illegally either on highway verges, on private land adjacent to Derwent Lane or on the lane itself. This culminated last year with very significant illegal parking issues reported along Derwent Lane and the A57 likely due to interest in the exposed Derwent Village.
122. Within that context therefore, any new development that has the potential to generate significant additional visitor pressure, particularly those arriving by car should be carefully considered. It is likely that existing visitors to the site will make use of the proposed facilities but it is also likely that the presence of a café on site, as opposed to the existing kiosk, could attract additional visitors or encourage visitors to stay longer on site especially taking into account that the facilities may provide new opportunities for different groups of people.
123. It is therefore not possible to conclude that the development would have no impact upon visitor numbers or traffic levels. However this is a popular and well established site and in the context of visitor numbers the scale of the proposed 60 cover café and enlarged shop and exhibition space is not excessive and would not reduce existing off-street parking facilities. Derwent Lane is a clearway and subject to double yellow lines that prohibit stopping and parking at any time and Officers cannot assume that traffic restrictions will not be enforced by the relevant Authority. Therefore while Officers are sympathetic to the issues raised, especially during busier days, it is also therefore difficult to conclude that the development would result in a significant impact.
124. The proposed development would provide additional facilities for serving food and drink on site and it is acknowledged that there are existing pubs and cafes within the local area and nearby villages which provide this service. Given the scale of the proposed development it be unlikely to undermine the viability of any existing community facilities or services (such as pubs or village shops) and issues of competition between businesses is not a material planning consideration.
125. The higher ground around the valley is located within designated conservation sites including the Peak District Moors Special Protection Area (SPA), the South Pennine Moors Special Area of Conservation (SAC) and Dark Peak Site of Special Scientific Interest (SSSI). Given the distance of the development from these sites it is considered unlikely that the new building and alterations to the car park would have any direct impact.
126. Natural England have been consulted and raise no objection and advise that the Authority can conclude that a significant impact upon the designated sites can be ruled out. Officers agree with Natural England and consider that given the distance of the site from the SPA and SAC that any significant impact upon those sites can be ruled out and that the development would not harm the SSSI for the same reason.

#### Transport, parking and highway safety

127. Notwithstanding the above conclusion Officers have discussed potential means of mitigating the impact of the proposed development upon the local area with the agent along with means of reducing the frequency of illegal parking along Derwent Lane.

128. The Authority's transport Officer advises that the scheme is acceptable in principle but recommends that a small number of additional parking spaces within the established car park should be provided to off-set the potential for visitors to the development.
129. The Authority's transport policies generally discourage new or additional non-operational parking (such as public car parks) unless they are essential to the management of the area and are matched with an equal reduction in existing on-street parking. New or additional operational parking (such as for staff, customers and deliveries to a business) is acceptable in principle provided that there is a clear need. In all cases new parking must be able to be accommodated without harm to the valued characteristics of the National Park.
130. The existing site has a total of 175 car parking spaces and 2 bus spaces. The majority of these spaces are for use by visiting members of the public (i.e. non-operational parking) with a small number of operational parking spaces used by staff. The Highway Authority has raised no objection to the development on the grounds of access, parking or highway safety and therefore ordinarily the Authority would expect the proposed development to make use of the existing car park without the provision of any new spaces.
131. However given the very clear concerns raised by the Parish Council and in representations it is considered reasonable to seek a modest increase in spaces within the footprint of the existing car park to aid in the management of the wider area without harming the site or the National Park. Therefore the proposed additional 12 spaces are considered to be appropriate.
132. Additionally the agent has been in discussions with Derbyshire County Council Highways in regard to the applicant potentially providing funding for civil enforcement officers to patrol Derwent Lane and to potentially propose this as part of the development to be secured with a planning obligation.
133. However Derbyshire County Council have advised that there is no requirement for the applicant to provide funding as the serving of enforcement notices funds the service. Further Derbyshire County Council have agreed starting immediately to pick up Derwent Lane as part of their patrols every weekend for a provisional 6 month period, after which the requirement for continued enforcement will be reviewed and continued if required. This will be the case irrespective of whether planning permission is granted for the proposed development.
134. The commitment from Derbyshire County Council to begin enforcement on Derwent Lane is welcomed. Although this cannot be secured as part of this permission it does potentially provide some comfort that the issues of illegal parking and interference with access for local people reported along Derwent Lane can potentially be resolved or at least mitigated irrespective of whether planning permission is granted for this development.
135. In addition, the applicant proposes to re-paint the double yellow lines along Derwent Lane and to undertake daily patrols of Derwent Lane and inform the civil enforcement team of any parking issues witnessed or reported by local people. The applicant also proposes to review the verges along Derwent Lane with the County Council to establish if any further action can be taken to dissuade illegal parking on these.
136. Finally the applicant proposes to provide a sign on Derwent Lane just before the turning loop. This sign would allow for messages to be displayed such as to inform visitors when the car park is full and allow vehicles to turn using the loop rather than drive all the way up to the visitor centre and back.

137. There is an ongoing need to engage better with the community and stakeholders (Severn Trent, DCC Highways and others) in relation to visitor impacts and officers are considering setting up a liaison group for discussion of the wider issues on a regular basis.
138. Combined, the proposed actions proposed by the applicant are welcomed but with the exception of the proposed sign could not be enforced or formally required as part of this planning application. Officers have concluded that the proposed development would not have a significant impact upon visitor numbers, traffic or illegal parking in the locality and therefore it would not be necessary to require the erection of the sign. If Members determine that the proposed sign is required then this could potentially be secured by a planning condition requiring a sign to be installed before the first occupation of the development.
139. The proposed development includes secure cycle storage adjacent to the building and this is welcomed in accordance with policy LT17.

#### Other Issues

140. Concern has been raised that the proposed development would be contrary to the Equalities act. The proposed building is designed to be accessible and the proposal includes improvement to existing facilities and the inclusion of a changing places facility all of which would potentially improve accessibility at the site to all groups of people. In this regard it is noted that the application is supported by Accessible Derbyshire. It is not appropriate to assume that occupants of the development would operate in a manner that could exclude groups of people.
141. Alternative options for development have been put forward such as a development at Hetherdene car park. These are noted, however the application must be determined on its own merits.
142. Finally the application proposes to utilise an existing septic tank on site for foul drainage. The National Planning Practice Guidance states that foul drainage should be to a mains sewer wherever possible and if not a package treatment plant. Only if this is demonstrated to not be viable or practicable should a septic tank be considered. No evidence has been provided to justify the use of the existing septic tank, given the distance to the main sewer this is unlikely to be viable, however a package treatment plant would seem appropriate. Therefore if permission is granted a condition to require the submission and implementation of a scheme incorporating a package treatment plant would be recommended.

#### Conclusion

143. The proposed development would be of an appropriate design and scale and subject to conditions would not harm the valued characteristics of the National Park, the amenity of the local area and neighbouring properties or highway safety. The proposal would provide enhanced more accessible facilities within an established recreation site. Having taken into account all issues raised in consultation responses and representations and in the absence of other material considerations the proposal is considered to be in accordance with the development plan.
144. The application is therefore recommended for approval subject to conditions.



**Human Rights**

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

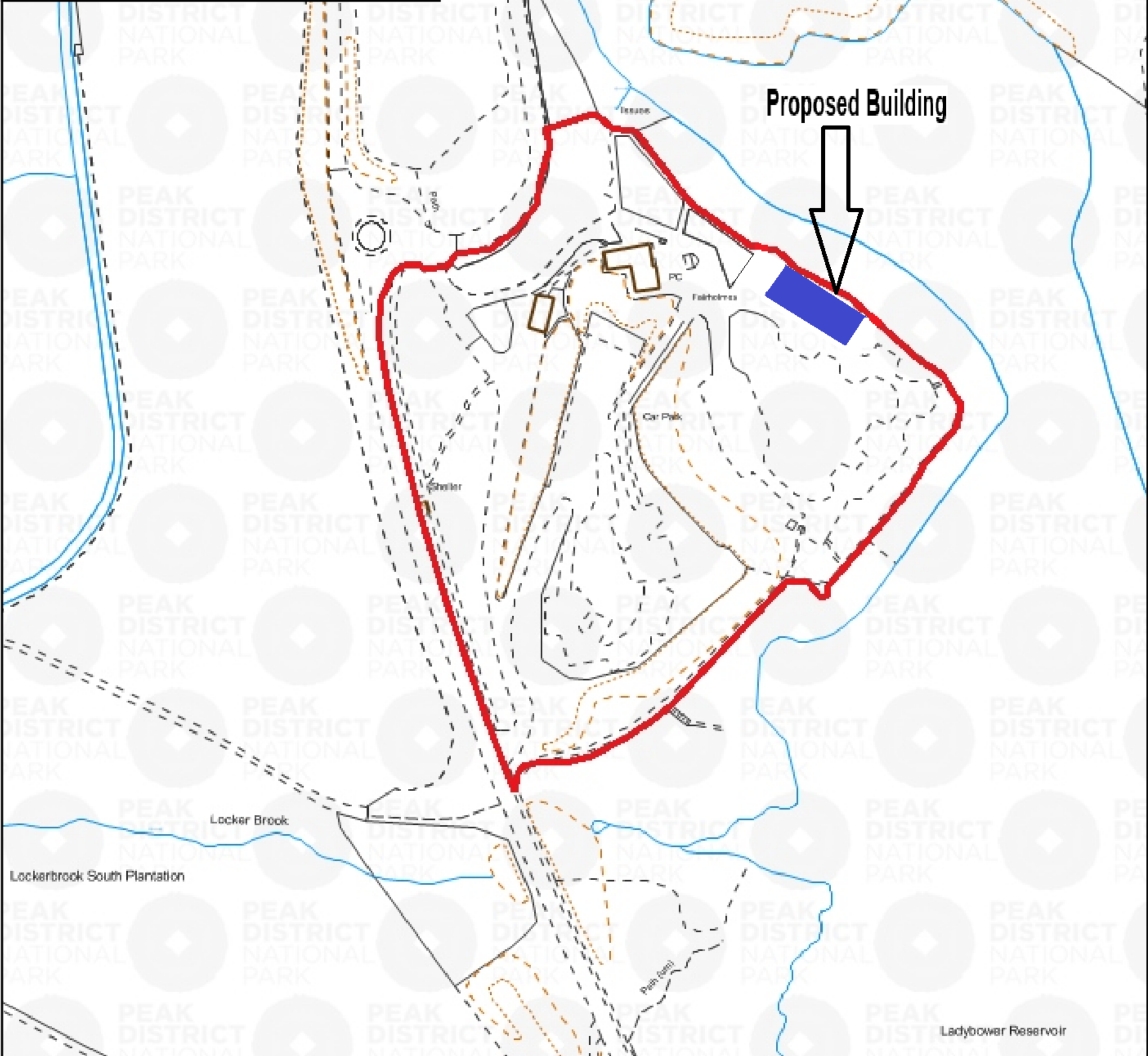
List of Background Papers (not previously published)

146. Nil


Report Author

147. Adam Maxwell – Senior Planner

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Committee Date:	Friday 8th March 2019	Title:	Fairholmes Visitor Centre Bamford	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 6			
Application No:	NP/HPK/1218/1205			
Grid Reference:	417227, 389325			

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**7. FULL APPLICATION – CONSTRUCTION OF 9 NO. RESIDENTIAL UNITS (USE CLASS C3), COMPRISING 2 NO. 1-BEDROOM FLATS; 2 NO. 2-BEDROOM DWELLINGS AND 2 NO. 3-BEDROOM DWELLINGS FOR AFFORDABLE RENT AND 3 NO. 3-BEDROOM DWELLINGS FOR SHARED OWNERSHIP, ASSOCIATED CAR PARKING, CREATION OF NEW ACCESS, LANDSCAPING AND ASSOCIATED WORKS AT LAND OFF CHURCH LANE, RAINOW (NP/CEC/1118/1125, AM)**

**APPLICANT: EQUITY HOUSING GROUP**

**Site and Surroundings**

1. The application site is a field extending to approximately 0.21Ha (0.5 acre) located on the northern edge of Rainow just beyond the Robin Hood Pub. The site is outside but adjacent to the designated Rainow Conservation Area which runs along the south west and part of the south-east boundary of the site.
2. The level of the field slopes downwards from the level of Church Lane (B5470) which is to the south-west of the site towards the level of Smithy Lane which is to the north-east of the site. The field is bounded by stone walling and post and wire fencing with a number of mature Sycamore on the boundary with Smithy Lane as the land banks down more steeply at the boundary. There are also a number of individual trees and groups of trees within the north-eastern part of the site including Field Maple, Grey Willow and Goat Willow.
3. The site is within the Southwest Peak Landscape Character Area and Slopes and Valleys Woodland landscape character type for the purposes of the Authority's Landscape Character Assessment.
4. There is no existing vehicular access to the field which historically has been accessed from the adjacent grounds of the Robin Hood public house. A public footpath runs along the north-east boundary of the site with another footpath running northwards through the adjacent fields. A public footpath also runs to the south of the site on the far side of Church Lane from the Old Chapel and southwards up over adjacent fields.
5. The nearest neighbouring properties are the surrounding residential properties including Chapel House, The Old Chapel, Yearns Low Cottage and Byways. The Robin Hood Pub is also located to the south west of the site with the pub car park and garden in-between.

**Proposal**

6. The erection of 9 residential dwellings on the site along with creation of new access off Church Lane, landscaping and associated works. The proposed dwellings are intended to be affordable to meet eligible local need with 6 of the proposed dwellings for affordable rent and 3 for shared ownership. The development would be managed by the applicant Equity Housing Group Ltd which is a registered provider of social housing.
7. The proposed development would occupy the majority of the existing field and would comprise.
8. 2 one bedroom flats for rent with floor spaces of 50m<sup>2</sup> and 56m<sup>2</sup> respectively.
9. 2 two bedroom dwellings for rent each with a floor space of 72m<sup>2</sup>.
10. 2 three bedroom dwellings for rent each with a floor space of 86m<sup>2</sup>.

11. 3 three bedroom dwellings for shared ownership each with a floor space of 86m<sup>2</sup>
12. The flats and two bedroom dwellings would front onto Church Lane with the new access between. The three bedroom dwellings would be to the rear of the site with finished floor levels set lower due to the sloping levels of the site.
13. Each flat would be provided with one parking space and each dwelling would be provided with two parking space with a further two parking spaces provided on site for visitors. Bin and cycle storage would be within timber clad flat roof outbuildings within the curtilage of each dwelling.
14. In general terms the proposed dwellings would have gable forms with pitched roofs. The external surfaces of the buildings would be clad with artificial stone and concrete roof tile with reconstituted window heads and cills and cream coloured uPVC windows and doors.
15. The access road would be surfaced in tarmac with grey block paving to the parking areas and buff concrete paving to footpaths. The gardens of the properties would be bounded by 1.8m high close boarded timber fencing.

**RECOMMENDATION:**

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

1. **The submitted application does not demonstrate that the development would meet eligible local needs for affordable housing and therefore fails to demonstrate exceptional circumstances to allow new build housing within the National Park contrary to Core Strategy policy HC1, saved Local Plan policies LH1 and LH2, the Authority's adopted Supplementary Planning Guidance 'Meeting the local need for affordable housing in the Peak District National Park', Emerging Development Management Policy DMH1 and the National Planning Policy Framework.**
2. **By virtue of its scale, density, layout, materials and detailed design the proposed development would fail to reflect or respect the character of the local area and would harm the character and appearance of the area, the setting of the designated Rainow Conservation Area and the landscape character of the National Park contrary to Core Strategy policies GSP1, GSP3, L1 and L3, saved Local Plan policies LC4, LC5, LC20 and LH1, Emerging Development Management Policies DMC1, DMC3, DMC5, DMC8 and DMC13 and the National Planning Policy Framework.**
3. **The proposed development would result in substantial loss of woodland habitat on site which is identified as having moderate potential for breeding and nesting birds. Insufficient information has been submitted to demonstrate that the development can be carried in a manner which avoids or mitigates the impact of the loss of the woodland habitat. The proposal development is therefore contrary to Core Strategy policy GSP1 and L2, saved Local Plan policies LC17 and LC18, Emerging Development Management Policies DMC11 and DMC13 and the National Planning Policy Framework.**

4. **Insufficient information has been submitted with the application to demonstrate that the development would be served by safe access. It is considered likely that the development could lead to highway safety issues in relation to vehicles waiting to turn right into the site. The proposed development is therefore contrary to Saved Local Plan policy LT18, Emerging Development Management Policy DMT3 and the National Planning Policy Framework.**
5. **Insufficient information has been submitted with the application to demonstrate that the development would achieve the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy Policy CC1 the Authority's adopted Supplementary Planning Document 'Climate Change and Sustainable Building' and the National Planning Policy Framework.**

### **Key Issues**

16. Whether the proposed development is acceptable in principle.
17. The impact of the proposed development upon the valued characteristics of the National Park.
18. The impact of the proposed development upon amenity and highway safety.

### **History**

19. 2017: ENQ 29936: Pre-application advice in regard to the erection of 4 dwellings on the site.
20. The response from the Officer set out the policy principle for new housing that policies allow in principle for new housing to meet eligible local need but that there is no provision for new build market dwellings. Therefore an application for new building market housing would not be supported..
21. The site could potentially be developed for affordable housing and Officers provided information in regard to the relevant policies and the Affordable Housing Supplementary Planning Guidance. Also advised that the development would need to come forward by or on behalf of a registered social landlord and be based upon an up-to-date housing need survey.

### **Consultations**

22. Highway Authority: No response to date.
23. Cheshire East Council (Contaminated Land): No objections subject to conditions requiring ground investigations and risk assessment to be carried out along with remediation and strategy and verification report if necessary.
24. Cheshire East Council (Rights of Way): No objection but recommends that a footnote is added to any planning permission ensure that the developer is aware of their obligation in regard to the footpath adjacent to the site.
25. Parish Council: The Parish Council accept the principle of affordable housing at this location but have concerns and request these be addressed during the planning process. The concerns are summarised below, the letter can be read in full on the Authority's website.

26. Concern that there are too many properties on the site and that their proximity to neighbouring properties will lead to a lack of privacy for existing residents.
27. Concern that there is insufficient parking and that the proposed two spaces for visitors is insufficient and will result in potential for parking to overspill onto the main road leading to safety implications. Pressure for parking spaces may be further exacerbated as residents are likely to be working in rural activities requiring off road / specialist vehicles in addition to a private car.
28. Concern about visibility and safety of the proposed access onto the main road. Request the developer provide additional safety measures on the main road.
29. Concern about future development on land forming part of the public house which is covered by the Community Asset registration.
30. Concern about the proximity of the development to the public house and request therefore sensitive screening is provided. The Parish Council do not want the operation of the public house to be affected in any way.
31. Request assurance that the proposed arboricultural plan will be adhered to and the existing trees on the property boundary, particularly along Smithy Lane will not be reduced or removed.
32. Request that planning conditions ensure that the homes remain affordable in perpetuity for local people. The Parish Council requests sight of, and the ability to input to, the proposed eligibility criteria.
33. Request assurance that all services will be adequate in particular sewerage and drainage.
34. Materials should be sympathetic to the area.
35. Environment Agency: Makes no formal comment.
36. Historic England: Makes no formal comment and suggest that the views of your specialist conservation and archaeological advisers.
37. PDNPA Archaeology: Advise that no sources indicate that the site has anything other than low archaeological interest and potential, therefore no comment on the application.
38. PDNPA Conservation Officer: Raises serious concerns about the proposed development:
39. *“The proposed site is not included within the Rainow Conservation Area (CA) but is adjacent to it on two sides. The CA was designated at a time when CA boundaries were drawn very tightly: as and when this CA is reviewed by the Authority, there will be a strong argument for the inclusion of this site within the CA. Any development on this site will have the potential to impact on the historic character and appearance of the CA and on its setting, and will be visible in views into the CA from the north-east, views out of the CA from Chapel Brow/Church Lane and views within/across this end of the CA. The application provides no consideration of these impacts, nor of any potential harm to the significance of the CA (which is a designated heritage asset) which could result. This assessment is required in order to inform any consideration of the proposals. Inadequate information has been provided, therefore.*



40. *The proposals represents an over-development of this site, with the layout and form of development not in keeping with the historic character of the built form within the CA. Apart from modern development within the settlement, properties historically face the road either singly, in short terraces or tight-knit groups, or on occasion are positioned gable on the road. Most development is close to the road edge, with the land behind traditional properties largely undeveloped. Other than areas of modern development on the west side of the main road through the village (generally not included within the CA), there are few places within the CA with development on both sides of the road: the north-east end of the CA is characterised, in particular, by properties on one side of the road facing open land on the other.*
41. *The design and detailing to the proposed houses is not in keeping with the traditional vernacular of the CA and the area more widely:*
42. *As stated in the Authority's Design Guide (paras 2.9, 2.10), traditional buildings within the National Park are characterised by their robustness, simplicity and horizontal emphasis. The horizontal form harmonises with the landscape and detailing is simple, with a minimum of decoration. Particular note should be taken of Section 3 of the Design Guide (New development – designing in sympathy) when considering new developments in the Park. As this section states, "In the countryside or on the edge of settlements, buildings should sit comfortably in the landscape. This is best achieved by emulating the horizontal, ground-hugging form of traditional buildings with their strong eaves and ridge lines and simple, low silhouettes parallel with the contours...buildings with a vertical emphasis seem to shoot up from the ground and rarely fit harmoniously into the landscape".*
43. *Regarding detailing, the DG emphasises the characteristic high solid to void ratio of traditional elevations, in which the wall dominates, noted that "reversing the solid to void ratio... visually weakens an elevation and denies it the strong appearance of traditional buildings... Where large openings are necessary, they should be balanced by a complementary area of solid walling alongside. Getting the correct solid to void ratio is crucial". Parag 3.32 notes that "Gables were traditionally left blank or near blank to maintain their structural integrity. Doors are rarely found in gables, and windows where they do occur, tend to be small and narrow." Any new development should note the Summary of Main Considerations outlined in para 3.33.*
44. *Apartments 1 and 2 are non-traditional in form, with a strong vertical emphasis to the north-west and southeast elevations and non-traditional, wide gabled elevations with triple doors to one, a central door and over fenestration to another. Houses 3, 4, and 5 also have a strong vertical emphasis and over-wide gables. Fully glazed, triple doors to the rear of each property are also non-traditional, inverting the traditional solid to void ratio in some cases. Bargeboards and timber fascias are non-traditional features and not part of the local vernacular – these should be avoided. Porches and canopies have been added to some non-listed buildings within the CA, but these are also non-traditional features, which undermine the robust simplicity of the local vernacular and are details which should not be replicated in the new development.*
45. *1.8m high timber fencing is proposed as a boundary treatment to each property. This is, again, non-traditional within the CA, the wider area and the National Park as a whole. In this prominent location on the edge of the countryside, 1.8m timber fences enclosing such a large number of properties will be alien features which would have a negative impact on the historic character and appearance of the CA."*
46. PDNPA Ecology: Objects to the proposed development for the following reason.
47. The application impacts on an area of woodland. Whilst the woodland has been

surveyed in the Ecological Appraisal, there is no assessment and mitigation/compensation for loss. Loss without providing compensatory planting would be contrary to policy. This information is required before the application can be positively determined.

48. PDNPA Landscape: Objects to the proposed development for the following reasons:
49. There is insufficient information to understand the potential landscape and visual effects of the scheme. A Landscape & Visual Impact Assessment is required to be submitted with the application. This should consider effects on landscape character, the setting of the conservation area and the setting of the village and potential views of the scheme.
50. The scheme constitutes significant over development 9 units on a 0.21 ha site equates to approx. 43 units / ha.
51. There would be a loss of woodland on site and managing and enhancing woodlands is a priority for this Landscape Character Type.
52. There would be potential conflict with landscape character and the setting of the village / heritage assets.
53. The relationship of the proposed housing to the street is poor. Combined bin / cycle store looks to be inadequate.
54. PDNPA Policy: Make the following comment.
55. I would question whether Cheshire East has had any enquiries from the Housing Association about potential housing sites outside the National Park (in Rainow, but outside the NP boundary). Whilst the presence of better sites wouldn't be a good enough reason on its own to reject the application site, we shouldn't feel nervous about asking whether the applicant has considered other sites or approached other owners in the rest of the settlement given that one half of the village isn't in a National Park and should therefore be easier to build in.
56. PDNPA Transport: Makes the following comment.
57. The proposed scheme is located in close proximity to stops servicing two bus routes, providing sustainable access to Hayfield, Macclesfield and New Mills. The inclusion of secure cycle storage within the proposal also offers options for promoting sustainable travel.
58. The design for the road, footways and parking bays appears appropriate for an edge of village location in the South West Peak. However, it is important to ensure that the footways have an adequate width to allow for wheelchair use.
59. The Planning, Design and Access Statement refers to an informal path running along the northern boundary of the site. Whilst this is an informal path, its inclusion within the report indicates regular use; presumably by residents of Rainow. It is therefore important that the route is not lost as part of the development.
60. Whilst the scheme lies outside the conservation area, it borders it, and the impact of potential overspill parking on the surrounding area (including the conservation area) should be taken into account. The development should meet the parking standards within the emerging development management policies.

61. The Planning Design and Access Statement provides details in regard to the size and number of the parking spaces to be provided. The size of cars has increased since the Derbyshire Parking Standards were formulated in 1994. The Peak District National Park Parking Standards take account of this by recommending parking bays of 2.8m x 5.0m. It is noted that the bays within the design are 2.8m x 4.8m. If it is possible to achieve a parking bay dimension of 2.8m x 5.0m within the development without compromising the number of bays or amenity of individual properties, we would recommend this approach.
62. The Statement also provides a table from the Peak District National Park Parking Standards with the Parking Standard for dwellings. The proposed scheme meets the Minimum standards of provision for a housing development of this size and with this mix of housing, with 18 off-street parking spaces.
63. However, given the concerns expressed by the Parish Council in relation to the propose scheme, it is worth bearing in mind, that the Parking Standards allow for additional spaces up to a maximum of 26 for this development, should there be a requirement to allow additional spaces the impact of overspill parking elsewhere within the village. However, we would require evidence to demonstrate such need, particularly at the maximum levels of provision.
64. The Transport Statement incorrectly refers to the Cheshire East Local Plan Strategy 2010 – 2020. Similarly, the Transport Statement quotes the Local Parking Standards from the Cheshire East Local Plan Strategy 2010 – 2020. These are the incorrect standards for the Peak District National Park, where the proposed scheme is located. The Parking Standards which should be referenced are those within either the Peak District National Local Plan 2001 (Appendix 1) or the emerging Peak District National Park Development Management Policies (Appendix 9).
65. The Transport document further quotes Paragraph C2 of the Cheshire East Local Plan Strategy 2010 – 2020 in relation to the potential variance in parking standards on a site by site basis. As the Cheshire East Local Parking Standards do not apply within the Peak District National Park, this paragraph of the Transport Statement (paragraph 3.11) also has no weight in relation to the proposed scheme.
66. We would recommend a rewrite of the “Compliance with parking standards” section of the Transport Statement (page 8), to take account of the errors within it, and to provide clarity on the planning jurisdiction under which the proposed scheme sits.

### **Representations**

67. The Authority has received a total of 8 letters of representation at the date this report was written. All the letters object to the proposed development with one making general comment and raising concerns. All the letters can be read in full on the Authority’s website. The material planning reasons given in objection to the proposed development are summarised below.
  - As you drive through Rainow, the majority of the buildings that can be seen from the main road create the character of the village and should be used as a guideline for any proposed future development, both in terms of building materials to be used and style of property so that anything that is permitted looks like it has always been a part of the village.

- The majority of the surrounding existing properties directly impacted by this development have been in existence since the 1870's. A modern development of properties on the proposed site will not only be overbearing but will be completely out of character in terms of appearance compared with these existing buildings.
- The proposal is to use cheaper materials such as reconstituted tiles on the roof, wall cladding and uPVC windows. Locally sourced slate and stone should be used to ensure that the properties remain 'in keeping'. The use of these inadequate materials mean that the property will not reflect the character of the local area.
- For people travelling through the village the site is positioned straight after entering the National Park – this is inappropriate and not the sort of architecture that visitors will expect to see.
- Proposed number of units is excessive for the size of the site around half the number would be more appropriate.
- The proposed use of wooden fencing is not appropriate this should be dry stone walling to match the local area.
- The proposed development would harm the Rainow Conservation Area.
- A large part of Rainow Parish is outside of the National Park therefore clarification is needed on the housing need figures. Is it appropriate that housing need from within the Parish but outside the National Park is met inside the National Park?
- No formal investigation has been carried out to ascertain where in Rainow it would be appropriate to build new housing. This may be able to highlight how new buildings can be spread out across the village and could offer an opportunity for diverse designs depending upon where they are built and what existing buildings are in close proximity.
- The housing need survey was based on the specific requirements of a few individuals at the time of the survey in 2014 most of which needed to be satisfied within 1 – 3 years. This need is therefore out of date and it cannot be assumed that the same requirements now still apply.
- The housing need survey highlighted the need for bungalows and 1 and 2 bedroom houses. The proposal includes 5 three bedroom houses and therefore this does not appear to be in line with the survey.
- Smithy Lane will be spoilt by development close to and overlooking the lane which is popular with visitors.
- The development will have a detrimental effect on tourism and the associated benefits for local businesses such as the Robin Hood public house.
- Consider that too many trees are proposed to be removed. The development should have provision for replanting and screening above the grass slopes on Smithy Lane to create a similar environment to what currently exists.
- There would be a loss of woodland on the site and managing and enhancing woodlands is a priority in the area. There would be potential conflict with landscape character and the setting of the village and its heritage assets.

- The proposed development will create light pollution affecting Smithy Lane due to the elevated position of the buildings.
- The proposed development will create noise pollution and is a major concern for the immediate neighbours on Church Lane and Smithy Lane.
- There is a health population of bats and birds on Smithy Lane and at dusk this can be seen on most evenings along with birds such as Owls, Lapwings, Curlews and Woodpeckers. The proposed development will have a detrimental effect through noise and light pollution.
- The proposed development has only two visitor spaces and this will lead to visitors and delivery vehicles parking on Church Lane which will be dangerous.
- Additional parking on Smithy Lane will harm the amenity of the area.
- Although the speed limit along Church Lane is 30mph due to the gradient of the hill and the proximity to the 50mph limit section vehicles often speed down the road. The speed survey that has been carried out was in the village but not at this point.
- Vehicles travelling from the east will have little warning to brake around a blind bend if cars are pulling out of the new development and turning right.
- Vehicles travelling from the east will have to stop just after the blind bend to turn right into the proposed development. Following vehicles will not have sufficient visibility to react in time to stop safely.
- The siting of buildings close to the road would make it difficult for cars leaving the site to pull out safely.
- There have been accidents on this road in the past. The accident data provided by the applicant is incomplete as this source of data collects information only about road accidents where people were injured and there are other accidents and near-misses which the data does not capture.
- The properties situated close to Church Lane and Smithy Lane will directly overlook Years Low Cottage and Byways and will result in a significant loss of privacy for occupants of these properties.
- The site is on the periphery of the village and remote from the school.
- Occupants of the properties will be liable to disturbance from the legitimate activities of the public house.
- Provision of sewage and drainage is not clear and should not connect to the drainage below Smithy Lane as there is already a problem with effluent overflowing.
- Raise concerns about the consultation process carried out by the applicant before submitting the application and that the views of local people were not taken into account.
- A Tree Preservation Order should be placed on the mature trees along Smithy Lane.

## **Main Policies**

- 68. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, L3, CC1, HC1 and T1
- 69. Relevant Local Plan policies: LC4, LC5, LC15, LC16, LC17, LC20, LC21, LH1, LH2, LT11 and LT18

## **National Planning Policy Framework**

- 70. 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 recently published National Planning Policy Framework with regard to the issues that are raised.
- 71. Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
- 72. The NPPF directly refers to the National Parks Circular which makes clear that the Government considers it inappropriate to set housing targets within the National Parks and instead that policies should seek to delivery affordable housing to meet the needs of local communities.
- 73. Paragraph 78 and 79 of the NPPF re-inforce this approach together saying that planning authorities should seek to promote sustainable affordable housing in rural areas and that permission for isolated new housing in the countryside should only be granted where there are special circumstances.
- 74. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 75. Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 76. Paragraph 193 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

77. Paragraph 194 of the NPPF says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
78. Paragraph 195 of the NPPF says where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
  79. the nature of the heritage asset prevents all reasonable uses of the site; and
  80. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  81. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  82. the harm or loss is outweighed by the benefit of bringing the site back into use.
83. Para 196 of the NPPF says where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### Development Plan Policies

84. 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.
85. Policies GSP3 and LC4 set out development management principles and state that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
86. Further detailed policy on appropriate design for new housing is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.
87. 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.

88. The approach to housing and conservation in the NPPF is consistent with the Authority's development strategy (Policy DS1) which says new residential development within the National Park should normally be sited within named settlements, and Policy HC1. C which sets out very similar criteria to the NPPF in terms of the exceptional circumstances in which new housing can be granted planning permission in the National Park.
89. Policy HC1. A says that new housing can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
90. Policy L2 states that 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 it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.
91. Policy LC17 provides more detailed criteria to assess development that may affect protected sites, species or habitats.
92. Policy L3 states that development must conserve and where appropriate enhance or reveal the significance heritage assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest.
93. Policy LC5 provides detailed policy guidance when considering development that affects the setting of a Conservation Area and the adopted Rainow Conservation Area Appraisal is a material consideration in the consideration of the proposed development.
94. Policies LC15 and LC16 provide detailed criteria to assess development that affects archaeological and historic sites.
95. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency. CC1. B says that development must be directed away from flood risk areas, and seek to reduce overall risk from flooding within the National Park and areas outside it, upstream and downstream.
96. Policies LT11 and LT18 require development to be provided with appropriate access and parking provision which conserves the environmental quality of the National Park.

#### Meeting the local need for affordable housing Supplementary Planning Guidance (SPG)

97. This document was adopted by the Authority in July 2003 and remains a material consideration in the determine of planning applications where relevant.
98. Paragraph 4.1 of the SPG says that the initial need for an affordable home should derive from the parish and adjoining parishes in which the houses are to be provided. Where parishes are split by the National Park boundary, only need arising from that part of the parish lying within the National Park should be taken into account.



99. Paragraph 4.2 of the SPG says a community's need for affordable housing is generally fairly easy to establish through a parish needs survey or similar survey that demonstrates the number of people with needs for particular types of housing. Where possible this should be carried out by the local authority, Rural Housing Enabler or a registered social landlord in liaison with the parish council. Evidence of need through the use of such a survey will be required for schemes of more than one dwelling.

### Emerging Development Management Policies

100. The Authority has reached an advanced stage in the production of Development Management Policies. The process has now moved beyond publication and examination, taking into account earlier representations and the Inspector's interim views on soundness. Owing to the advanced stage of the document, the Authority considers that a revised version of the Publication Document (incorporating all proposed modifications) addresses the remaining soundness issues and as such may be afforded significant weight as a material consideration. When adopted these policies will replace the existing saved Local Plan policies in their entirety.
101. Policy DMH1 says that new affordable housing will be permitted in or on the edge of a Core Strategy policy DS1 settlement provided that there is a proven need for the dwellings and any new building housing is within established size thresholds. Policies DMH2 and DMH3 set out detailed requirements for first occupants to satisfy a local connection and arrangements for second and subsequent occupants and the occupancy cascade.
102. Paragraph 6.42 of the supporting text to policy DMH1 says that when a settlement is split by the National Park boundary, the identification of the most appropriate exception site will be a matter for the Authority, the community, the constituent authority concerned and the developer. Where the majority of residents are outside the National Park but the larger geographical area of the Parish lies inside the National Park it will not necessarily mean there is greater scope for development in the National Park. However, if an appropriate site has been identified inside or on the edge of the National Park part of a cross boundary village, there is no objection in principle to a development of housing inside the National Park. This applies even if most of the population live outside the National Park, provided that all alternatives have been assessed.

### Assessment

#### Principle of proposed development

103. The Authority's housing policy maintains the long established principle that it is not appropriate to build new housing within the National Park solely to meet the high demand to live within its sought after environment.
104. The NPPF directly refers to the National Parks Circular which makes clear that the Government considers it inappropriate to set housing targets within the National Parks and instead that policies should seek to deliver affordable housing to meet the needs of local communities. Paragraph 78 and 79 of the NPPF re-inforce this approach together saying that planning authorities should seek to promote sustainable affordable housing in rural areas and that permission for isolated new housing in the countryside should only be granted where there are special circumstances.
105. Therefore there is no conflict between policies in the NPPF and adopted and emerging development plan policies which state that new housing will not be permitted within the

National Park unless there are exceptional circumstances such as where new build housing would be located within a named settlement and would address eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity in accordance with policies HC1, LH1 and LH2.

106. The Authority's Affordable Housing Supplementary Planning Guidance (SPG) is also relevant material consideration when assessing proposals for affordable housing. This application is for affordable housing which would be provided by the applicant which is a registered provider of social housing.
107. Paragraph 4.2 of the SPG says a community's need for affordable housing is established through a parish needs survey that demonstrates the number of people with needs for particular types of housing. This is typically carried out by the local authority, Rural Housing Enabler or a registered social landlord in liaison with the parish council. Evidence of need through the use of such a survey is required to establish the need for the development in the local area.
108. The parish of Rainow is located on the edge of the National Park and is split by the National Park boundary. In these circumstances para 4.1 of the SPG is relevant and says that only need arising from that part of the parish lying within the National Park should be taken into account. Given the advanced stage of the emerging development plan policies the supporting text to emerging policy DMH1 is also relevant.
109. The supporting text at para 6.42 takes a more relaxed approach to split parishes than the SPG and says that in these circumstances the identification of the most appropriate exception site will be a matter for the Authority, the community, the constituent authority concerned and the developer. Where the majority of residents are outside the National Park but the larger geographical area of the Parish lies inside the National Park it will not necessarily mean there is greater scope for development in the National Park. However, if an appropriate site has been identified inside or on the edge of the National Park part of a cross boundary village, there is no objection in principle to a development of housing inside the National Park. This applies even if most of the population live outside the National Park, provided that all alternatives have been assessed.
110. By area the majority of the land within the Rainow Parish is located within the National park but the majority of the population live outside of the National Park primarily within the housing estates on the west side of Church Lane.
111. A housing need survey for Rainow was carried out by Cheshire East Council in September 2014. The survey is less than 5 years old and therefore is up-to-date for the purposes of the Authority's policy. The survey identified that there were a total of ten households in need of affordable housing in the parish. Of these ten the need identified was for one bungalow, six flats / apartments and three houses. The report specifies the need is for four 1 bedroom properties and six 2 bedroom properties.
112. Importantly the housing need survey does not identify whether the respondents to the survey live in or outside of the National Park and therefore there is no way to conclude how many of the ten households identified originate from the National Park or not.
113. The application proposes a total of 9 units which would meet almost the entire need in terms of number of proposed units. No evidence has been submitted with the application to demonstrate that the proposed 9 units would be meeting need arising within the National Park which is a requirement of the adopted SPG. Given that the majority of residents within the parish live outside of the National Park it is reasonable to conclude that the majority of the ten households identified by the housing need

survey are outside of the National Park and therefore that the proposal to provide 9 units to meet this need is contrary to paragraph 4.1 of the SPG.

114. Furthermore it is not clear that the proposed development would actually meet the need identified within the survey because the proposed development proposes a mixture of two 1 bedroom flats, two 2 bedroom dwellings and five 3 bedroom dwellings and no requirement for 3 bedroom dwellings is identified by the survey. It is noted that the application states that correspondence in 2017 from the Development Officer at Strategic Housing, Cheshire East Council says that the survey highlights the need for ten affordable homes with a need for 1, 2 and 3 bedroom dwellings however there is no clear evidence to support this conclusion or an updated housing need survey which would be required to demonstrate if the local need had changed since the September 2014 survey.
115. Officers are therefore not satisfied that there is an established need to justify the number of proposed dwellings on this site or the proposed size and type of the dwellings and that the proposed development is therefore contrary to Core Strategy policy HC1 and saved Local Plan policies LH1 and LH2.
116. The supporting text to emerging development plan policy is more flexible for circumstances, such as at Rainow, where a settlement is split by the National Park boundary and potentially allows for sites within the National Park to meet need arising from the part of the settlement outside of the National Park. However in these circumstances the emerging policy expects that the identification of the most appropriate exception site (within and outside of the National Park) and considerations of alternatives to go through a process involving the Authority, the community, the constituent authority and the developer.
117. The applicant has not undergone this process prior to the submission of the planning application and while it is acknowledged that consultation has been carried out by the applicant with the local community there does not appear to have been any consideration of sites in the settlement of the whole or any process of identifying what is the most appropriate site for development in Rainow (within and outside of the National Park).
118. Given the advanced stage of the emerging development plan policies Officers have advised the agent that it is necessary to go through the process of identifying the most appropriate site with the Authority, the community and Cheshire East Council and that this is required before the principle of development on this site could be agreed. However, the applicant requires that the Authority determine this application 'as submitted' and therefore it is concluded that the principle of the development has not been established contrary to policies HC1, LH1, LH2, the Affordable Housing SPG and emerging development plan policy DMH1.
119. Notwithstanding the issue of the principle of the proposed development a number of issues are raised by the Parish Council and in representations. Even if the principle of the development was accepted it is necessary to consider the impact of the development upon the valued characteristics of the National Park and whether the development is acceptable in all other respects.

#### Design, landscape and visual impact

120. Significant concerns have been raised by the Authority's Conservation and Landscape Officers and Ecologist along with the Parish Council and representations in regard to the impact of the proposed development. A number of concerns are in regard to the number of proposed dwellings, layout and design and the impact upon landscape

character, trees and the Conservation Area.

121. The site is located within the South-west Peak and the Slopes & valleys with woodland landscape character type. This is a pastoral landscape with a varied undulating topography of steel slopes, low ridges and incised valleys. Blocks of woodland are a characteristics feature of this landscape, together with patches of acid grassland and bracken on steeper slopes and higher ground. This is an area of traditional dispersed settlement with probable ancient origins. Views to lower ground are framed by woodlands and valley sides.
122. The site is located outside of but adjacent to the designated Rainow Conservation Area which is linear in form following the main road from the Rising Sun pub up past the site and including the converted chapel, the burial ground and chapel house. The site is prominent from within the Conservation Area when passing on Church Lane and is also seen in the context the Conservation Area from a number of viewpoints including from Smithy Lane, from the pub garden and from the public footpaths to the north east and south of the site.
123. It is clear that development on this site has the potential to impact upon the setting of the Conservation Area and upon the landscape character of the area. The Authority's Conservation Officers advise that insufficient information has been submitted with the application to enable the Authority to properly assess the impact of the development upon the setting of the Conservation Area and upon landscape character.
124. The application is not supported by a landscape and visual impact assessment nor a heritage statement to assess these impacts. Nevertheless on the basis of an assessment of the submitted plans and the site and surroundings there are significant concerns about the density, scale and design of the proposed dwellings.
125. The built development within Rainow historically developed along the main road with single properties, short terraces or in small groups of buildings either facing or gable on to the road. Most development is located close to the edge of the road with the land behind largely undeveloped. There are few places within the Conservation Area with development on both sides of the road. The exception to this settlement pattern is the large amount of modern development within the housing estates on the west side of the main road outside of the National Park. The density and layout of these properties do not make a positive contribution to the historic settlement pattern and are not included within the Conservation Area.
126. The area of the application site is 0.21 Ha and therefore the proposed 9 dwellings would represent a development density of 42.9 dwellings per hectare. This density is significantly greater than the historic development within along the main road and is more similar to that within the housing estates on the west side of the village.
127. The number of proposed dwellings and layout would also not be reflective of the historic settlement pattern. The proposal is not for an individual or small group of properties and only three of the proposed dwellings would face onto the main road with the majority facing towards the proposed access road within the site well set back from the main road.
128. The proposed development would therefore not reflect or respect the historic pattern of development within the National Park which is valued within the landscape and forms an essential part of the Conservation Area which is a designated heritage asset. The scale and density of the proposed development and the layout of houses would more closely reflect that of the housing estates on the west side of the village and would appear as an incongruous addition from and in the context of the Conservation Area

and in the wider landscape.

129. The design and detailing of the proposed dwellings does also not reflect or respect the traditional vernacular within the Conservation Area and is not in accordance with the Authority's design guide.
130. The proposed dwellings are non-traditional in form and have a strong vertical emphasis with wide gables and a significant number of window and door openings and glazed triple windows to the rear. The apartment block's main roof is ridged the opposite way to the local tradition with the ridge running along the shorter dimension of the plan. Furthermore the south-west facing gable of apartment 1 is treated as a principle elevation with central door and five surrounding windows which resulting in an overtly suburban appearance which would be alien in the context of surrounding buildings and a prominent feature adjacent to the access. Houses 3, 4 and 5 also have a strong vertical emphasis and wide gables.
131. The detailed design and materials of the proposed dwellings is also inappropriate with artificial stone walls and concrete roof tiles proposed along with cream coloured uPVC windows and doors, rainwater goods, fascias, soffits and barge boards. These proposed materials and detailing are not reflective of buildings within the Conservation Area which is characterised by the use of natural stone and slate with timber windows and doors and simple gutters on brackets. The proposed 1.8m close boarded timber fencing would also not reflect stone boundary walls in the area and the proposed flat roofed timber bin and cycle store would not be an appropriate design.
132. The proposed detailed design and materials of the development would compound the fact that development would have a suburban appearance and would appear incongruous in scale, form, density and materials to surrounding built development.
133. Concern is raised in regard to the impact of the proposed development upon trees on the site and that the proposed development would result in the loss of woodland which would have a harmful impact upon landscape character. A tree survey has been carried out and submitted with the application.
134. The Slopes & valleys with woodland landscape character type is a pastoral landscape with a varied undulating topography of steel slopes, low ridges and incised valleys. The Authority's adopted landscape character assessment identifies that blocks of woodland are a characteristics feature of this landscape.
135. Around the boundary of the site and in the northern half of the site there are a number of mature and young mature trees including Sycamore, Holly, Grey Willow, Hawthorn, Elder, Field Maple and Red Oak, amongst others. The proposed development would take up the land currently occupied by groups of trees in the northern part of the site and therefore a number of tree groups and two individual trees would be removed to facilitate the development. This is identified in a submitted tree survey along with ground protection measures for trees to be retained.
136. Concern has been raised by the Authority's Landscape Officer and in representations that the impact of the proposed development upon trees on site would have a harmful impact upon landscape character as the development would remove an establishing block of woodland on the site which makes a positive contribution to the landscape character of the area and this edge of the settlement.
137. Officers agree that the removal of this establishing block of woodland would be contrary to the objectives of the Authority's adopted landscape character assessment and would have an adverse impact upon landscape character contrary to policy GSP1 and L1.

This impact adds to conclusions that the scale of the proposed development has too great an impact upon the character of the local area and the wider landscape.

138. Unfortunately Officers have received reports during consideration of the application that a number of these trees have been removed from the site. This work does not require planning permission because the trees are not within the Conservation Area and are not subject to Tree Protection Orders. The agent has advised that this work is unrelated to the current application and has been carried out by the landowner in the interests of the long term management of the land.
139. These trees were categorised as ‘young mature’ and appear to have been self-sown. Nevertheless the trees were an establishing a block of woodland on the site and the removal of these trees is considered to be very unfortunate.
140. Officers have discussed the concerns raised in regard to scale, character and design with the agent and have advised that if the principle of developing this site can be established then a smaller scheme which reflects the built character of Rainow and restores / reinforces and manages the woodland within the northern part of the site would be likely to be more acceptable.
141. Due to the scale, density, layout and design of the proposed development Officers conclude that the proposed development would have an adverse impact upon the character of the area, the setting of the Conservation Area and landscape character contrary to Core Strategy policies GSP1, GSP3, L1 and L3, Saved Local Plan policies LC4, LC5 and LC20, the Authority’s adopted design guide Supplementary Planning Guidance and the National Planning Policy Framework.

#### Impact upon ecology

142. An ecological report has been submitted with the application following a phase 1 walkover survey carried out in September 2018. The survey included inspection for bats, birds, reptiles and badgers along with habitat. There are no designated sites within 1km of the site and therefore Officers conclude that given the nature of the development and distance to designated sites that the proposal would not result in any significant adverse effect upon designated sites.
143. The vegetation survey identified improved grass land, tall ruderal, scattered trees and woodland habitat types on the site. The bat survey included inspection of trees on site and concludes that these trees are of negligible roost potential for bats and low potential for foraging and commuting bats. The site is considered to have negligible potential to support reptiles and moderate potential for nesting and breeding birds which are likely to utilise the woodland and grassland on site as nesting and breeding habitat. No badger setts were found on the site.
144. Overall the report concludes that the site is of low to moderate ecological value with the habitats present of negligible / site ecological value. The development of the site could result in loss of nesting habitat and disturbance of bird nests if vegetation clearance works are undertaken during the bird-nesting season and loss of badger foraging habitat. The report refers to potential impact to roosting habitat however it is not clear if this reference is relevant because the report refers to an existing building on the site, which is not the case.
145. The report makes various recommendations including to minimise lighting levels, to ensure that vegetation clearance takes place outside of the bird nesting season (March – October), installation of bat boxes, hedgehog homes, protection of hedgerows and trees to be retained and appropriate native planting.

146. The Authority's Ecologist has been consulted and raises the concern that there has been no assessment of the impact of the woodland as habitat or proposals for mitigation or compensation for the loss. The report does identify that the woodland provides moderate potential as habitat for nesting and breeding birds and acknowledges that the development could result in the loss of this habitat.
147. The report proposes that any landscape planting aims for a majority of native species as an enhancement, however there is no assessment of the impact that the development would have upon the woodland which in effect would be removed within its entirety. There is also no assessment of what additional planting would be feasible and whether this would compensate for the woodland that would be lost.
148. Within the National Park great weight must be given to the conservation of biodiversity and policy L2 says that development must conserve and enhance any features of biodiversity importance. Similarly paragraph 170 of the NPPF says that planning decisions should enhance the natural environment by protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF says that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for, then planning permission should be refused.
149. The proposal would result in the removal of woodland on the site and this would remove habitat for nesting and breeding birds. There are concerns about the impact of the development and the removal of the woodland in terms of landscape character and it could be possible to avoid this impact with a reduced scheme which retained and managed the land as woodland. Furthermore the submitted application has note demonstrated that the development could be carried out while at the same time mitigating the impact of the removal of the woodland.
150. Therefore it has not been demonstrated that significant harm to biodiversity on site can be avoided or mitigated and therefore the proposal is considered to be contrary to Core Strategy policy GSP1, L2, saved Local Plan policies LC17 and LC18 and the National Planning Policy Framework.

#### Highway Safety

151. A number of concerns are raised in regard to parking and highway safety. A transport statement has been submitted with the application. There are local facilities in a close walking distance including the local school, pub and church and would be located close to local bus stops which link to Macclesfield. Officers accept that the site is on the edge of the village and agree that the site is in a sustainable location in terms of transport in the context of Rainow.
152. The access to the site would be onto Church Lane which at this point has a 30mph speed limit. The transport statement demonstrates that appropriate visibility splays can be achieved in both directions and that refuse and delivery vehicles will be able to access and leave the site in a forward gear.
153. Concern has been raised in representations in regard vehicles waiting on the highway to turn right into the site. In this circumstance the vehicle would approach from the east and the concern is that following vehicles would have limited visibility of a stopped vehicle due to the road geometry which bends away and where visibility is limited by walling and the access to the converted Chapel.

154. Photographs submitted with representations do indicate that visibility would be limited by these factors for vehicles approaching from the east and it is not clear how much visibility drivers of following vehicles would have to react to and safely stop behind a vehicle waiting to turn right into the site. This issue is not addressed within the submitted transport statement.
155. Having visited the site Officers do have concerns that following vehicles may not have sufficient visibility to safely stop in this circumstance. This is due to the geometry of the road and also due to the fact that the road is dropping down into Rainow at this point from the point where the speed limit drops from 50 mph to 30 mph. Vehicles therefore may not have sufficient visibility to safely react and stop, especially heavier vehicles or vehicles less able to brake on a bend safely such as motorcycles.
156. It is noted that there are no recorded accidents on the highway here as evidenced by the transport statement, however there is no existing access here into the site and therefore the fact that has not been any recorded accidents does not rule out the possibility that the proposed access could create a new safety issue.
157. At the time of writing no consultation response has been received by the Highway Authority. This has been chased by Officers and a response is expected in time for the meeting and members will be updated. As submitted it has not been demonstrated that the proposed development would be served by safe access and it is considered that the proposals could result in a highway safety issue in the circumstance of vehicles waiting to turn right into the site. The proposal is therefore considered to be contrary to Saved Local Plan policy LT18 and the NPPF.
158. The proposed development would meet minimum standards for the provision of off-street parking for the dwellings in accordance with the National Park parking standards. Officers consider that the level of proposed parking is sufficient and that the development would be unlikely to result in additional on-street parking. It is noted that the proposed spaces are marginally smaller than the size recommended by the parking standards and if these scheme was to move forward this should be increased in size if possible without reducing the overall number of spaces.

#### Other issues

159. Concerns have been raised that the development would harm the privacy and residential amenity of neighbouring properties. Given the position of proposed dwellings on the site the closest neighbouring properties would be Byways on Smithy Lane and Years Low Cottage and The Old Chapel on Church Lane.
160. The Old Chapel is orientated away from the site and in an elevated position approximately 23m from the corner of the closest proposed dwelling. Given the distance and orientation of the existing property and the proposed nearest dwelling Officers are satisfied that the occupants of the Old Chapel would not suffer any significant loss of privacy or amenity.
161. Years Low Cottage would be located, broadly speaking, on the same level as the proposed dwelling and approximately 13.5m from the nearest proposed dwelling. Years Low Cottage is however located further south than the site and therefore the two properties would not face directly towards each other, rather at an angle of around 45 degrees. Given this and the intervening highway it is not considered that occupants of either dwelling would suffer any significant loss of privacy or amenity.



162. Finally, Byways is located lower than the application site on the far side of Smithy Lane, approximately 26m from the nearest proposed dwelling. The rear windows of the proposed dwellings would face south east rather than east towards Byways and given this relationship, the distance between the properties and intervening mature trees which are to be retained it is not considered that occupants of either dwelling would suffer any significant loss of privacy or amenity.
163. Officers are therefore satisfied that the proposal would not harm the amenity of neighbouring properties in accordance with the development plan and the Authority's detailed design guidance insofar as it relates to amenity. The proposal would not directly impact upon the adjacent footpaths or require their closure or alteration.
164. The proposed development would share its south eastern boundary with the pub and concern has been raised that noise from the pub could lead to complaints which could potentially curtail the activities of the pub and its long term viability. Officers consider that there is sufficient distance that noise would not be a significant impact and could be adequately mitigated by appropriate boundary treatment and planting.
165. The site is within Flood Zone 1 and therefore subject to agreement of satisfactory drainage there are no concerns that the proposal would be at risk of flooding or increase the risk of flooding elsewhere. The development would connect to mains sewage which is appropriate.
166. The Environmental Protection Officer advises that the proposed residential use is vulnerable to ground contamination and while the Borough Council's records indicate no former contaminative use, given the sensitivity of the end use a precautionary approach is appropriate and that a risk assessment and ground investigation needs to be carried out with remediation (if required). Therefore if permission was granted conditions would be recommended to secure this.
167. The Authority's Senior Archaeologist advises that the site does not have any known archaeological interest and is likely to have low archaeological significance and therefore there are no concerns that the development would be harmful in this regard.
168. The development does not propose any energy or water saving measures as part of the design. Officer acknowledge that given the proposal for affordable housing there may be more limited scope for incorporating such measures and renewable energy into the scheme. Nevertheless the incorporation of such elements is a policy requirement as part of local efforts to mitigate the impact of climate change in accordance with policy CC1 and the Authority's Climate Change and Sustainable Building SPG.
169. Therefore the failure of the scheme to address these issues is disappointing. If an alternative scheme does come forward then these issues need to be addressed and incorporated into the design. If permission were to be approved for the current application then Officers would recommend that a condition be imposed requiring a scheme of environmental management measures to be approved.

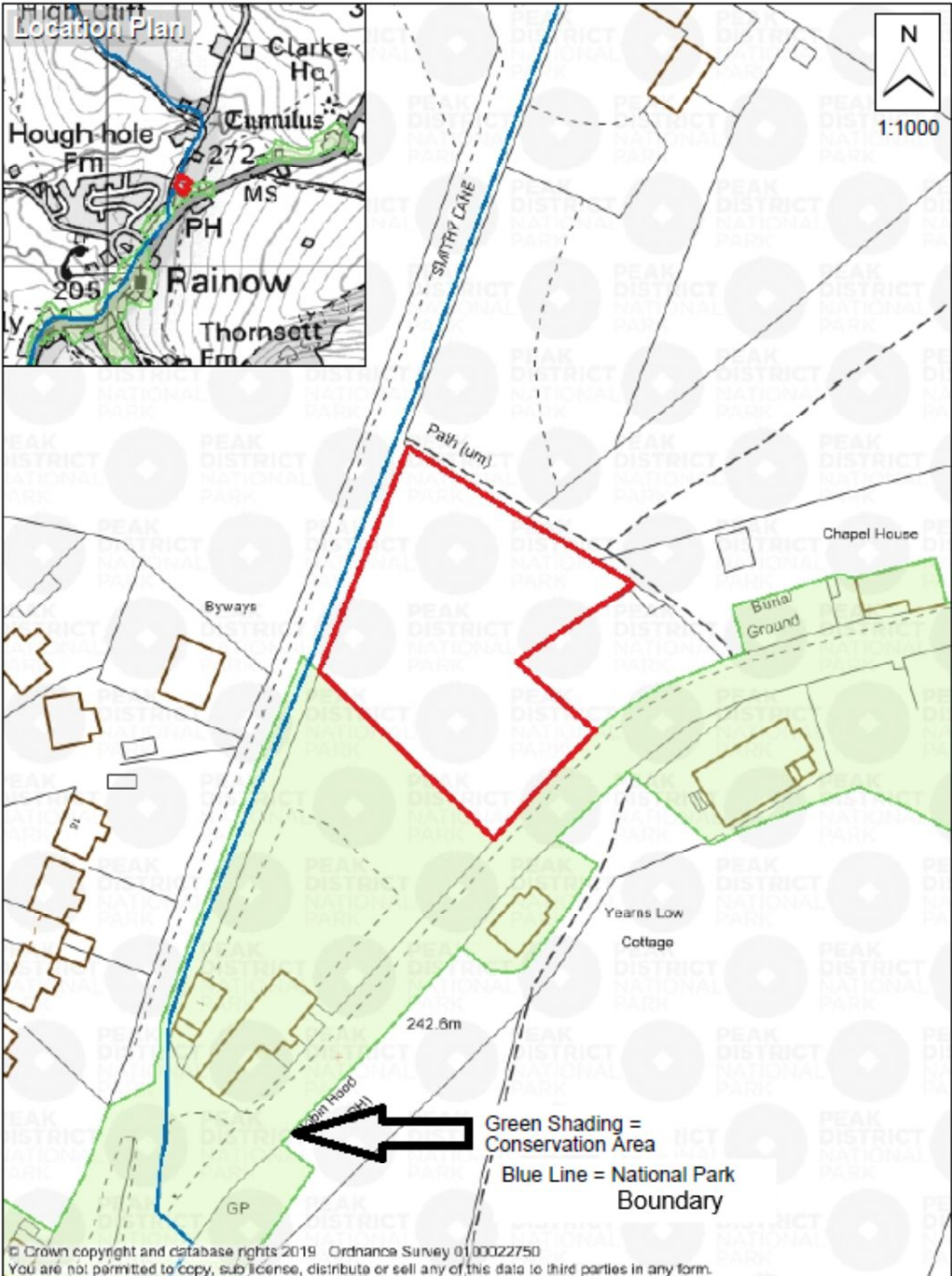
## **Conclusion**

170. Officers have several concerns about the principle of the proposed development on this site and the scale, density, layout and design of the proposed development, impact upon landscape character and the setting of the Conservation Area, biodiversity, trees on site and highway safety.

171. The submitted application does not demonstrate that the development would meet eligible local needs for affordable housing and therefore fails to demonstrate exceptional circumstances to allow new build housing within the National Park contrary to Core Strategy policy HC1, saved Local Plan policies LH1 and LH2, the Authority's adopted Supplementary Planning Guidance '*Meeting the local need for affordable housing in the Peak District National Park*', Emerging Development Management Policy DMH1 and the National Planning Policy Framework.
172. By virtue of its scale, density, layout, materials and detailed design the proposed development would fail to reflect or respect the character of the local area and would harm the character and appearance of the area, the setting of the designated Rainow Conservation Area and the landscape character of the National Park contrary to Core Strategy policies GSP1, GSP3, L1 and L3, saved Local Plan policies LC4, LC5, LC20 and LH1, Emerging Development Management Policies DMC1, DMC3, DMC5, DMC8 and DMC13 and the National Planning Policy Framework.
173. The proposed development would result in substantial loss of woodland habitat on site which is identified as having moderate potential for breeding and nesting birds. Insufficient information has been submitted to demonstrate that the development can be carried in a manner which avoids or mitigates the impact of the loss of the woodland habitat. The proposal development is therefore contrary to Core Strategy policy GSP1 and L2, saved Local Plan policies LC17 and LC18, Emerging Development Management Policies DMC11 and DMC13 and the National Planning Policy Framework.
174. Insufficient information has been submitted with the application to demonstrate that the development would be served by safe access. It is considered likely that the development could lead to highway safety issues in relation to vehicles waiting to turn right into the site. The proposed development is therefore contrary to Saved Local Plan policy LT18, Emerging Development Management Policy DMT3 and the National Planning Policy Framework.
175. Officers have taken into account all material considerations raised and therefore conclude that the proposed development is contrary to the Development Plan and that there are no material considerations that indicate a different decision should be taken.
176. Accordingly the application is recommended for refusal.

### **Human Rights**

177. Any human rights issues have been considered and addressed in the preparation of this report.
178. List of Background Papers (not previously published)
179. Nil
180. Report Author – Adam Maxwell – Senior Planner



Committee Date:	Friday 8th March 2019	Title:	Land off Church Lane, Rainow	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 7			
Application No:	NP/CEC/1118/1125			
Grid Reference:	395088, 376006			

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**8. FULL PLANNING PERMISSION APPLICATION – TO PROVIDE OUTSIDE EATING/DRINKING AREA CONTAINING NO MORE THAN 25 COVERS (8 TABLES, 25 CHAIRS) TO THE EXISTING CAFÉ, BLUEBERRY CAFÉ, CASTLETON VISITOR CENTRE, BUXTON ROAD, CASTLETON (NP/HPK/0119/0075 DH)**

**APPLICANT:** Mr James Shawe

**Site and Surroundings**

1. Blueberry Café is situated within the Castleton Visitor Centre, the Peak District National Park Authority runs the centre and the applicant runs the café as a tenant. The Centre is located on the western edge of the village of Castleton, immediately south of the main village car park near Newhall Bridge at the west end of Cross Street where it becomes Buxton Road. The site lies within the designated Conservation Area and is within Flood Zones 2 and 3.
2. The Visitor Centre comprises a range of limestone buildings with pitched roofs clad with a mix of concrete tiles and natural stone slate. The Blueberry Café is situated in the northern end of the building with access from within the Visitor Centre and from outside via doors in the eastern elevation. The external doors open onto the paved courtyard area where there are already existing tables and benches for public use.
3. The nearest neighbouring properties are Orchard House, approximately 17.5m to the west, The Bulls Head Public House 60m to the east, and Watercroft and 1 Stafford Villas on the opposite side of the road through the village.

**Proposal**

4. The provision of an outside seating area for dedicated use of the café.

**RECOMMENDATION:**

5. **That the application be APPROVED subject to the following conditions:**
6.
  1. **Statutory time limit for commencement of development.**
  2. **That the development shall be in complete accordance with the submitted plans and specifications, received by the Authority 24 January 2019.**
  3. **The chairs, tables and barrier shall only be put outside during the opening hours of the café, and shall be stored inside the building at all other times.**

**Key Issues**

7. The key issues are whether the proposal would have a detrimental effect on the character and appearance of the site and its setting, local amenity or neighbouring property amenity.

**History**

8. 2016 - NP/HPK/0616/0529 - External alterations and internal re-configuration of existing visitor centre for retail area, tourist and information services, museum, café, classroom and interpretation space - Granted subject to conditions.
9. 2017 - NP/NMA/1216/1290 - Reorganisation of internal space, repositioning of main entrance doors – Amendments Accepted.

- 10 2018 - Pre-application advice request – Enquiry 32371 – November 2018. Officer advice was that when NP/HPK/0616/0529 was approved, the application site was defined within a red edge which was only inclusive of the building, no outdoor space was included on the application; therefore planning permission would be required for the change of use of the area outside the building in connection with the café. In principle, provided there was no detrimental effect on the character and appearance of the site and its setting, or harm the amenities of the site, the conservation area, or any neighbouring properties, the proposed use would be acceptable. Since there are already existing outdoor seating facilities in the area outside the doors (unrelated to the café) it would be unlikely that an additional four or five tables would raise any concerns, particularly since they would be brought in overnight. Advice was also provided regarding Advertisement Consent if the barrier proposed had any content construed as being an advertisement.

### **Consultations**

- 11 Derbyshire County Council (Highway Authority): No objections.
- 12 High Peak Borough Council: No response to date.
- 13 Castleton Parish Council: No response to date.

### **Representations**

- 14 The consultation period runs until the 4<sup>th</sup> of March, verbal updates will be made at Planning Committee as necessary. To date, the Authority has not received any formal representations regarding the proposed development.

### **Main Policies**

15. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC5, DS1, L1, L3, E1, HC5 & RT1
16. Relevant Local Plan policies: LC4, LC5, LC22, LC23, LE4, LR1, LS1 & LT18
17. The National Planning Policy Framework.

### **Wider Policy Context**

- 18 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.

19 National Planning Policy Framework

The National Planning Policy Framework (NPPF), which was revised February 2019, is considered to be a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

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

The NPPF states that local planning authorities should plan positively for the provision and use of shared spaces, community facilities and other local services. Part 6, paragraph 83 of the NPPF states that local planning authorities should enable: (a) the sustainable growth and expansion of all types of business in rural areas (b) the development and diversification of agricultural and other land-based rural businesses (c) sustainable rural tourism and leisure developments, and (d) the retention and development of accessible local services and community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship). Part 8 relates to planning policies aiming to promote social interaction, and enabling and supporting healthy lifestyles; paragraph 92 relates to providing social, recreational and cultural facilities and services, and states that planning policies and decisions should (d) ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community.

20 Peak District National Park Core Strategy

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.

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.

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. L3 states that development must conserve and where appropriate enhance the setting, including statutory designations of importance or special interest.

Policy DS1 sets out what forms of development are acceptable in principle. DS1(C) specifically states that development for recreation and tourism is acceptable.

As the application site is within the EA Flood Zone, Core Strategy Policy CC5 is relevant. This states that development will be permitted provided that adequate measures are included to deal with surface water run-off from the site, and such measures must not increase the risk of a local watercourse flooding or otherwise increase flood risk.

Policy E1 (D) states that existing business land and buildings, particularly those which are of high quality and in a suitable location will be safeguarded.

Policy HC5 (C) states that premises for the sale and consumption of food and drink will be permitted provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability.

Policy RT1 is supportive of development which encourages recreation and enjoyment of the National Park.

21 Saved Local Plan Policies

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

Policy LC5 relates to development in conservation areas. It states that development should preserve the existing character and appearance of the conservation area and the views into and out of the area.

Policy LC22 relates to surface water run-off, and LC23 relates to flood risk areas, and the site is within Flood Zones 2 and 3. It states that other than in exceptional circumstances development will not be permitted in flood risk areas. The circumstances where development would be permitted include (i) where the development does not require new buildings or otherwise raise ground levels or obstruct water flow.

Policy LE4 states that the expansion of an existing industry or business in or on the edge of a Local Plan Settlement will be permitted provided that: (i) It is operating in an appropriate location; and (ii) the use remains of a scale and type intended to meet local needs; and (iii) development can be accommodated without harm to the amenity and valued characteristics of the area or to traffic safety and circulation; and (iv) new or extended buildings and working areas are clearly justified and proper consideration has been given to the possibilities of using appropriate existing buildings to meet the needs of the business.

Policy LR1 (b) specifies zones based on settlements within which recreation and tourism development is appropriate and Castleton is named.

Policy LS1 (b) states that within a named settlement development for the sale of food and drink will be permitted provided that it does not erode the role of the area or harm its character, viability and vitality.

Policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development.



22 Development Management Policies

The Authority has reached an advanced stage in the production of Development Management Policies. The process has now moved beyond publication and examination, taking into account earlier representations and the Inspector's interim views on soundness. Owing to the advanced stage of the document, the Authority considers that a revised version of the Publication Document (incorporating all proposed modifications) addresses the remaining soundness issues and as such may be afforded significant weight as a material consideration. When adopted these policies will replace the existing saved Local Plan policies (adopted 2001) in their entirety.

The policies with particular relevance to this application are:

DME7 states that in or on the edge of a Core Strategy Policy DS1 settlement as Castleton is) the expansion of an existing business will be permitted provided that it is in an appropriate location, and that the scale and type of development can be accommodated without adversely affecting the residential amenity and valued characteristics of the area or traffic safety and circulation.

DMS1 states that in furtherance of Core Strategy policy HC5, shops, professional services and premises for the sale and consumption of food and drink within settlements will be encouraged. DMS3 states that expansion or intensification of the use of an existing site must be of a modest scale in relation to the existing activity.

**Assessment**

23 Principle

The National Planning Policy Framework (NPPF) and the Authority's own policies are supportive in principle of development for recreation and tourism and the expansion of an existing business where this can be accommodated without harm to the valued characteristics of the area and amenity.

24 Siting

The proposed area for the outdoor seating lies immediately outside the café doors. It comprises of a 20 square metres area of existing paved forecourt to the building, within which there are existing tables and benches for use by the general public (which would continue to be available for non-café related use). The proposed area is of modest scale which is commensurate with the existing business and the intended use, to provide 25 additional covers. The proposed tables, chairs, parasols and the low fabric barrier supported by freestanding metal posts are all moveable and no permanent development is proposed. The area when not in use would therefore revert to its current condition. The scale of use is modest and being in similar use to the rest of the forecourt it would have minimal impact on the overall character and appearance of the site, the immediate surrounding area, or the wider landscape.

25 Design & Materials –

In terms of the design and materials of the chairs tables and barrier these are all moveable structures, they would have a modern appearance but their light-weight nature means that they can easily be removed at the end of each day for storage inside the building. The colours are recessive and will not appear incongruous as seen against the backdrop of the café. The proposal is considered to be acceptable as it would allow the site to be used to its best potential, but will not have an adverse

impact on the character and appearance of the site or the wider landscape setting. As such the proposed development is considered to be in line with Core Strategy policies GSP1, 2, 3, DS1, L1, L3, E1, HC5, and RT1, and also with Saved Local Plan Policies LC4, LC5, LE4, LS1 and LR1.

26 Amenity

The development would benefit the existing business as it would enable it to serve an additional 25 covers. This is considered to be an appropriate modest increase in scale in terms of business expansion to serve the needs of both the local community and Castleton’s visitor capacity, as required by GSP1, 2, 3, HC5, LE4 and LS1.

The change of use does not require any physical changes to the building, its access or require new services. Therefore there would be no detrimental effect on the character and appearance of the site itself or its setting within the conservation area, in line with policies L3, and LC5. As the use would be within the existing forecourt there would not be any impact on the wider landscape, in line with policy L1.

The additional space may generate some additional traffic, however, parking provision in the vicinity is plentiful, as the Visitor Centre is situated beside the large car park for the village. The vehicular access is therefore compliant with policy LT18. Additionally, the village has a regular bus service.

As the application site is within the EA Flood Zone, Core Strategy Policy CC5 and Saved Local Plan Policies LC22 and LC23 are relevant. A Flood Risk Assessment has been provided with the application. As the proposal is for moveable structures on an existing hard surfaced area there will be no increase regarding surface water run-off from the site and the proposal will not increase the risk of a local watercourse flooding or cause any obstruction to flood flows.

With regard to residential amenity, the seating area is to be used as an extension to an existing business in a forecourt already used by customers with the existing informal seating areas. The kitchen is remaining in its current position with no alteration to the openings or vents so there would be no change to the current local amenity enjoyed by the other businesses and residential properties in the vicinity in regard to smells and noise. The would therefore be compliant with policies GSP3, DS1, HC5, LE4 and LS1, and national policy in the NPPF.

The area would only be used during existing opening hours of 9:30am to 5:30pm, and less in the winter months. Therefore there would not be any negative impact on the area as the character and existing role of this particular area of the settlement would not change. It is therefore considered that the proposal complies with the requirements of the NPPF, and policies GSP3, DS1, HC5, LC4, LC5, LE4 and LS1.

Conclusion

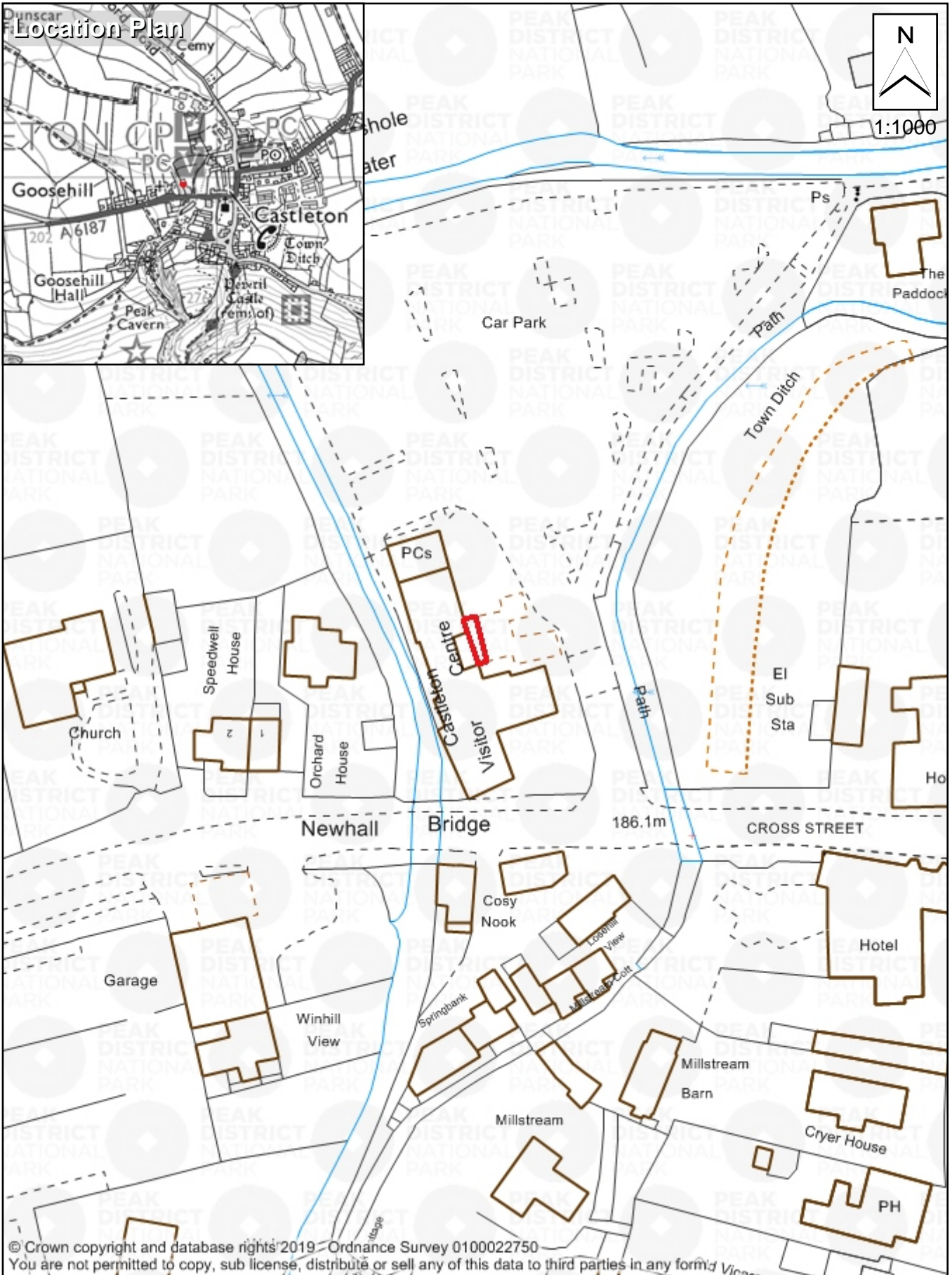
27 The proposed area would only be used when the café is open. The scale of the area proposed would be modest and appropriate to serve the needs of both the local community and visitors to Castleton. As non-permanent structures, the tables, chairs, parasols and barriers proposed to this small area would blend with the existing forecourt uses to have minimal impact on the character and appearance of the site itself and the surrounding area. It would not be visually intrusive, nor give rise to any amenity, parking, highway safety or flooding issues.

The application is therefore recommended for conditional approval.


**Human Rights**

- 28 Any human rights issues have been considered and addressed in the preparation of this report.
- 29 List of Background Papers (not previously published)
- 30 Nil
- 31 Report Author – Denise Hunt, Planning Assistant

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Committee Date:	Friday 8th March 2019	<b>Title:</b> Blueberry Cafe Castleton Visitor Centre	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 8		
Application No:	NP/HPK/0119/0075		
Grid Reference:	414905, 382963		

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**9. FULL APPLICATION – REMOVE CLAUSE LIMITING USE OF THE CAFE TO THE ABLE BODIED BY USE OF FIRST FLOOR AND ALLOW OTHER ITEMS TO BE SOLD ON THE GROUND FLOOR TO BE SOLD ON THE FIRST FLOOR. REALIGN THE OPENING TIMES WITH PERMISSIONS FOR OTHER LOCAL BUSINESSES TO 11PM. REPLACE THE FELT ON BOARD ROOF ON PART OF KITCHEN WITH POWDER COATED INSULATION SQUARE PROFILE TIN. LEGALISE THE SALE OF FOOD AND DRINK FOR OFF-SITE CONSUMPTION. FIT SECURITY CAMERAS TO PROTECT THE BACK OF PROPERTY. FORMALISE THE USE OF OUR LAND FOR THE USE OF CLIENTS TO SIT AND DRINK. THIS HAS BEEN A FEATURE FOR AT LEAST 10 YEARS AT DOLLYS COFFEE AND CHINA SHOP, THE STONES, CASTLETON, S33 8WX (NP/HPK/1018/0917 JF)**

**APPLICANT: Mr Michael Moorhouse**

### **Site and Surroundings**

1. Dolly's Coffee And China Shop is located on The Stones in Castleton. This is a two storey semi-detached property situated within Castleton Conservation Area. The property is of a natural limestone construction, with a pitched Hardrow concrete slate roof and timber windows and doors. The property has been extended over two floors to the rear, and incorporates an external staircase and ground floor door leading to a yard area. The rear extension is constructed from natural limestone on the ground floor which has been raised up in limestone 'Davie Blocks' on top of which is a horizontal timber clad section with a shallow lean-to felt roof. Overall the property has a largely long rectangular footprint.
2. Dolly's Coffee And China Shop is undergoing renovation and is currently vacant, however the premises had been operating as a shop at ground floor level with tea room above until relatively recently. The ground floor of the property is largely open plan, with a WC area situated to the rear. A staircase leads to the first floor level, which is also largely open plan. A kitchen is situated within an extended aspect of the property to the rear. An extraction fan is situated within the wall.
3. Dolly's Coffee And China Shop abuts The Stones, and has a small raised forecourt situated between the front of the property and the roadway. This is roughly triangular in shape and surfaced with stone flags. Access to the property is via a ground floor door on the front elevation. The Stones is situated to the north of the site, neighbouring residential properties are situated to the east and west of the site, and a neighbouring garden area is situated to the south of the site. There are two other shop premises across the street.
4. The property is situated within a frequently visited and picturesque location within Castleton Conservation Area. Dolly's Coffee And China Shop is situated within Flood Zones 2 and 3, close to Peakshole Water, a small watercourse which runs past the property on the other side of the Stones.

### **Proposal**

5. Permission is sought to 'remove clause limiting use of the cafe to the able bodied by use of first floor and allow other items to be sold on the ground floor to be sold on the first floor. Realign the opening times with permissions for other local businesses to 11pm. Replace the felt on board roof on part of kitchen with powder coated insulation square profile tin. Legalise the sale of food and drink for off site consumption. Fit security cameras to protect the back of property. Formalise the use of our land for the use of clients to sit and drink. This has been a feature for at least 10 years'.

6. The premises are currently in a mixed use of shop and café with the café use limited by planning condition to the first floor only. A further planning condition allows operation up until 9pm on any day. The current application has been amended since submission following concerns with regard to the proposed opening times, a lack of detail on the application and further clarification on the proposed plans. It still seeks to remove the condition restricting the café use to the first floor allowing it to extend across both floors alongside the sale of retail items on either floor. It initially also sought permission to extend the opening time to 11pm but the amended scheme omits this and the proposal is that the opening hours remain 9am to 9pm in line with the current condition. The application also seeks consent for the sale of food and drink for off-site consumption and regularise the use of the forecourt for outdoor seating by café customers. At the rear the application proposes the replacement of the current felt roof covering over part of the kitchen with a powder coated square profile steel roof with insulation below. Finally it is proposed to fit security cameras to protect the back of property.

### **RECOMMENDATION:**

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

1. **Commence development within 3 years.**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans; Application Form, Site Location Plan dated 24.01.2019, existing ground floor plan, existing first floor plan, proposed ground floor plan, proposed first floor plan, supporting statement, details of fan cover, details of CCTV cameras dated 20.12.2018, details of roofing dated 20.12.2018, seating plan 1 dated 24.01.2019, emails from applicant.**
3. **The premises shall be used solely as an A1 shop/A3 Café use only.**
4. **No takeaway hot food shall be served from the premises.**
5. **Prior to the use hereby permitted commencing, a scheme for the installation of equipment to control the emission of fumes and odour from the premises shall be submitted to and approved in writing by the Authority. The scheme shall demonstrate compliance with, and be consistent with EMAQ Industry Guidance, “Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018)”. The approved scheme shall be implemented in full. All equipment installed as part of the odour control scheme shall thereafter be operated and maintained to ensure compliance with EMAQ (2018) and in accordance with the manufacturer’s instructions.**
6. **The opening hours shall be between 09:00 and 21:00 only.**
7. **The outdoor tables and chairs to serve this facility shall be located on the raised area of paving to the front of the property only, as shown on seating plan 1 dated 24.01.2019.**
8. **The outdoor tables and chairs shall be of a timber or metal construction and shall be located and used outside the property between 09:00 and 18:00 only.**



9. **Prior to occupation of the development hereby approved, a full flood risk assessment shall be submitted demonstrating to the satisfaction of the National Park Authority in consultation with the Environment Agency that flood risk, both within or arising from the site, can be effectively managed.**
10. **The CCTV cameras and fan cover shall be in black.**
11. **Aside from the outdoor tables and chairs, no other fixtures other than a waste bin, associated with the businesses shall be located outside the front of the property.**
12. **A black coloured metal or timber waste bin for customer use shall be provided outside the premises and sited on the forecourt at all times during the business opening hours.**

### **Key Issues**

7. The key issues are whether the development is acceptable in principle, whether it would conserve the character, appearance and amenity of the existing property, its setting, that of neighbouring properties, and the surrounding Conservation Area.

### **History**

8. 1974 – Refusal of Application NPHPK574153 to convert the shop to a café and was subsequently dismissed on appeal.
9. 1978 – Approval of Application HPK1177870 for ‘Partial change of use from shop to tea shop (light snacks)’.
10. 1981 – Approval of Application HPK1181A68 for ‘Proposed 1st floor extension to house freezers’.
11. 2004 – Refusal of Application NP/HPK/0904/0966 to ‘Replace existing window with new door to provide access for the disabled’.
12. 2005 – Approval of Application NP/HPK/0505/0535 for ‘Removal of condition 3 on planning approval NP/HPK/1177/870 - which restricts the sale of food to light snacks only’.
13. Various Enforcement complaints have been made over the last few years raising concerns with regards to unauthorised outdoor seating and fixtures, unauthorised conversion and extraction.

### **Consultations**

14. Highway Authority – No highway objections subject to all external seating retained on applicants land and not encroaching into adjacent public highway.
15. High Peak Borough Council – No comments
16. Parish Council – Objection. ‘objection to the length of the opening hours in the evening as this may cause a disturbance to the neighbouring houses. Their suggestion would be that they were no later than 9.00pm. Although you mention in your email that there may be changes in the application which may resolve this issue. We have also had concerns raised by a neighbour that the CCTV overlooks their property and would therefore ask

that it is confined to the applicants property’.

17. Environmental Health – No objections. ‘Given the reduced opening hours, in line with current opening and the small size of the outdoor seating area I don’t think the proposals are likely to have a significant impact. Where potential impact may occur is where increased covers and use of the site leads to increased cooking odours. The following condition is therefore recommended

“Prior to the use hereby permitted commencing, a scheme for the installation of equipment to control the emission of fumes and odour from the premises shall be submitted to and approved in writing by the local planning authority. The scheme shall demonstrate compliance with, and be consistent with EMAQ Industry Guidance, “Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018)”. The approved schemes shall be implemented in full. All equipment installed as part of the odour control scheme shall thereafter be operated and maintained to ensure compliance with EMAQ (2018) and in accordance with the manufacturer’s instructions.”

The EMAQ assessment scores the kitchen according to variables (air dispersion, proximity of receptors, size of kitchen (covers), food type and grease loading), this score determines the impact risk and the level of odour control required. If you believe a scheme consistent with EMAQ (2018) would be enforceable, and prevent a significant intensification of use (or change of food type etc.), the condition would be a useful control.

Should significant changes in the operation of the premises occur, likely to significantly impact on the odour and noise impact of the premises, then the site shall be re-assessed in line with EMAQ 2018 and appropriate odour and noise control measures implemented without delay’.

## **Representations**

18. Fourteen representations have been received objecting to this application and one representation has been received raising concerns with regards to the application. The representations raise the following summarised concerns;
- Extended opening hours causing issues with noise and disturbance.
  - Highway safety, traffic and congestion.
  - Errors in the application in relation to the current use.
  - Concerns with regards to waste collection and litter.
  - Errors in the application in relation to security cameras and concerns that these are intrusive.
  - External seating causing safety concerns.
  - Concerns with regards to an increase in covers.
  - Concerns over disabled access.
  - Concerns with regards to inadequate extraction.
  - Concerns that the premises will become a wine bar/pub.
  - Concerns that the premises will provide a hot food takeaway.
  - Concerns that the premises would sell alcohol.
  - Adverse impact on the character of the area.
  - Concerns with regards to external trading in the past.
  - Concerns with regards to deliveries causing issues.
  - Health and safety concerns from food being transported downstairs.
  - Increase in activity.
  - Smoking outside.
  - Errors and omissions in the application.

- Concerns with regards to flooding.
- Concerns that the conversion of both floors to a café has already been refused.
- Building regulations concerns.
- Concerns that the kitchen is insufficient to meet requirements.
- Concerns that the drainage is insufficient.
- Concerns regarding noise pollution.
- Concerns that the boiler flue is causing issues.

### **Main Policies**

19. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3, CC5, HC5
20. Relevant Local Plan policies: LC4, LC5, LE6, LT18
21. 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
22. 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.
23. National Planning Policy Framework
24. The revised National Planning Policy Framework (NPPF) was published in July 2018 and replaced the 2012 NPPF with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
25. Paragraph 172 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.'
26. Development Plan Policies.
27. 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.

28. 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.
29. Policy DS1 states that conversion for business uses in all settlements will be acceptable in principle.
30. 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.
31. 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
32. Policy CC5 states that development proposals which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless net benefits can be secured for increased floodwater storage and surface water management from compensatory measures.
33. Policy HC5 states that in towns and villages related activities such as professional services, and premises for the sale and consumption of food and drink, will be permitted provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability.
34. Policy LC4 states that development must not harm the character, appearance and amenity of the existing building, its setting or that of neighbouring properties.
35. Policy LC5 states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.
36. Policy LE6 states that where development for employment purposes is acceptable in principle, it will only be permitted provided that every practicable means is used to minimise any adverse effects on the valued characteristics and amenity of the surrounding area.
37. Policy LT18 requires safe access provision and adequate parking arrangements.

### **Assessment**

38. The premises are currently in a mixed use of shop and café with the café use limited by planning condition to the first floor only. A further planning condition allows operation up until 9pm on any day. The current application has been amended since submission following concerns with regard to the proposed opening times, a lack of detail on the application and further clarification on the proposed plans. It still seeks to remove the condition restricting the café use to the first floor allowing it to extend across both floors alongside the sale of retail items on either floor. It initially also sought permission to extend the opening time to 11pm but the amended scheme omits this and the proposal is that the opening hours remain 9am to 9pm in line with the current condition. The

application also seeks consent for the sale of food and drink for off-site consumption and regularise the use of the forecourt for outdoor seating by café customers. At the rear the application proposes the replacement of the current felt roof covering over part of the kitchen with a powder coated square profile steel roof with insulation below. Finally it is proposed to fit security cameras to protect the back of property.

39. A scale drawing showing an external seating plan with three small tables and twelve chairs has been submitted along with details of the proposed CCTV cameras and further detail of the proposed roofing material to the kitchen extension. It has been confirmed that the external tables and chairs shall be of a timber or metal construction only, and that placing other equipment, such as an ice cream freezer, in front of the premises, which has happened in the past, no longer forms part of the plans.

40. The amended application is for the conversion of the property to a shop/café with outdoor seating, CCTV cameras, the installation of an extraction grill, and the replacement of the roof to the kitchen extension. No alterations are proposed to the exterior of the outbuilding, except for the installation of two CCTV cameras and an extraction grill to the rear.

#### 41. Principle

42. It is considered that the proposed amended plans are acceptable in principle. Policy DS1 states that conversion for business uses in all settlements will be acceptable in principle and Policy HC5 states that business activities will be permitted provided that there is no harm to the role or character of the area, including its vitality and viability. It is considered that the use of the property as a shop/café is entirely appropriate in this location within the centre of Castleton. The location is characterised by commercial establishments, and it is therefore considered that the proposed change of use is suited to the role and character of the area.

#### 43. Character/Landscape

44. The only external alterations proposed to the property are the installation CCTV cameras, the installation of an extraction grill, and the replacement of the roof to the kitchen extension. All of these minor alterations are proposed to the rear of the property and would have minimal impact. The two proposed CCTV cameras would be of modest dimensions and would be coloured black. It is not considered that these additions would have any adverse impact on the character of the property. The proposed fan cover is required, as the existing extraction fan is visible through the wall of the property. The fan cover would improve the appearance of the property by covering this gap. A condition requiring the CCTV cameras and fan cover to be coloured matt black, would ensure that the character and appearance of the development is acceptable.

45. The proposed replacement of the felt roof on part of kitchen area with powder coated insulation square profile tin would not result in any adverse impact. It is acknowledged that this structure which incorporates timber boarding and a flat roof is not aesthetically pleasing, however it is not considered that the proposed replacement roofing would result in any additional impact and therefore on balance is considered to be acceptable. Attempts were made during negotiations to encourage further enhancements to this area of the property as part of the application, such as stone walling and a pitched slate roof, however the applicant was not prepared to make these improvements.

46. The proposed external tables and chairs would clearly be visible on the frontage but have been a feature over the years, albeit unauthorised. It is considered that their formalisation would not result in an adverse impact on the character, appearance and amenity of the property, its setting, or the surrounding Conservation Area subject to the

imposition of conditions. The submitted Seating plan 1 dated 24.01.2019 shows three small tables and twelve chairs, which is considered to be an acceptable layout. As such a condition would be imposed requiring development to be in accordance with this plan. It is also considered necessary to impose a condition requiring the outdoor tables and chairs to be of a timber or metal construction. This is because the introduction of poor quality tables and chairs would have a significant adverse impact on this sensitive location within the Conservation Area. It is considered that specifying that these shall be either timber or metal construction would ensure that they are of a suitable quality without requiring the submission of specific design details.

47. With the conditions set out above the proposal would conserve the character, appearance and amenity of the property, its setting, and the surrounding Conservation Area.

48. Amenity

It is not considered that the proposed plans would result in any significant issues for neighbouring properties. The ground floor of the existing property was last used as a shop, and this use can continue to operate. It is not considered that the use of the ground floor of the property as a shop/café would result in any additional impact for neighbours as although the café area is expanded it is contained within the building. The additional increase in customers would not be significant and would not have an adverse impact on the neighbouring residences. The amended opening hours would match those of the consented café use at first floor level and are therefore considered to be acceptable.

It is not considered that the proposed external seating area would result in any significant issues for neighbouring properties. The location of the proposed seating would not cause any issues in terms of overlooking, and the street scene is already characterised by a large influx of visitors. It is however considered that the outdoor tables and chairs should only be located outside the property between 09:00 and 18:00hrs. This is to ensure that any noise from visitors is minimised during evenings, and to ensure that the tables and chairs are not used by visitors when the property is closed. It is accepted that some level of noise and disturbance may be caused, however it is considered that the level of impact would be minimal as a result of the imposition of this condition.

49. Other Matters

50. It is not considered that the nature of this development would result in any adverse impact in terms of highway, environmental or other matters. There have been no objections from the Highway Department or any other statutory consultees.

51. DCC as Highway Authority were consulted on the application and stated that there are no highway objections subject to all external seating being retained on the applicants land and not encroaching into the adjacent public highway. This is clearly the case, as shown on seating plan 1 dated 24.01.2019. A condition is suggested to be imposed requiring the external seating to be in accordance with this plan, which will ensure that no encroachment will take place.

52. The property is located within Flood Zones 2 and 3. Both the existing and proposed uses are classed as 'less vulnerable' in terms of risk, and therefore the development is considered to be acceptable in principle. No flood risk assessment has been provided, however no change is proposed in terms of risk. Nevertheless it is considered appropriate to impose a condition stating that prior to occupation of the development, a full flood risk assessment shall be submitted demonstrating to the satisfaction of the National Park Authority in consultation with the Environment Agency that flood risk, both within or arising from the site, can be effectively managed and how that will take place.

Environmental Health was consulted on this application and raised no objections. It was stated that 'given the reduced opening hours, in line with current opening and the small size of the outdoor seating area the Environmental Health Officer did not think the proposals are likely to have a significant impact. Where potential impact may occur is where increased covers and use of the site leads to increased cooking odours and the suggested condition to agree a scheme to control fumes and odour is included in the officer recommendation above.

It is therefore considered that there would be no adverse impact on neighbouring properties, subject to the suggested condition requiring suitable extraction.

### 53. Other matters

54. In response to the representations objecting to these plans, it is acknowledged that the originally proposed extended opening hours may have caused issues with noise and disturbance. It is not considered that the amended opening hours would result in any additional impact.

55. It is accepted that there may be more accumulation of waste for collection as a result of these plans, however the collection of waste is already managed and there have been no objections from DCC Highways or Environmental Health in relation to this matter. It is considered that the comments in relation to an increase in litter in the area are entirely speculative however it would be prudent to require a waste bin to be provided outside the premises on the forecourt to deal with potential waste from takeaway customers. A suitable condition is therefore suggested.

56. In terms of the CCTV cameras, it is considered that the location of these two cameras are shown on the proposed first floor plan and development would be conditioned to be in accordance with this plan. The comments with regards to CCTV being potentially intrusive are accepted, however this is not considered to be a planning consideration.

57. It is accepted that disabled access to the property could be improved. It is considered that the café use would be more accessible as a result of being located at ground floor level as well as first floor level. This existing forecourt level which is slightly raised from the road would remain a barrier in the present scheme. This is not a new business proposal and there are no physical alterations proposed outside the premises.

58. The concerns that the premises may sell alcohol are accepted, however consent is not being sought for the property to become a pub. It is considered that the sale of alcohol ancillary to of the café use would be a licensing matter rather than a planning consideration.

59. There are no concerns that noise pollution would be problematic for neighbouring properties and there have been no objections from Environmental Health. Conditions have been recommended to restrict the hours of operation and the use of outdoor seating, in the interests of the amenity of neighbours.

### Conclusion

60. The proposed amended plans are acceptable in principle, subject to conditions. They would conserve the character, appearance and amenity of the existing property, its setting, that of neighbouring properties, and the surrounding Conservation Area, and would not affect the vitality and viability of Castleton Village Centre. The character of the site and the surrounding Conservation Area would be largely unaffected by these plans, and the level of impact for neighbouring properties would be minimal as a result of the opening hours matching those of the existing first floor café and restrictions being

imposed on the use of outdoor seating. Further conditions are required in relation to flood risk, to restrict the use of the premises, suitable extraction, outside waste bin provision and detailing.

### **Human Rights**

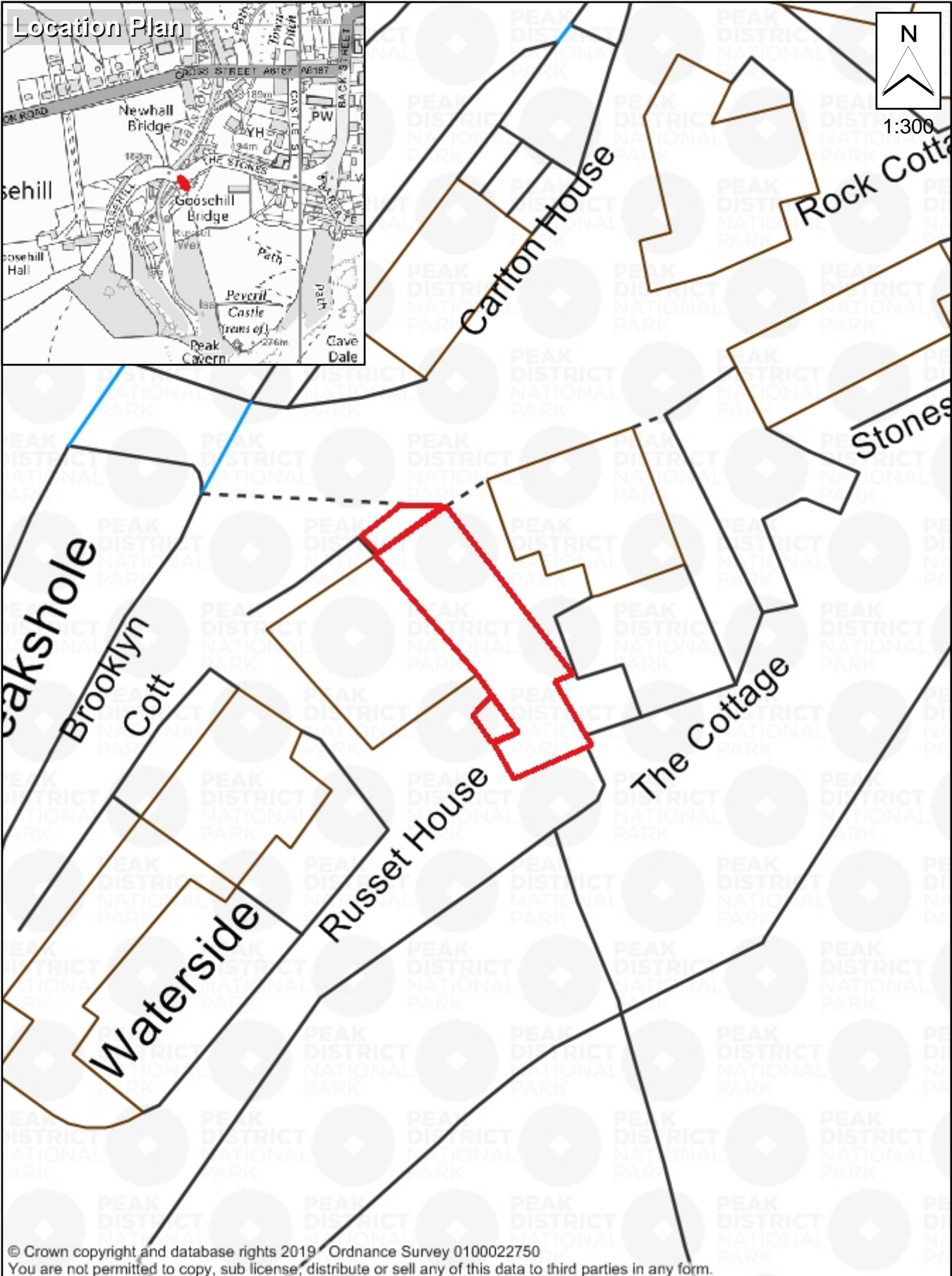
61. Any human rights issues have been considered and addressed in the preparation of this report.

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


Nil

Report Author – Joe Freegard, Planner





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Committee Date:	Friday 8th March 2019	<b>Title:</b> Dollys Coffee and China Shop Castleton	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 9		
Application No:	NP/HPK/1018/0917		
Grid Reference:	414844, 382792		

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**10. HOUSEHOLDER APPLICATION – DEMOLITION AND REBUILD OF WESTERN SECTION OF DWELLING (RETROSPECTIVE); RENOVATION AND ALTERATIONS AND ALTERATIONS TO THE VEHICULAR ACCESS. PRIMROSE COTTAGE, WINDMILL. (NP/DDD/0918/0855 DH)**

**APPLICANT: Mr S Meakin**

**Site and Surroundings**

1. Primrose Cottage stands on the south side of Windmill, a small hamlet which is not a named settlement, lying between Great Hucklow to the east, and Little Hucklow to the north-west. There are no listed buildings in Windmill and there is no designated conservation area.
2. The cottage appears on the 1st, 2<sup>nd</sup> and 3rd Edition Ordnance Survey maps (dated 1880, 1898 and 1922 respectively) and is considered to be a non-designated heritage asset. Most of the development in Windmill is laid out in a linear pattern to the north side of the road through the hamlet. There are just three dwellings on the south side, including Primrose Cottage, which stands behind the other two which front the road, all three having a very close relationship to each other.
3. The property is a two storey detached dwelling in a generous curtilage with a small paddock to the west of the site. There is vehicular access from the Windmill road to the north and the main B6049 road to the east. The house has evolved over time, and had two doors in the principal elevation. The western end of the building seems to have originally been a very small cottage with a cellar, with a more substantial part to the east side being Victorian. To the rear there is a single storey part under a cat slide roof which results in an eccentric gable in views from within the hamlet. It was rendered under a Hardrow tile roof. The owner has commenced works to rebuild sections of the dwelling which include the removal of the render, the demolition of the western end of the property along with the roof. The eastern part of the roof has had its roof timbers replaced and is felted. Alterations to the access have also been implemented but works have now ceased pending the outcome of this application.
4. The nearest neighbouring properties are the other two properties to the south of the road through Windmill; St Anne's Cottage stands directly to the north, and Windmill Cottage is to the north-east.
5. **Proposal**
6. The application is partly retrospective, with permission sought for the demolition and rebuild of the western section of the dwelling, renovation and alterations including a small amount of extension to the west side together with alterations to the vehicular access.

**RECOMMENDATION:**

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

1. **That the development shall be in complete accordance with the amended plans, received by the Authority 18 February 2019.**
2. **The full length glazed opening to the cellar area shall be reduced in scale, to be agreed in writing with the Authority**
3. **The door to the west gable shall be provided with a simple gritstone lintel, not a full surround, details of the door to be reserved by condition for approval in writing**

**with the Authority**

- 4. All new stonework to be natural limestone to match the existing**
- 5. Pointing to be recessed**
- 6. Quoins, door lintels, window surrounds and mullions to be natural gritstone**
- 7. Roof to be re-clad in Hardrow old stone slates**
- 8. Verge detail**
- 9. All pipework internal except for rainwater goods**
- 10. Rainwater goods black cast metal and fixed to stonework on brackets**
- 11. New windows and doors timber and recessed same depth as existing**

**7. Key Issues**

8. The key issues are whether the proposed development is of a suitable design, scale, form and massing, and whether it would have an adverse effect on the character and appearance of the dwelling or its setting. Also, whether the proposal raises any amenity issues upon the dwelling itself, any neighbouring properties, or the wider area.

**9. History**

10. Enforcement case file reference 18/0120 regarding the unauthorised demolition of part of the property and the unauthorised alterations to the access.
11. NP/DDD/0818/0730 - Alterations and extension to include removal of existing extension and construction of new side extension – Withdrawn - 06/09/2018

**12. Consultations**

13. Derbyshire County Council (Highway Authority): No objections.
14. Derbyshire Dales District Council: No response.
15. Great Hucklow, Little Hucklow, and Grindlow Parish Council: Object to the proposal to raise the roof line since this will cause the building to overshadow neighbouring properties, and to the proposed changes to the windows which would result in them overlooking neighbouring properties.
16. The PC also raise concerns regarding the extent of the proposed development as, “Any permission should only be granted on the basis of the work on the property being sufficient and necessary to make it suitable for full time family residence.” Additionally they state that, “the proposed changes to access are similar to plans which have been rejected in the past. Any decision made needs to be consistent with previous planning history at the property.”
17. Finally, the PC state that, “While the property is not listed, it does have heritage asset value and we are concerned that any decisions made need to reflect a consistent application of policy and guidance from all the relevant statutory authorities/departments.”

18. PDNPA Conservation Officer: As submitted the application did not include an assessment of the significance of the non-designated heritage asset. Although some enhancements are offered by the proposals, the proposed alterations and remodelling will have a detrimental impact on the significance of the building.

19. *Further to this consultation response a Heritage Assessment and amended plans addressing the concerns were received 3 January 2019. Further amended plans were received 18 February 2019, which addressed remaining concerns.*

## **20. Representations**

21. During the initial consultation period, the Authority received three representations which all object to the development, though all three acknowledge that the property was in need of extensive works to renovate it to a habitable standard. To date no further representations have been received regarding the amended plans received 18 February 2019 which were provided to the interested parties and the Parish Council.

22. The concerns raised by the objectors are:

- The increase in height of the main roof, cited as being between 2 to 3 feet in one representation and 50cm and 100cm in another
- Increase in height of the lean-to at the rear
- Enlargement of the window openings
- Proposed rooflights in rear elevation would overlook neighbouring property
- The symmetry of the property has been lost by the alteration to the roof
- The application is partly retrospective

## **23. Main Policies**

24. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1 & L1

25. Relevant Local Plan policies: LC4 & LH4

26. The NPPF states in Chapter 12 that the creation of high quality buildings and places is fundamental to what the planning process should achieve.

## **27. Wider Policy Context**

28. 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:

29. Conserve and enhance the natural beauty, wildlife and cultural heritage

30. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

31. When national parks carry out these purposes they also have the duty to:

32. Seek to foster the economic and social well-being of local communities within the national parks.

33. National Planning Policy Framework

34. The National Planning Policy Framework (NPPF), which was revised February 2019, is considered to be a material consideration which carries 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.

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

36. Paragraph 108 of the NPPF states that when considering development proposals it should be ensured that safe and suitable access to the site can be achieved for all users.

37. Peak District National Park Core Strategy

38. 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.

39. 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.

40. 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.

41. Policy DS1 sets out what types of development are acceptable within the National Park.

42. Saved Local Plan Policies

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

44. LH4 allows extensions and alterations to existing dwellings, provided that these are of a high standard of design in accordance with adopted design guidance which conserve the character, appearance and amenity of the existing building, its setting and that of neighbouring properties.

45. Policy LT11 states that parking spaces associated with residential development must respect the valued characteristics of the area, particularly in Conservation Areas. LT18 requires vehicular access to be safe and suitable for their designated purpose.

46. Development Management Policies

47. The Authority has reached an advanced stage in the production of Development Management Policies. The process has now moved beyond publication and examination, taking into account earlier representations and the Inspector's interim views on soundness. Owing to the advanced stage of the document, the Authority considers that a revised version of the Publication Document (incorporating all proposed modifications) addresses the remaining soundness issues and as such may be afforded significant weight as a material consideration. When adopted these policies will replace the existing saved Local Plan policies (adopted 2001) in their entirety.

48. DMC3 repeats the provisions of Saved Local Plan Policy LC4. DMH7 relates to extensions and alterations to existing dwellings; DMT3 relates to access and design criteria, and DMT8 to residential off street parking.

49. Supplementary Guidance

50. The Authority has a Supplementary Planning Document (SPD) on alterations and extensions. Chapter 3 relates to extensions to dwellings and states that there are three main factors to consider, massing, materials, detailing and style. All extensions should harmonise with the parent building, respecting the dominance of the original building. The original character of the property should not be destroyed when providing additional development. Side extensions should take their cue from the front elevation alongside, and constructing an extension from the same materials as the existing house helps the extension sit well alongside the host. Chapter 4 of the SPD deals with other material planning considerations, neighbourliness, outlook and amenity, privacy and daylight are fundamental considerations when altering or extending a property.

51. Assessment

52. Background - The application is a resubmission of NP/DDD/ 0818/0730, which sought to regularise the works which had already been undertaken without the benefit of planning permission, and to extend the property. That application was subsequently withdrawn following officer advice that the development description was not accurate and the scale of the proposed side extension was not acceptable as it resulted in an overlong frontage which had an adverse impact on the character and appearance of the property.

53. During the course of this application amended plans were received 18 February 2019 which address the concerns raised by the Authority's Conservation Officer. The Parish Council and nearest neighbouring properties were re-consulted, additionally, a further Site Notice was displayed. To date no further comments have been received by the Authority.

54. Principle

55. The Authority's policies, in principle, allow for extensions and alterations to existing dwellings provided that they are of a suitable design, scale, form and massing and do not raise any amenity issues upon the dwelling itself or any neighbouring properties.

## 56. Design

57. The retrospective works comprise part rebuilding, extension and the removal of the render from the building followed by repointing the stonework. Revealing the stone masonry offers a visual enhancement to the building. The roof which has been removed is part re-laid with new timbers. This has entailed adding a wall plate for the rafters to sit on and increasing the size of the timbers to meet modern structural requirements which means the ridge of the main part of the building would be approximately 15cm higher than it was previously. The increase in height to the main ridge is evidenced by the chimney stack which has remained in place throughout the works that have taken place to date. The increase is small and not so significant that it would have an adverse impact on the character and appearance of the building. The cat-slide roof at the rear also has slightly raised eaves for the same reasons, again the increase is negligible in its overall impact.
58. The amended plans show the western demolished section rebuilt but slightly longer than previously by 2m. The size and scale of the extension in relation to the existing is modest and would be subservient to the original dwelling, to accord with the extension policy and design guidance. Following design discussions the rebuilt section will have its front wall slightly set back from the main part of the building. The footprint of the rear single storey element over the existing cellar is to be rebuilt on the original footprint and therefore the amended cat-slide roof extension will be to the centre of the elevation, rather than to one side. As the render has been removed to reveal the stonework which is in good condition, quoins will be included in the re-build to differentiate the main part of the frontage from the rebuilt 'extension'. The roof line of the extension will be a continuation same roofline on the main section to retain the simplicity of the building and reflect the previous iteration. As the single storey element to the rear would no longer extend flush with the gable as before, the narrower house gable width will be expressed, which offers an enhancement in terms of the views of the property from within the village of Windmill.
59. In terms of the fenestration the door which was previously in the south elevation of the western part is to be moved to the west gable and shown to be fully glazed and having a full stone surround to match the front doorway. Due to the topography of the site the land to the west is higher than that of the ground level of the new extension, which means that this opening would not be seen from public vantage points in full. However, such a formal surround and indeed the presence of a doorway in the gable would not normally be acceptable. It is therefore suggested that a condition is required seeking an amended, simpler opening to reduce its impact and better reflect the character and appearance of the cottage as well as meeting adopted design guidance. The window openings in the west part of the building are to be increased in size so that their proportions and detailing match those in the main part of the building, in line with guidance in the Authority's SPD. The mullions which have been removed over time will be reinstated. The new window frames would be timber and would require a painted finish, the precise details of which would need to be controlled by condition in the absence of such details with the application. Two new conservation rooflights are to be introduced to the cat slide roof, measuring 980mm x 660mm. A smaller conservation rooflight measuring 750mm x 550mm is proposed nearer the ridge of the rebuilt part. It is considered that the rooflights do not have a detrimental effect on the appearance and character of the property, and would in any case normally be permitted development.
60. In summary it is considered that the scale of the proposed extension is modest, the massing respects the existing, and the amended design and use of materials in the extension and the alterations to the re-built part of the dwelling offer enhancements to the



property. As such the proposals are considered to be acceptable and in line with policies DS1, LC4 and LH4 and the adopted SPD on alterations and extensions.

61. Amenity Considerations

62. The property has an extremely close relationship with the other two properties on the south side of Windmill. The proposals would not have an increased adverse impact on those dwellings amenity from that which previously existed, as the increase in height is not so significant that it would be any more overbearing or create more over-shadowing or lack of privacy than which previously existed. The extension itself would lie to the west side and so away from these properties. The proposals, as amended, will therefore not have a detrimental effect upon the character and appearance of the existing building, nor do they detract from the surroundings by having any detrimental effect on the site itself or its setting or the character and appearance of the local area.

63. Access Considerations

64. The access to the site has also already been altered and visibility splays provided which are to be bounded by drystone walls. These works are compliant with policy LT18 and do not have an adverse impact on the setting of the property or the wider area.

65. Therefore it is considered that the proposals comply with the requirements of GSP3, L1, LC4 and LH4 and national planning policy.

66. Other Considerations

67. The concerns of the Parish Council and local residents about the roof height are noted. It is considered that the roof height increase is justified in this case as the original rafters sat directly on the stonework and were not fixed, and the roof had spread. It was therefore necessary to insert a wall plate to ensure a proper 'footing' for the rafters to sit on. Additionally the rafters which were removed were only 75mm by 75mm and as such were undersized to carry the load of the roof. The replacement rafters are 150mm by 50mm rafters to meet structural requirements and to accommodate insulation. The single storey part at the rear is under a cat slide roof, as it was previously, there is a minimal change in height to the eaves, but as the land has been excavated to deal with the damp issues this may give the perception of them being raised more. As set out above it is considered that the height difference is not so great that it would have any increased adverse impact on the amenities of the nearby neighbouring properties, which, due to their existing very close relationship, were overshadowed by the property prior to any works taking place.

68. With regard to the alteration to the windows in the rear elevation, the changes to windows at ground floor are considered to be permitted development under Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 2015. Similarly, rooflights, as proposed, are permitted development under Part 1, Class C.

69. The application is for householder development and no change of use proposed. In respect of the access there is no history of similar changes to the access in the Authority's records. The changes to the access have been assessed by the Highway Authority who have not raised any concerns. The changes to the access is therefore considered to be safe and compliant with policies LT11 and LT18.

70. In respect of concerns over the enlargement of the window openings the plans show that the size of the window openings in the rear lean-to are not significantly increased, and in any event, these works would be deemed to be permitted development. Similarly due to the nature of rooflights they are not readily looked through, and in any event, the introduction of rooflights would be deemed to be permitted development.

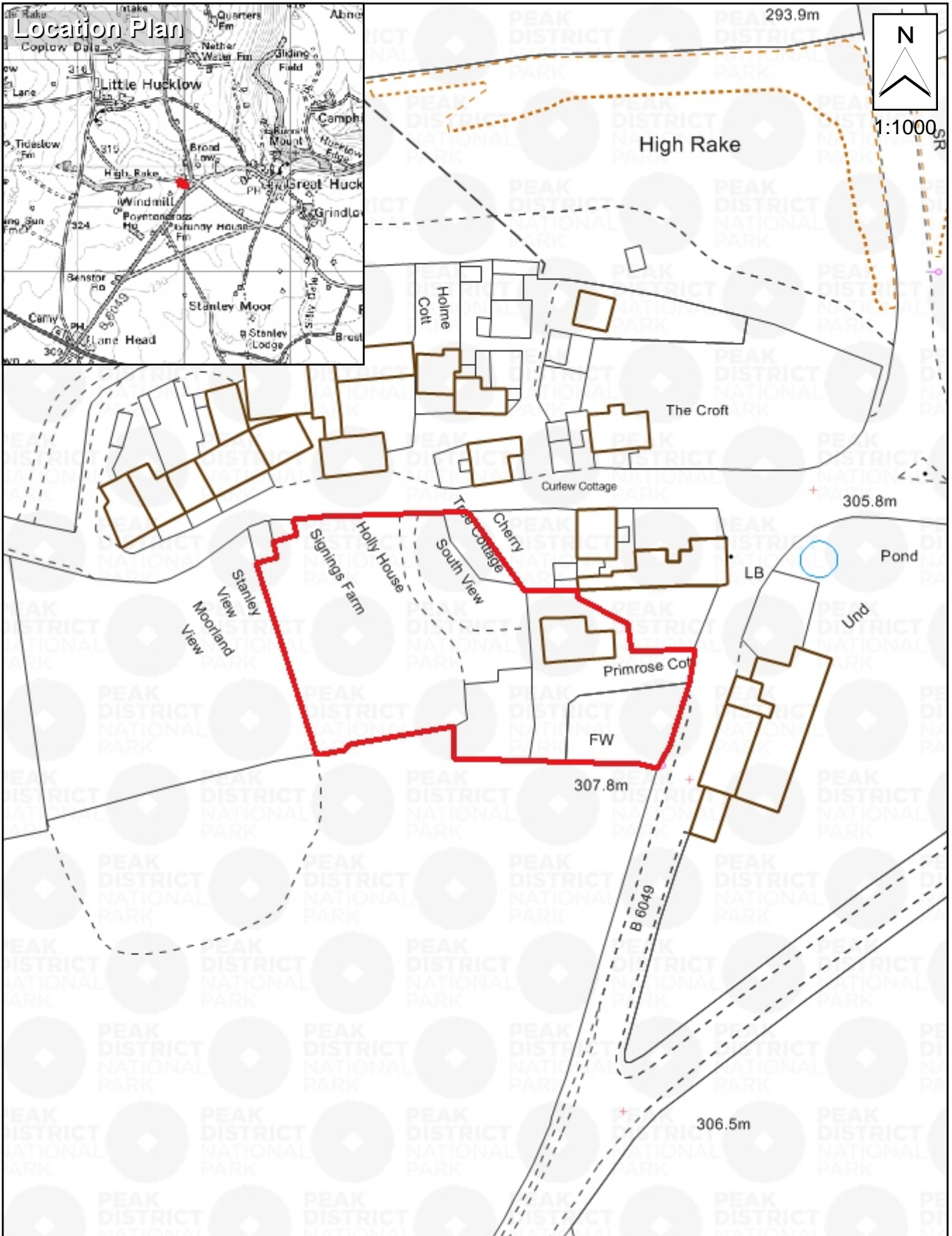
71. The point made about the lost symmetry of the property is noted and is considered to have been addressed by the amended plans. The rear cat-slide extension is more symmetrical than previously and additionally, as seen from the road through Windmill, the original gable width would now be expressed, instead of the previous asymmetric form.
72. Finally concerns about the application being partly retrospective are acknowledged, but such applications are a feature of the planning system and as Members are aware all such work is at the applicants own risk as retrospective applications are assessed on their own merits in exactly the same way as if the works were proposed prior to the development.

**73. Conclusion**


74. It is concluded that the amended scheme is in compliance with national planning policies in the NPPF, policies GSP1, GSP2, and GSP3 of the Core Strategy and saved Local Plan policies LC4, LH4, LT11 and LT18. Accordingly, the application is recommended for conditional approval.

**75. Human Rights**

76. Any human rights issues have been considered and addressed in the preparation of this report.
77. List of Background Papers (not previously published)
78. Nil
79. Report author – Denise Hunt, Planning Assistant



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Committee Date:	Friday 8th March 2019	<b>Title:</b> Primrose Cottage Windmill	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 10		
Application No:	NP/DDD/0918/0855		
Grid Reference:	417003, 377824		

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**11. FULL APPLICATION: REBUILDING OF BARN AND CONVERSION TO A DWELLING AT BARN TO THE WEST OF THE RAKE, MONYASH (NP/DDD/0119/0042, TS)**

**APPLICANT: MR AND MRS HOTCHIN**

**Site and Surroundings**

1. The application site is located in open countryside approximately 450m to the south west of the edge of Monyash village. The site lies in an agricultural field that forms part of an area of medieval fossilised strip fields to the west of The Rake and just to the south of Barrowstones Lane, which is an unmade track.
2. The site comprises of a ruinous field barn and an area of the agricultural field that it sits in. The former barn is in a very poor state of repair with only the eastern gable end still intact. Parts of the southern and eastern walls remain. The northern elevation has completely collapsed. There is no roof structure remaining. The walls that do remain are constructed from natural limestone.
3. Access to the site is via Barrowstones Lane track from the The Rake which is also the route of a public footpath. The track is an unmade green lane.
4. The site is outside of the named settlement of Monyash and is located some 400 metres from the nearest other building. The site is therefore in the open countryside for development plan purposes (because it is outside of a named settlement) and in an isolated location because of its distance from other buildings.

**Proposal**

5. The application seeks full planning permission for the rebuilding of the ruinous former barn and change of use to form an open market dwelling.
6. The proposal involves the demolition of almost all of the remaining walls of the existing building with only the base courses of stone re-used. This therefore amounts to the demolition of the existing building and the construction of a new dwelling, rather than the conversion of an existing building.
7. The proposed new building would replicate the size and form of the former barn, would replicate the former pattern of window and door openings and would be constructed using stone reclaimed from the existing building as far as possible. The roof of the new building would be covered in either stone slates or blue slate.
8. The proposed new dwelling would have a living room and kitchen to the ground floor and three bedrooms and a bathroom to the first floor. The dwelling would be accessed using Barrowstone Lane which would be improved and resurfaced in order to make it suitable for use by a family car. Domestic curtilage would be created to the east and south of the host building with two parking spaces immediately to the eastern side.

**RECOMMENDATION:**

9. **That the application be REFUSED for the following reasons:**
  1. **The proposed development would create an isolated new build dwelling in the open countryside that would not deliver conservation or enhancement of a valued vernacular building. The proposal is therefore contrary to policy HC1 of the Core Strategy and paragraph 79 of the National Planning Policy**

- Framework which seeks to avoid isolated homes in the countryside.
2. The proposed development would result in the almost total demolition of the existing field barn which is a non-designated heritage asset, resulting in almost complete loss of the non-designated heritage asset, and would harm the character of the agricultural strip field system in which the barn is set and which is also a non-designated heritage asset. There are no public benefits that outweigh the harm to the non-designated heritage assets. The proposal is therefore contrary to policies GSP1, GSP2, GSP3, L1, L3, LC4, LC8 and the guidance contained within the National Planning Policy Framework.
  3. The creation of a new dwelling in this isolated location within the open countryside and the domestication of the site would result in significant harm to the landscape character and scenic beauty of the National Park. The proposal is therefore contrary to policies GSP1, GSP2, GSP3, L1, L3 and LC4 and paragraph 172 of the National Planning Policy Framework.

### **Key Issues**

10. The principle of constructing a new open market dwelling in this location.
11. Impact of the proposed development upon the character and appearance of the existing barn and its setting within the landscape.

### **History**

12. There is no planning history for the site. No pre-application advice was sought from the Authority.

### **Consultations**

13. Monyash Parish Council: Make the following comments.
  - *The PC approved the proposed design which maintains plans for existing windows and doors and stone work would be conserved*
  - *The PC don't want to see disappearance of another rural building*
  - *In allowing the barn to be converted to dwelling house the lane approaching it would be maintained and in fact become more usable than currently is*
  - *Planning application has been submitted by a local family and as such meets local needs.*
  - *other similar barns ( ie Bentey Grange and Willow Barn) have been approved.*
  - *Taking all these factors into consideration the PC approve the proposed planning for barn to dwelling*
14. District Council: No response to date.
15. Highway Authority:
16. PDNPA Senior Archaeologist: Objects to the application for the following reasons:
17. *I have concerns about this proposals and the impact of the change of use of the physical structure and fabric of the building itself, and resulting harm to its historic and archaeological interest. I also have concerns about the change of use to a dwelling and the impact of this on the immediate setting of the barn and on the historic landscape character, and the requirements to update access and the impact of this on the historic landscape character.*

18. *The proposed change of use of the ruined barn to a dwelling house intends only to retain the base courses of the structure, and rebuild from this base. This would result in almost the complete loss of a non-designated heritage asset, and its historic and archaeological interest and significance. No structural assessment has been submitted in support of this application, therefore, it is not clear whether more fabric could be retained. I strongly recommend that the primary starting point for any development should be the retention of the historic structures, with appropriate repair, restoration and rebuilding only where where required to retain them.*
19. *There is currently very little information in the application with respect to the proposed domestic curtilage, parking arrangement and access- these don't seem to be depicted on any plans. The development of the ruined barn into a permanently occupied dwelling house will harm both the agricultural setting of the barn, which positively contributes to its significance, and will harm the historic landscape within which the ruined barn is located. With respect to the historic landscape, currently as unoccupied, ruinous buildings the site is integrated within its surrounding agricultural landscape, and it owes its existence and position to the way this landscape, enclosure and farming practice has developed from the medieval period onwards. The introduction of a residential and domestic use into this location within this historical landscape, with everything this entails (domestic curtilage and paraphernalia, parking, provision of services, light pollution, movement of vehicles, provision of a bin store etc.) would introduce elements that are out of place, incongruous and are harmful to this important heritage asset.*
20. *From an archaeology perspective we would object due to lack of information, and would seek that any development proposals be supported by appropriate plans and specification in relation to domestic curtilage and access arrangements. An appropriate assessment of the significance of the historic farmstead and traditional farm building that is the subject of this application is also required.*
21. *However, using the existing information available and taking into account the harm identified above, and the need to weigh this in the planning balance against public benefit, I would suggest that even with the supporting formation, from a Cultural Heritage perspective we would likely still not be in position to support the positive determination of this application as it would likely be contrary to the Local Development Framework (policy L3).*
22. *PDNPA Public Rights of Way: Barrowstones Lane carries the route of Public Footpath No5 – Monyash across its whole width and along the whole length that is detailed in the application. The line of this public right of way must not be obstructed in any way. Any proposals to install gates or other restrictions to restrict the free movement of the public on foot must be discussed with the Highway Authority Rights of Way Team (Derbyshire County Council), the applicant should also discuss any proposed works that may impede or endanger the public's use of the footpath with the Highway Authority as they may require a temporary closure during significant construction works.*

### **Representations**

23. Fourteen letters of support have been received. The letters support the application on the following grounds:
  - Would provide housing for a local family
  - More houses are needed in the area
  - Would make use of an existing building

- Would fit into the landscape
- Important to keep young families in their local communities to support local facilities
- Would benefit the local community
- Would restore a historic field barn
- Important to keep field barns standing
- The building will be left to decay and create an eyesore if not used

### **Main Policies**

24. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC1, CC5 and HC1
25. Relevant Local Plan policies: LC4, LC8, LC15, LC16, LC17, LC22, LH1, LH2, LT11 and LT18

### **National Planning Policy Framework**

26. 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 the NPPF.
27. Para 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
28. The NPPF directly refers to the National Parks Circular which makes clear that the Government considers it inappropriate to set housing targets within the National Parks and instead that policies should seek to deliver affordable housing to meet the needs of local communities.
29. Paragraph 78 and 79 of the NPPF re-inforce this approach together saying that planning authorities should seek to promote sustainable affordable housing in rural areas and that permission for isolated new housing in the countryside should only be granted where there are special circumstances.
30. Para 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
31. Para 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.



### Development Plan policies

32. 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. GSP2 sets out that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.
33. Policies GSP3 and LC4 set out development management principles and state that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
34. 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.
35. The approach to housing and conservation in the NPPF is consistent with the Authority's development strategy (Policy DS1) which says new residential development within the National Park should normally be sited within named settlements, and Policy HC1. C which sets out very similar criteria to the NPPF in terms of the exceptional circumstances in which a new house can be granted planning permission in the National Park.
36. Policy HC1. C I and II states that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.
37. Policy L2 states that 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 it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.
38. Policy LC17 provides more detailed criteria to assess development that may affect protected sites, species or habitats.
39. Policy L3 states that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest.

40. Policy LC8 provides more detailed criteria to assess development proposing to convert existing buildings to new uses respectively. Policies LC15 and LC16 provide detailed criteria to assess development that affects archaeological and historic sites.
41. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency. CC1. B says that development must be directed away from flood risk areas, and seek to reduce overall risk from flooding within the National Park and areas outside it, upstream and downstream.
42. Policies LT11 and LT18 require development to be provided with appropriate access and parking provision which conserves the environmental quality of the National Park.
43. Further detailed policy on appropriate design for new housing is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.
44. It is considered the Authority's adopted design guidance and the wider range of design and conservation policies in the Development Plan are consistent with national policies in the NPPF, which emphasise the great weight that should be attached to the conservation and enhancement of the National Park landscape, its wildlife and cultural heritage in any planning decision, and also promote high standards of design that would be sensitive to the valued characteristics of the National Park.

## **Assessment**

### Justification for proposed dwelling house

45. The relevant housing policy is Core Strategy policy HC1. This policy continues the Authority's long standing policy position that housing will not be permitted solely to meet open market demand. This approach is consistent with the National Park Circular and the NPPF.
46. Policy HC1 therefore sets out the exceptional circumstances in which new housing will be permitted within the National Park. The approach of allowing affordable housing and workers housing where there is an established need, and, of allowing market housing where it is required to achieve significant conservation and enhancement in accordance with policies GSP1 and GSP2 is considered to be a sustainable approach for providing housing within the National Park without undermining the landscape and valued characteristics.
47. This application is not for an affordable house to meet an identified local need, it is for an open market dwelling. A lot of weight has clearly been given by the Parish Council and third parties who have supported the application due to the applicants' local connections. The supporting information states that one of the applicants was born in Monyash so has a local connection in this regard. However, it must be stressed that the application does not propose a dwelling that would have a local occupancy restriction. The Authority would have absolutely no control over future occupiers and whether or not they would have any local connection. In any case, the applicants already own a property in Bakewell so would not meet the qualification criteria for a new local needs dwelling. Furthermore, even if the application was proposing a new affordable dwelling to meet an identified local need, this site is a wholly unsuitable location for new affordable housing. The Authority's housing policies are clear that new affordable local needs housing should be located within named settlements, not in isolated locations in

this open countryside such as this. If a housing need and local occupancy qualification were to be demonstrated then the Authority would work to identify suitable sites within the village in which new housing could be delivered in a sustainable manner. The approach of addressing housing provision by constructing new dwellings in isolated locations in the open countryside is wholly contrary to national and local policy and is highly unsustainable. Whilst the comments of the Parish and third party supporters of the application in respect of the applicants' local connections are noted, this should be given no weight in the decision making process for an application for a new build dwelling in the open countryside that would be neither affordable or subject to local occupancy criteria.

48. The creation of a new dwelling in the open countryside would only be acceptable if it was required to deliver significant conservation or enhancement of a listed or valued vernacular building.
49. The existing barn is not listed but the Authority's Senior Archaeologist has appraised the building and is of the view that the former barn is a non-designated heritage asset. It is therefore considered to be a valued vernacular building for the purposes of policy HC1.
50. Consideration should therefore be given to whether or not the proposed development would deliver significant conservation or enhancement of the ruined barn.

#### Impact of development on the Heritage Asset and the Historic Landscape

51. The Parish Council and letters of support have referred to the development conserving the existing building and preventing the loss of the historic field barn. These comments are noted, however it is not considered that this is a supportable conclusion.
52. It must be stressed that the development would not retain the existing building. The building would be taken down and rebuilt. Whilst the rebuilt dwelling would replicate the former barn, it would be a new building and the historic building would be almost completely lost. There is no conservation value in taking down a historic building and constructing a new one unless it is to maintain the group value of other historic buildings. That does not apply in this case. The intrinsic historic value of the original building would be lost and the replacement would be nothing more than a pastiche.
53. The ruined barn is recorded in the County Historic Environment Record and the Peak District National Park Historic Building Sites and Monuments Record (MPD13325), as a former out farm. Out farms are multi-purposes farm buildings located within an outlying area of farm. 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 Monyash. It was likely used for sheltering livestock (cattle or sheep), for storage hay, fodder and other crops, or a combination of these activities. The building has historic and archaeological interest, due to its traditional agricultural character that demonstrates its agricultural origin and function, the traditional materials from which it is constructed, surviving historic features and fabric and the form and location of the openings, which provides legibility of the historic function of the barn
54. The ruined barn is located within an area of known Ancient Enclosure in the form of a fossilised medieval strip field system, as identified in the PDNP Historic Landscape Character Assessment. These are fossilised medieval strip fields that relate to the Medieval open field system of Monyash, evidenced by map and field shape evidence (characterised by the enclosed narrow strips with a characteristic

shaped curve). The fossilised medieval strip fields are a rare and precious landscape 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. The barn sits within a field adjacent to Barrowstones Lane. This is not part of the road network from the village but a green lane, and likely formed part of the route system that gave access, initially on foot, across the medieval open field system.

55. Rather than saving the historic building, as has been suggested in the representations received in support of the application, the proposed rebuilding and change of use of the barn would result in almost the complete loss of the heritage asset. Only the base courses of the existing barn would be retained so all the other historic fabric and interest of the building would be lost. Policy LC8 supports the conversion of buildings of historic or vernacular merit to new uses provided that it can accommodate the new use without changes that would adversely affect its character, such as major rebuilding. In this case the building would be almost completely rebuilt resulting in the loss of almost all of the existing fabric and character. The proposal is clearly contrary to policy LC8.
56. The Authority's Senior Archaeologist has noted that the application does not provide any assessment of the significance of the heritage assets and this should have been provided. It is agreed that this is a shortcoming of the application but as the principle of residential development at this site is wholly unacceptable the applicant has not been asked to carry this work out as it would not overcome the strong conflict with the Authority's housing policies.
57. The building in its current form as an unoccupied, ruinous building is well integrated within its surrounding agricultural landscape. The domestication of the building and its immediate surroundings would be highly incongruous and harmful to both the barn and strip field heritage assets.
58. The building is in a very isolated position set in extensive otherwise undeveloped agricultural land. It is categorised as being within the White Peak Limestone village farmlands landscape character type area within the Authority's Landscape Strategy and Action Plan. This is a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls. The pastoral farmland enclosed by limestone walls and repeating pattern of narrow strip fields are two of the key characteristics of this landscape character. Settlements and buildings in these areas tend to be strongly nucleated with dwellings concentrated into a central village. This is very much the case in Monyash.
59. The introduction of a new build residential dwelling in this location would domesticate the site and the landscape through the introduction of lighting, vehicle movements, parking areas, garden space and other domestic paraphernalia. The need to upgrade Barrowstone Lane would further domesticate the locality and erode the current agricultural character. It is considered that the domestication of this site would be significantly harmful to both the strip fields as a designated heritage asset and the landscape character of this part of the National Park. It is considered that this is a wholly unsuitable place to introduce a new residential dwelling.
60. The combined impact of the loss of almost all of the existing historic fabric of the ruined barn and the domestication of the site through the proposed change to residential use would seriously compromise the core characteristics of the building, the strip fields and the wider landscape character. Rather than conserving an existing building, the proposed development would result in significant harm to two non-designated heritage

assets and the special qualities of this part of the National Park. It must be concluded therefore that there is no conservation or enhancement benefit arising from the proposal.

61. Letters of support have raised concerns about the building being an eye sore if it left undeveloped, or that it could be lost completely. The building is not an eye sore at present. It is well integrated into the landscape as set out above. The retention of the barn as a historic ruin is considered to be a positive contribution to the wider landscape, not a detracting one. It is acknowledged that the building has suffered partial collapse and there may be uncertainty about the retention of the building in the long term. However, the total loss of the building would be much less harmful to the character of the National Park landscape compared to the significant harm to the landscape that would be caused by the wholly inappropriate introduction of a domestic dwelling at this site. As such, the possibility that the existing building could be lost at some point in the future provides no justification for a new development that would be harmful for the reasons set out above.
62. The emerging development management policies are at an advanced stage and are currently undergoing public consultation following. Given the advanced stage significant weight should be given to the emerging development management policies as a material consideration.
63. Emerging development management policy DMC5 and the NPPF say that where development would harm the significance of a non-designated heritage asset, such as the barn and strip field system, the Authority should take a balanced judgement weighing the benefits of the development against the harm. In this case the public benefits of allowing the development are considered to be very limited because the proposal would not meet an established local need for affordable housing. The Authority's housing policies provide for meeting the housing needs of the National Park in a sustainable way by requiring new housing to be in settlements where the impacts on the landscape of the National Park are most limited and the community benefits are highest. Letters of support have suggested that the development would support local facilities such as the village school and church. However, these benefits would be best realised through sustainable new housing within the village, not by creating isolated homes in the open countryside.
64. Emerging development management policy DMC10 says that conversion of a heritage asset will be permitted provided that it can accommodate the new use without changes that adversely affect its character or setting, that the building is capable of conversion and that the new use would not be intrusive in the landscape. DMC10 says that particular attention will be paid to the impact of domestication brought about by the use including (amongst other things) the provision of a domestic curtilage and parking.
65. In this case the building is clearly not capable of conversion as it is proposed to almost completely rebuild it as discussed above. Within the National Park great weight must be given to the landscape and cultural heritage. The benefits of the proposed development would not outweigh the harmful impact of the development upon the barn impact of the proposed development upon the barn and therefore the proposal is considered to be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1, L3 and HC1, saved Local Plan policies LC4 and LC8 and the National Planning Policy Framework.

#### Highways

66. The proposed dwelling would be accessed via Barrowstone Lane. At present, the lane is clearly unsuitable for normal domestic cars to access the site due to its unmade and

uneven nature. The supporting information states that the existing track is of sufficient width to accommodate the car and it would be improved to allow for a standard family car to pass along it by resurfacing the track with limestone chippings. The Highways Authority has not provided comments and a verbal update will be provided at the Committee meeting.

#### Other considerations

67. Given the distance of the barn to the nearest neighbouring property and the orientation of proposed openings and location of the curtilage there are no concerns that the development would harm the amenity, privacy or security of any neighbouring property.
68. A protected species survey has not been carried out because the ruinous state of the building and the absence of a roof means that the building is highly unlikely to be suitable to provide habitat opportunities for birds or bats. As such the development would be unlikely to harm the conservation of any protected species or ecology interests.
69. Barrowstone Lane is a public rights of way. The Authority's Rights of Ways team have raised no objections to the proposal but have noted that measures would be required to ensure that the public footpath remains unobscured.

#### Conclusion

70. The proposed development would seriously harm the significance of two non-designated heritage assets in the form of the barn and the strip field system in which it sits. Furthermore, the proposed development would result in harm to the landscape character of this part of the National Park. The proposal is therefore contrary to Core Strategy policies GSP1, GSP2, GSP3, L1, L3 and HC1, saved Local Plan policies LC4 and LC8 and the National Planning Policy Framework. The development would also be contrary to emerging development management policies DMC1, DMC5 and DMC10.

#### Human Rights

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

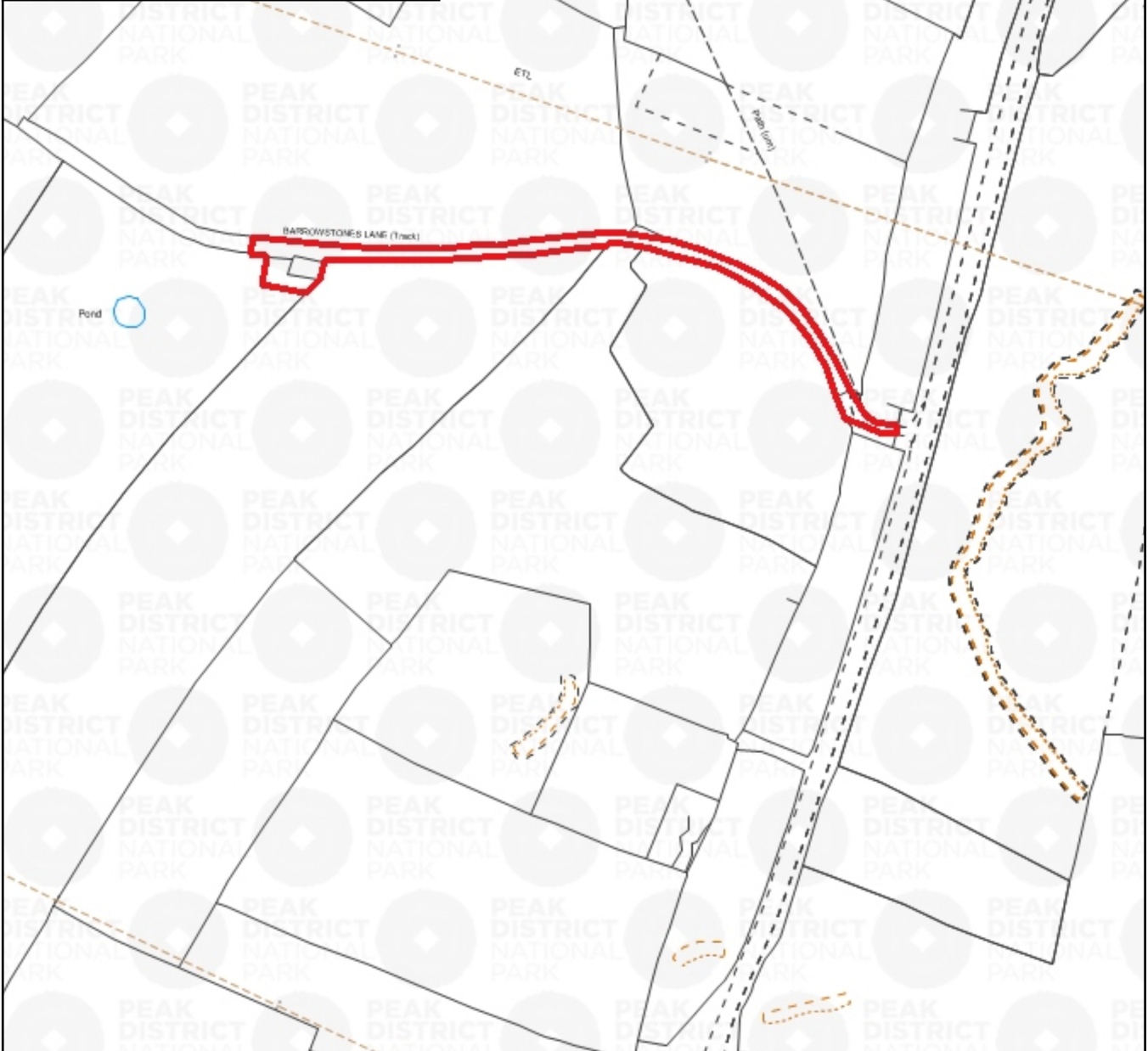
List of Background Papers (not previously published)

Report prepared by Tom Shiels, Area Team Manager

# Location Plan



1:2000



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Committee Date: 8th March 2019  
 Item Number: Item 11  
 Application No: NP/DDD/0119/0042  
 Grid Reference: 415002, 366388

**Title:** Barn to the West of Rake, Monyash



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**12. FULL APPLICATION - TWO STOREY EXTENSION TO THE REAR ELEVATION, WITH GROUND FLOOR PORCH TO THE FRONT ELEVATION, AT 1 WOODLAND VIEW, BUTTS ROAD, BAKEWELL (NP/DDD/1118/1123) P4826)**

**APPLICANT: MR HENRY KAY**

**Site and Surroundings**

1. Number 1 Woodland View is the end terrace of a group of four houses situated on the west side of Butts Road, directly opposite the Bakewell Cottage Nursing Home and the Medical Centre. The property, like all other properties in the row is constructed of coursed natural limestone under a blue slate roof. The terrace and its associated front gardens are elevated from the roadside and bordered by a traditional drystone wall. To the rear of the dwelling is a small-enclosed yard with access to a single storey outbuilding and the rear entrance/exit gate. A garden area is sited beyond a rear pedestrian access path and this path is shared with other terraced houses. Access is also shared with Beech Cottage; a detached two-storey property sited around 15 metres to the west/rear of the development site. The dwelling and its associated land are located within the Bakewell Conservation Area.

**Proposal**

2. Permission is being sought to construct a two-storey extension on the rear elevation of the property and a porch to the front entrance of the dwelling. The two-storey extension would provide additional living accommodation in the form of a kitchen area at ground floor level, with a new bedroom and bathroom at first floor. The new porch would provide a covered entrance to the front doorway.

**RECOMMENDATION:**

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

1. **Statutory Time Limit.**
2. **Build in accordance with the submitted plans, subject to the following conditions;**
3. **All new stonework shall be faced, laid and pointed to match the existing dwelling.**
4. **The roofs of the two-storey extension and the porch shall be clad with slates to match the existing dwelling.**
5. **All new external doors & windows shall be of timber construction.**
6. **All new door and window frames shall be recessed from the external face of the wall the same depth as existing frames.**
7. **All window openings shall be provided with natural gritstone lintels and sills and all door openings provided with natural gritstone lintels.**
8. **All rainwater goods shall match the existing in terms of size, texture and colour.**

### **Key Issues**

3. The effect of the proposed development on the character and appearance of the host property, its setting within the Conservation Area, neighbour amenity and highway safety.

### **Relevant Planning History**

All relevant history relates to neighbouring houses in the terrace.

4. 2008 - (NP/DDD/1207/1117) - Construction of 2 storey rear extension and new front porch at 2 Woodland View - Granted.
5. 2007 - (NP/DDD/0807/0799) - Two-storey extension to rear of dwelling at 3 Woodland View - Granted.
6. 1998 - (NP/DDD/0798/341) - Extension to dwelling at 4 Woodland View - Granted.

### **Consultations**

7. Highway Authority - *No highway objections subject to no loss of parking.*
8. Parish Council - *'...object on design and appearance grounds; the proposal is felt to be an overshadowing/overbearing presence near a common boundary that would be to the detriment of neighbours. Should approval be considered it is recommended that the door to the extension be relocated in order to provide better visibility of other users of the shared side path when exiting the building'.*

### **Representations**

- There have been five letters of objection to the proposed scheme, the general reasons are summarised as follows.
- Part of the extension appears to be built on subservient land.
- Amenity concerns about overshadowing and overlooking.
- Negative impact on light.
- Not enough room for the storage of waste bins.
- Any side entrance would be a health and safety issue due to walking directly out onto the right of way
- Emergency services would be hindered or potentially unable to get equipment to the houses in case of emergency, due to scaffolding and skips required in the construction.
- Line of sight and sound would be diminished for the other three terraces.

### **Main Policies**

9. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3
10. Relevant Local Plan policies: LC4, LC5, LH4, LT11

## **National Policy**

11. 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: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and 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.
12. The National Planning Policy Framework (NPPF) has been revised (Published 19 February 2019). This replaces the previous document (2012) 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 particular,
13. Paragraph 172 asserts that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
14. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
15. 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. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

## **Main Development Plan Policies**

### **Core Strategy**

16. GSP1, GSP2, jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
17. GSP3 requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
18. DS1 supports extensions to existing buildings in principle, subject to satisfactory scale, design and external appearance.
19. L3 deals with Cultural Heritage Assets. Explaining that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting.

### Saved Local Plan

20. LC4 states, that development will not normally be permitted where it would not respect, would adversely affect, or would lead to undesirable changes in the landscape or any other valued characteristic of the area. Further stating, that an appropriate scale, siting, landscaping, use of materials and a high standard of design will be required if consent is to be granted.
21. LC5, states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.
22. 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 neighbouring buildings.
23. Supplementary Planning Guidance is provided in the 1987, 2007 & 2014 Design Guides.

### Assessment

#### Principle of Development

24. Generally, there are no objections in principle to extending a dwelling, subject to satisfactory scale, design and external appearance, with reference to appropriate design options for rear extensions supported within the Authority's Detailed Design Guidance SPD. In this case, it is considered the principle is acceptable, therefore considered to accord with policy DS1 in this respect.

#### Design & Materials

25. The Authority's Design guidance states that all extensions should harmonise with the parent building and that it may be possible to add a well-designed extension provided it is in harmony with the original building and does not diminish its quality or integrity.

#### Proposed Two Storey Extension

26. To construct the new extension an existing single storey lean-to, a small outbuilding and a section of walling would all be removed. The extension would measure 3.8m wide x 5m deep x 6.8m to the ridge. The footprint of the extension would take up most of the rear yard area, with a small gap between the extension and the neighbouring dwelling. The ridge of the proposed extension would be lower than the existing, therefore appearing subordinate in scale and massing to the host dwelling. The use of natural stone and slate would reflect the appearance of the host property, and would both complement and help conserve the character of the dwelling and its setting within the wider Conservation Area.

#### Proposed Front Porch

27. To construct the proposed new entrance porch, an existing flat roofed timber and glazed porch would be removed. It is considered that the existing porch is a detracting feature. The new porch would be constructed in timber, with the framework supported on stone plinths, under a pitched roof covered in slate to match the existing dwelling. A timber framed porch would not be suitable for some property types within the national park and a more traditional solid porch would be required. However, in this case, the removal of the flat roofed 'box' would offer some enhancement and there is an existing timber sided porch at the neighbouring dwelling, which justifies the use of a timber porch in this

circumstance. It is therefore considered that the design and materials of the proposed porch is acceptable in this instance and would improve the existing appearance of the front elevation of the dwelling. Consequently this element of the scheme would preserve the character of the Conservation Area within which it is sited.

28. As such, both the two-storey rear extension and the new porch are considered acceptable in scale, form and design terms, therefore according with policies LC4, LC5 & LH4 and the guidance contained within the NPPF.

#### **Potential impact on residential amenity**

29. It is considered that outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property. This is to ensure that habitable rooms achieve a satisfactory level of outlook and natural daylight, there is adequate privacy and outdoor private amenity space and that no overbearing or harmful overshadowing of neighbouring property results.
30. Two storey-extensions on terraced properties can sometimes be difficult to achieve successfully, without causing undue harm to the residential amenity of neighbours. However, the other three properties in the terrace row have all built two storey extensions to the rear. In this case, it is considered the proposed two-storey extension to No 1 would not be unduly overbearing to residents of the adjoining properties, as it would match the neighbouring extensions in terms of height and rear projection.
31. The other property most affected by the development would be Beech Cottage; a detached building sited around 15m to the west of No.1 and at a slightly higher level. The principal windows of Beech Cottage have a southerly aspect, whereas the extension would be sited to the west. It is therefore considered that the extension would not adversely affect the principal outlook of from this neighbouring property. It is acknowledged though that there are further windows to the west facing side elevation of Beech Cottage and there would be some intervisibility with the proposed extension from these windows. The windows most affected in Beech Cottage would be a ground floor window into a sitting area and a first floor bedroom window on the west elevation of the property. There is also a garden area to the west of Beech Cottage, which shares a solid boundary with the rear gardens of both 1 & 2 Woodland View. The proposed extension would result in some degree of additional overlooking to the side elevation windows and garden area of Beech Cottage by virtue of bringing the rear elevation of the application dwelling closer to the shared boundary. However, there is already a sense of properties being in close proximity to each other here due to the historic layout of the area. The degree of overlooking arising from the proposed development would not be significantly different to the outlook from the adjoining extended dwellings.
32. The Authority's design guide states amongst other things, that in achieving a basic level of privacy between dwellings and in particular the relationship to principal windows, there has to be some flexibility in historic areas. In this case, with the intervening distance, differing levels and a slightly angled orientation between the two properties, it is considered that the development would not have an oppressive or overbearing impact on Beech Cottage, and would not result in unacceptable overshadowing or overlooking to the side elevation or the garden area of this neighbouring property. Furthermore, the development would not result in any such impacts to any other neighbouring property in the locality. Consequently, it is considered there are no significant amenity issues arising from the scheme that would adversely affect the occupants of the nearest neighbouring dwellings, or any other residential properties close by. The scheme is therefore considered to comply with GSP3 & LC4 in these respects.

### **Highway safety and access**

33. The Highway Authority have raised no objections, subject to no loss of parking. In this case, there is a parking area to the side of the dwelling, which is owned and used by the occupiers of No.1. This driveway area is part of the shared pedestrian access to the rear of the terrace properties and Beech Cottage and therefore the owner has a legal obligation to keep this clear at all times. Consequently, and subject to the access being maintained for pedestrian use to the other properties, the scheme is considered acceptable in highway terms in accordance with policies LT11 & LT18.

### **Other Issues raised**

34. Issues have been raised by objectors relating to the impact on light, potential discrepancies to correct boundary lines in the property's deeds and concerns over the impact of the development on the shared rights of way. Whilst noted, these issues are considered to be private legal matters and are not material planning considerations.

### **Conclusion**

35. The proposed two-storey rear extension and porch extension are of an appropriate scale, design and appearance in relation to the existing property, uses natural materials in keeping with the immediate surroundings and would have no adverse impact on any nearby residential amenity, whilst preserving the character and appearance of the Conservation Area. In addition, there are considered no highway concerns. Consequently, the scheme is in accordance with Development Plan Policies, adopted Design Guidance, and recommended for approval, subject to appropriate conditions.

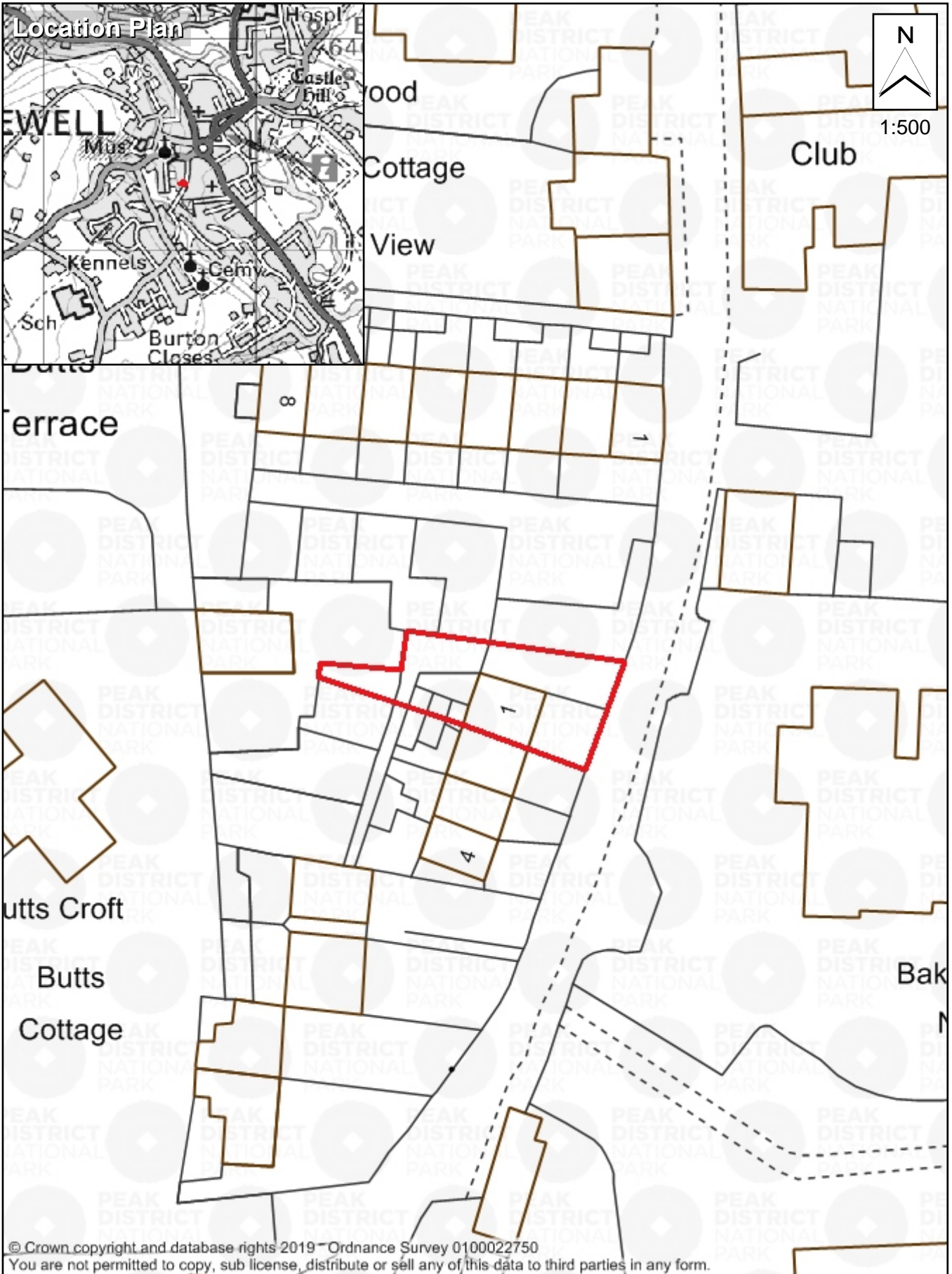
### **Human Rights**

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


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

Nil

**Report Author** – Steve Coombes, Planner



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Committee Date:	Friday 8th March 2019	<b>Title:</b> 1 Woodland View Butts Road Bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 12		
Application No:	NP/DDD/1118/1123		
Grid Reference:	421659, 368310		

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**13. FULL APPLICATION – DEMOLITION OF A SMALL SECTION OF THE EXISTING GARDEN WALL/HEDGE TO ALLOW THE WALL TO BE RE-BUILT (TO MATCH EXISTING) FURTHER BACK AND AMENDMENTS TO SURFACING AT THE COTTAGE, BUTTS ROAD, BAKEWELL (NP/DDD/1018/0950) SC)**

**APPLICANT: MR GEORGE EDWARDS**

**Site and Surroundings**

1. The Cottage is a grade II listed property (owned by the Haddon Estate) constructed of a mix of limestone/gritstone rubble, under a red tiled roof and sited on the east side of Butts Road close to the where it narrows gradually to pedestrian access. Sited close to the property are Bakewell Cottage Nursing home to the north and Hoyle Court to the east, Butts and Woodside Cottages (both listed) sit opposite, with Holly Bank Cottage to the south. The property and its associated garden lie within the Bakewell Conservation Area.

**Proposal**

2. Permission is being sought to re-site part of the garden boundary wall, close to the front door of the cottage. The re-sited part of the drystone walling would be pushed back to align with the corner corner of the cottage. In addition, improvements would be made to the surfacing and drainage gully to the enlarged area created by the relocated boundary wall and paved in new granite cobbles.

**RECOMMENDATION:**

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

1. **Statutory Time Limit.**
2. **Construct in accordance with the amended plans, subject to the following conditions;**
3. **All new walling shall be laid and pointed to match the existing walling, with half round copings to be dry laid.**
4. **Privet hedge to be reinstated behind re-aligned walling.**

**Key Issues**

3. The effect of the proposed development on the character and appearance of the listed dwelling, the setting within the Conservation Area, neighbour amenity and highway safety.

**Relevant Planning history**

4. 2018 - ENQ\31921: Pre - Application advice sought and responded with positive feedback on amended plans.
5. 2017 - Listed Building Consent: NP/DDD/0617/0677 - Withdrawn.
6. 2017 - Planning Application: NP/DDD/0617/0676 - Withdrawn.

**Consultations**

7. Highway Authority - No objections to amended scheme.

8. Bakewell Town Council - Object ... *'the proposal is detrimental to the Conservation area and that it is important to the streetscene not to encourage additional parking at this site by the alterations suggested'*.

### **Representations**

9. One letter of support has been received. The reason for support can be summarised as the need for additional parking provision.

### **Main Policies**

10. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3  
11. Relevant Local Plan policies: LC4, LC5, LH4, LT11

### **National Policy**

12. 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: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and 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.
13. The National Planning Policy Framework (NPPF) has been revised (Published 19 February 2019). This replaces the previous document (2012) 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 particular,
14. Paragraph 172 asserts that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
15. Whilst Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
16. 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. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

### **Main Development Plan Policies**

17. Core Strategy
18. GSP1, GSP2, jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

19. GSP3 requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
20. DS1 supports extensions and alterations to existing buildings in principle, subject to satisfactory scale, design and external appearance.
21. L3 deals with Cultural Heritage Assets. Explaining that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting.
22. Saved Local Plan
23. LC4 states that development will not normally be permitted where it would not respect, would adversely affect, or would lead to undesirable changes in the landscape or any other valued characteristic of the area. Further stating, that an appropriate scale, siting, landscaping, use of materials and a high standard of design will be required if consent is to be granted.
24. LC5 states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.
25. 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 neighbouring buildings.
26. LT11 says that the design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.
27. Supplementary Planning Guidance is provided in the 1987, 2007 & 2014 Design Guides.

### **Assessment**

#### **Potential impact of the development on the Listed Building**

28. Section 16 of the revised NPPF sets out guidance for conserving the historic environment, Paragraph 189 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
29. The existing boundary wall runs in a north south direction along the west boundary of the site and separates the garden area from the immediate highway. The wall itself is approximately one metre in height and surmounted by a privet hedge around two metres tall. When approaching The Cottage from the north, the garden wall and hedging narrows the view where Butts Road eventually becomes a pedestrian path and enjoys an informal character, produced by the restricted carriageway and lack of pavements. By re-siting the wall as proposed, its appearance when viewed from this aspect would appear little altered. However, it would allow the front elevation of the dwelling to be exposed to public view, which is considered, would be an enhancement to the wider street frontage. Combined with the surfacing materials of granite cobbles for the proposed area of land exposed by the re-alignment, and a more formal laid out entrance to the building, the scheme would represent a general improvement in relation to the setting of the listed

building, whilst helping to conserve the character and appearance of the Conservation Area.

30. Subject to conditions relating to the re-alignment of the wall, reinstating any lost hedging and the appropriate use of materials for the surfacing of the ground adjacent to the front of the cottage, it is considered the proposed scheme by virtue of its scale, design and use of materials would not harm the significance of the designated heritage assets, therefore according with policies LC4, LC5 & LC6 in these respects.

#### **Potential impact on residential amenity**

31. Due to the moderate scale of the proposed development, it is considered there would be no harm to the the amenity or quiet enjoyment of the occupants of neighbouring dwellings. Consequently, the proposal accords with policies GSP3 & LC4 in respect of the impact on the residential amenity of neighbouring occupiers.

#### **Highway safety**

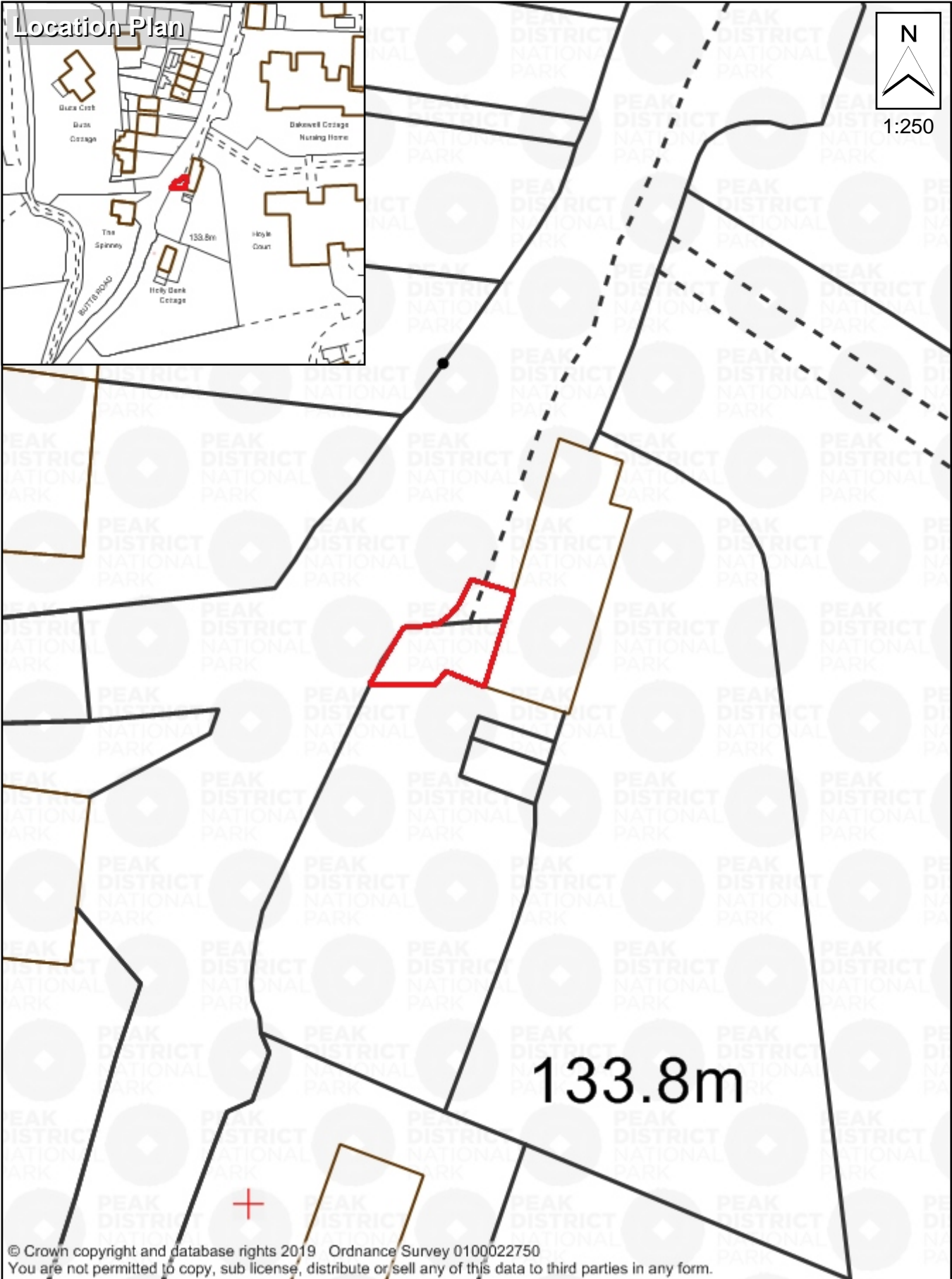
32. With the re-alignment of the boundary wall, the development would increase the area to the front of the property, allowing the occupiers to park a vehicle with less intrusion into the adjacent highway. This would improve vehicular and pedestrian safety in the locality, particularly by easing the passing of vehicles to properties further along Butts Lane to the south.
33. The Highways Authority has raised no objections to the amended scheme. The Highways Authority does however; state that any works in advance of the front face of the building are within adopted highway, therefore the nature of such works and the choice of materials would all be subject to separate Highway Authority consent. Consequently and subject to the applicant gaining the necessary separate highway approval, the scheme is considered would not give rise to any significant highway concerns, therefore according with policy LT11 in particular.


#### **Conclusion**

34. The proposed re-alignment of the stone boundary wall and the re-surfacing and modification of the ground to the front of the property would not result in harm to the significance of the host Grade II Listed Building, whilst preserving the character of the Bakewell Conservation Area within which it is sited. In addition, there would be no adverse effect on neighbouring residential amenity or highway safety. Consequently, the scheme is considered in accordance with Development Plan Policies and guidance contained within section 16 of the National Planning Policy Framework. Therefore, the application is recommended for approval subject to appropriate conditions.

#### **Human Rights**

35. Any human rights issues have been considered and addressed in the preparation of this report.
36. List of Background Papers (not previously published)
37. Nil
38. **Report Author** – Steve Coombes, Planning officer



Committee Date:	8th March 2019	<b>Title:</b> The Cottage, Butts Rad, bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 13 + 14		
Application No:	NP/DDD/1018/0950		
Grid Reference:	421658, 368265		

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**14. LISTED BUILDING CONSENT APPLICATION – DEMOLITION OF A SMALL SECTION OF THE EXISTING GARDEN WALL/HEDGE TO ALLOW THE WALL TO BE RE-BUILT (TO MATCH EXISTING) FURTHER BACK AND AMENDMENTS TO SURFACING AT THE COTTAGE, BUTTS ROAD, BAKEWELL (NP/DDD/1018/0952) SC)**

**APPLICANT: MR GEORGE EDWARDS**

**Site and Surroundings**

1. The Cottage is a grade II listed property (owned by the Haddon Estate) constructed of a mix of limestone/gritstone rubble under a red tiled roof and sited on the east side of Butts Road close to the where it narrows gradually to pedestrian access. Sited close to the property are Bakewell Cottage Nursing home to the north and Hoyle Court to the east, Butts and Woodside Cottages (both listed) sit opposite, with Holly Bank Cottage to the south. The property and its associated garden lie within the Bakewell Conservation Area.

**Proposal**

2. Listed Building Consent is being sought, alongside full planning permission (NP/DDD/1018/0950), to re-site part of the garden boundary wall, close to the front door of the cottage. The re-sited part of the drystone walling would be pushed back to align with the corner of the cottage. In addition, improvements would be made to the surfacing and drainage gully to the enlarged area created by the relocated boundary wall and paved in new granite cobbles.

**RECOMMENDATION:**

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

1. **Statutory Time Limit.**
2. **Construct in accordance with the amended plans, subject to the following conditions;**
3. **All new walling shall be laid and pointed to match the existing walling, with half round copings to be dry laid.**
4. **Privet hedge to be reinstated behind re-aligned walling.**

**Key Issues**

3. With regard to Section 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 61 of the Environment Act 1995, it is considered the key issue is the desirability of preserving the listed buildings affected by the proposed works, their setting and any features of special architectural or historic interest, which they possess.

**Relevant Planning history**

4. 2018 - ENQ\31921: Pre - Application advice sought and responded with positive feedback on amended plans.
5. 2017 - Listed Building Consent: NP/DDD/0617/0677 - Withdrawn.
6. 2017 - Planning Application: NP/DDD/0617/0676 - Withdrawn.

### **Consultations**

7. Highway Authority - No objections to amended scheme.
8. Bakewell Town Council - Object ... *'the proposal is detrimental to the Conservation area and that it is important to the streetscene not to encourage additional parking at this site by the alterations suggested'*.
9. PDNPA Cultural Heritage - No objections.

### **Representations**

10. One letter of support has been received. The reason for support can be summarised as the need for additional parking provision.

### **Main Policies**

11. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3
12. Relevant Local Plan policies: LC4, LC5, LH4, LT11

### **National Policy**

13. 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: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and 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.
14. The National Planning Policy Framework (NPPF) has been revised (Published 19 February 2019). This replaces the previous document (2012) 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. Section 16 of the revised NPPF sets out guidance for conserving the historic environment.
15. Paragraph 172 asserts that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues'*.
16. Paragraph 189 states *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.
17. Paragraph 193 states, *'that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.



18. 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. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

### **Main Development Plan Policies**

#### **19. Core Strategy**

20. GSP1, GSP2, jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
21. GSP3 requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
22. DS1 supports extensions to existing buildings in principle, subject to satisfactory scale, design and external appearance.
23. L3 deals with Cultural Heritage Assets. Explaining that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting.

#### **24. Saved Local Plan**

25. LC4 states that development will not normally be permitted where it would not respect, would adversely affect, or would lead to undesirable changes in the landscape or any other valued characteristic of the area. Further stating, that an appropriate scale, siting, landscaping, use of materials and a high standard of design will be required if consent is to be granted.
26. LC5 states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.
27. 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 neighbouring buildings.
28. LT11 says that the design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.
29. Supplementary Planning Guidance is provided in the 1987, 2007 & 2014 Design Guides.

### **Assessment**

#### **Potential impact of the development on the Listed Building**

30. Section 16 of the revised NPPF sets out guidance for conserving the historic environment, Paragraph 189 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be

proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

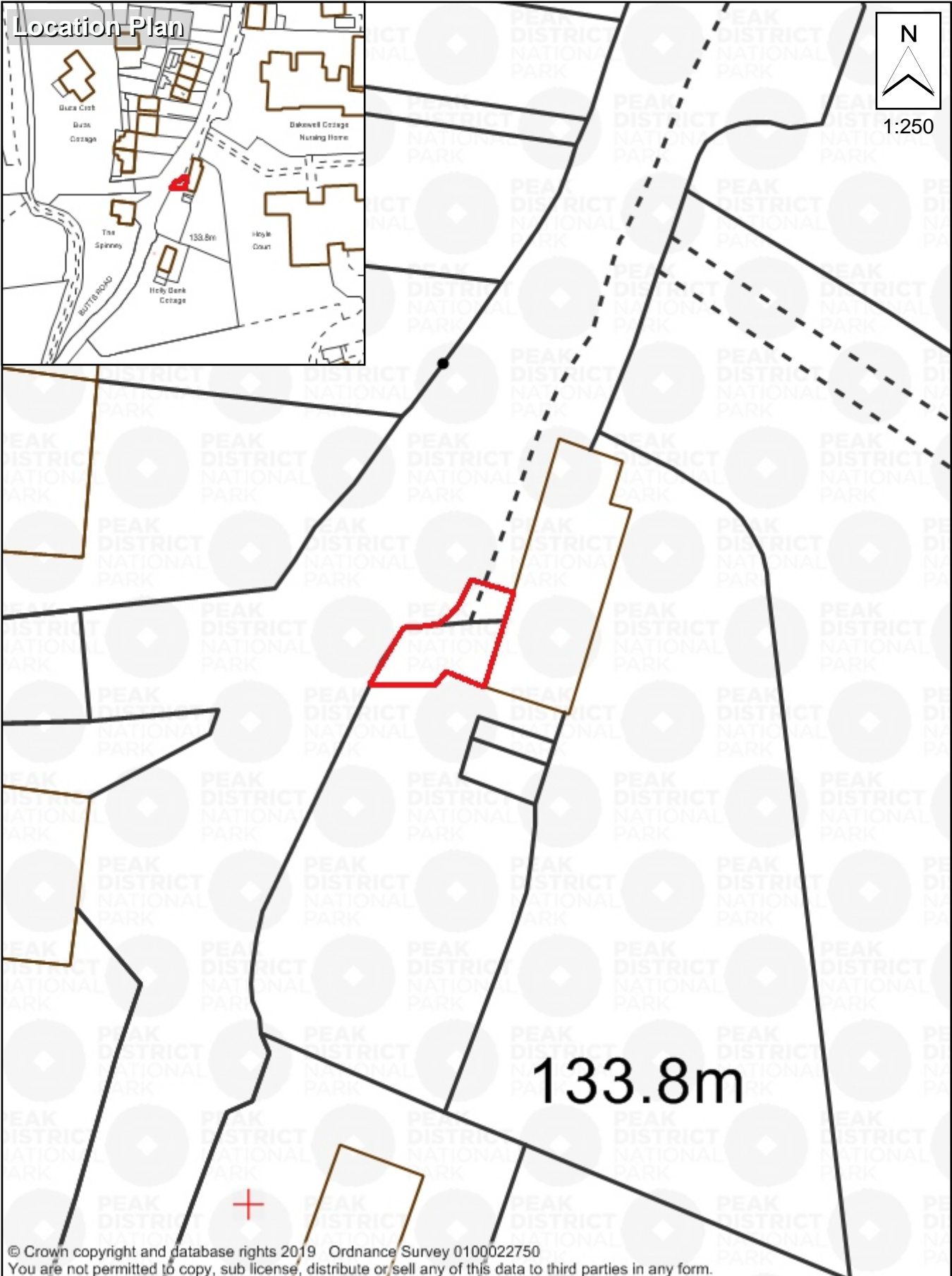
31. The existing boundary wall runs in a north south direction along the west boundary of the site and separates the garden area from the immediate highway. The wall itself is approximately one metre in height and surmounted by a privet hedge around two metres tall. When approaching the cottage from the north, the garden wall and hedging narrows the view where Butts Road eventually becomes a pedestrian path and enjoys an informal character, produced by the restricted carriageway and lack of pavements. By re-siting the wall as proposed, its appearance when viewed from this aspect would appear little altered. However, it would allow the front elevation of the dwelling to be exposed to public view, which is considered, would be an enhancement to the wider street frontage. Combined with the surfacing materials of granite cobbles for the proposed area of land exposed by the re-alignment, and a more formal laid out entrance to the building, the scheme would represent a general improvement in relation to the setting of the listed building, whilst helping to conserve the character and appearance of the Conservation Area.
32. Subject to conditions relating to the re-alignment of the wall, reinstating any lost hedging and the appropriate use of materials for the surfacing of the ground adjacent to the front of the cottage, it is considered the proposed scheme by virtue of its scale, design and use of materials would not harm to the significance of the designated heritage assets, therefore according with policies LC4, LC5 & LC6 in these respects.

### **Conclusion**


33. The proposed development would not harm the special character and appearance of the Listed Building, its setting or the Conservation Area within which it is sited. As such, the proposal does not conflict with Section 16 or 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, relevant policies within the Development Plan and guidance contained within the NPPF. Therefore, the application is recommended for approval subject to appropriate conditions. .

### **Human Rights**

34. Any human rights issues have been considered and addressed in the preparation of this report.
35. List of Background Papers (not previously published)
36. Nil
37. **Report Author** – Steve Coombes, Planning officer



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Committee Date:	8th March 2019	<b>Title:</b> The Cottage, Butts Rad, bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 13 + 14		
Application No:	NP/DDD/1018/0950		
Grid Reference:	421658, 368265		

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## 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>
ENF 18/0062 3208720	Unauthorised laying of crushed stone to form a track on land at Cartledge Flat/Rushy Flat Dike, North of Hollingdale Plantation, Strines, Bradfield	Written Representations	Delegated
NP/DDD/0718/0629 3214930	S.73 application for the removal or variation of conditions 2, 3 and 11 on NP/DDD/0116/0060 at Newburgh House, Netherside, Bradwell	Householder	Delegated
NP/SM/0818/0742 3219634	Permission to build a two storey extension, an adjoining single storey extension and a porch at Hope Far, Hope, Alstonefield	Householder	Delegated
NP/DDD/0918/0819 3221331	Two storey rear extension, single storey side extension and detached garage at Hollins House, Dunlow Lane, Eyam	Householder	Delegated

### 2. APPEALS WITHDRAWN

There following appeal has been withdrawn this month.

ENF 17/0153 3214803	Unauthorised change of use from dwellinghouse to commercial short-term holiday letting at Bamford Hall, Bamford. Appeal withdrawn as property has now been sold.	Written Representations	Delegated
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### 3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0518/0446 3213351	The development proposed is alterations and additions to an existing 1920's timber framed bungalow/chalet at Badgers Wood, Upper Padley, Grindleford.	Householder	Allowed with Conditions	Delegated

The Inspector considered that there would be no detrimental visual impact upon the landscape due to surrounding tree coverage, nor would the proposal have a materially harmful effect on the character and appearance of the host property or the scenic beauty of the Peak District National Park. In allowing the appeal, the Inspector imposed an extra condition in relation to external material samples, which have to be submitted for approval before the development can be carried out.

4. **RECOMMENDATION:**

**That the report be received.**