

Public Document Pack

Peak District National Park Authority

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



Our Ref: A.1142/2119

Date: 4 April 2019



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 12 April 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 March 2019** (*Pages 5 - 16*)
- 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 - Development of permissive paths and a family mountain bike trail at Langsett Reservoir plus package of mitigation at land to The South of Langsett Reservoir (NP/S/0718/0606 JF)** (*Pages 17 - 32*)
Site Plan
- 7. Full Application - Erection of an agricultural workers dwelling at Higher Ford Wetley Farm, Ford Wetley, Ford (NP/SM/0218/0104 SC)** (*Pages 33 - 48*)
Site Plan
- 8. Full Application - Extension to provide toilet and alterations to porch to create disabled access at Holy Trinity Church, Edale (NP/HPK/1218/1208 DH)** (*Pages 49 - 58*)
Site Plan

9. **Full Application - Change of use of agricultural land for proposed camping pods, shower block, access with bridge over Warslow Brook at Furlong Farm, Upper Elkstones, Warslow (NP/SM/0219/0103, MN) (Pages 59 - 70)**
Site Plan
10. **Full Application - Conversion of barn to local needs dwelling at Leach Barn, Leadmill, Hathersage (NP/DDD/1018/0951, AM) (Pages 71 - 86)**
Site Plan
11. **Full Application - Creation of eight additional car parking spaces to accommodate the increase in vehicle numbers at Mary Devonshire Cottages, The Green, Pilsley (NP/DDD/1218/1219, ALN) (Pages 87 - 96)**
Site Plan
12. **Full Application - Change of use from an A1 (shop) to an A5 (hot food takeaway) at Brook House, Main Road, Hathersage (NP/DDD/1218/1185 SPW) (Pages 97 - 110)**
Site Plan
13. **S.73 Application - Variation of condition 2 on NP/DDD/1017/1104 at Co-Operative Food Store, Netherside, Bradwell, (NP/DDD/0219/0173, JF) (Pages 111 - 122)**
Site Plan
14. **Full Application - 2 storey detached double garage at Pippin Dell, The Square, Eyam, Derbyshire (NP/DDD/0118/1082, JF) (Pages 123 - 130)**
Site Plan
15. **Monitoring and Enforcement Annual Review - April 2019 (A.1533/AJC) (A.1533/AJC)**
(Pages 131 - 140)
16. **Head of Law Report - Planning Appeals (A.1536/AMC) (A.1536/AMC) (Pages 141 - 142)**

Duration of Meeting

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

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

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

Agendas and reports

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website www.peakdistrict.gov.uk.

Background Papers

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

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MINUTES

Meeting: **Planning Committee**

Date: Friday 8 March 2019 at 10.00 am

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

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr 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 and Cllr Mrs L C Roberts

Apologies for absence: Cllr J Atkin and Mr K Smith.

29/19 MINUTES OF PREVIOUS MEETING

Cllr Brady raised a query under minute 25/19. Officers agreed that the action was actually to explain to Members why the construction of a horse exercise arena had been permitted development in this location.

Otherwise, the minutes of the last meeting of the Planning Committee held on 8 February 2019 were approved as a correct record.

30/19 MEMBERS DECLARATIONS OF INTEREST

Item 6

It was noted that most Members had received emails from the following persons:

- Christine Woodhead,
- William Middleton, Derwent and Hope Woodlands Parish Council
- Gareth Smith, Severn Trent Water

A copy of a petition had also been received.

Mr R Helliwell declared a personal interest as he had received 2 emails and a telephone call from William Middleton and also he was acquainted with the Chair and Secretary of Derwent and Hope Woodlands Parish Council.

Cllr D Chapman declared a personal interest as he knew two of the speakers, Gillian Scotford and Anne Robinson as did Cllr. K Potter who was also a member of CPRE.

Cllr H Laws declared a personal interest as a collector of Dambusters' memorabilia and stated that he had an open mind on the application.

It was noted that the Authority had a working relationship with Severn Trent Water Limited.

Item 7

It was noted that most Members had received an email from Punch Partnerships

Cllr J Macrae declared a personal interest as a member of Cheshire East Council who were one of the consultees on the application and had submitted comments but he made it clear that he had not been involved in the representations.

Item 8

It was noted that the Authority is the owner of the Visitor Centre that this application relates too.

Item 10

Cllr P Brady declared a personal interest as he was acquainted with the Chairman of the Parish Council.

Cllr D Chapman declared a prejudicial interest as he was very good friends with the neighbour of the application site. Cllr Chapman would leave the room when the application was considered.

Item 11

Cllr P Brady declared a personal interest as he was acquainted through family with several of the people who had made representations on this application..

Cllr K Potter declared a personal interest as a member of CPRE.

31/19 PUBLIC PARTICIPATION

There were 15 members of the public present to make representations to the Committee.

32/19 FULL APPLICATION - NEW BUILDING TO PROVIDE DAMBUSTERS EXHIBITION, CAFE SPACE AND SHOP AT FAIRHOLMES VISITOR CENTRE, BAMFORD

It was noted that Members had visited the site on the previous day.

The Planning officer reported that a further 11 letters of representation had been received since the report was written and one petition signed by 62 individuals. Of these representations nine were objections, one was an additional reason, one was a new supporter and one made general comments. No new issues had been raised.

The petition received stated that the signatories called 'upon the Peak Park Planning Committee to reject the Severn Trent Water planning application 1205 regarding the proposed new building development at the Fairholmes visitor site'. It also stated that they did support 'improvements to the toilets, a new changing places facility and a new home for the Dambusters story but as an extension of the existing building' and that they

objected to 'a 60 cover cafe on the grounds of insufficient infrastructure in respect of road capacity for what would be the expected additional traffic generation'.

A letter had also been received from the local MP which stated no objections to the visitor centre and museum but did state concerns regarding traffic management and accessibility of the site.

The planning officer also reported that the applicants had started actions to repaint the yellow no parking lines on Derwent Lane and had obtained a commitment from the County Council to properly enforce the clearway along Derwent Lane and on the A57 ; this would be done for 6 months and then reviewed by the County Council. It was proposed that an additional Grampian condition could require a sign to be put out at the southern end of Derwent Lane, near the A57, on busy days to indicate the car park at the site was full and visitors could be directed to use the bus turnaround circle and be diverted to Heatherdene car park.

The following persons spoke under the public participations at meetings scheme:

- Gillian Scotford, Accessible Derbyshire, Supporter
- Christine Woodhead, Local resident, Objector
- Margaret Wheatley, Local resident, Objector
- Andrew Wheatley, Local resident, Objector
- Peter Wareham, Objector
- Jan Cubison, Local resident, Objector
- Anne Robinson, Local resident, Objector
- William Middleton, Derwent and Hope Woodlands Parish Council, Objector
- Abdou Laye, Local resident, Supporter
- Gareth Smith, Planning Manager, Severn Trent Water, Applicant

Cllr Mrs K Potter declared a personal interest as Accessible Derbyshire had been the Local Joint Committee annual charity for the past year and Members had contributed to donations.

In response to a Member's query the Director of Conservation and Planning stated that the production of the supplementary planning document (SPD) regarding Recreation Hubs had been delayed due to other priorities including the Development Management DPD. The wording of paragraph 104 of the report was slightly confusing as it referred to the SPD being relatively advanced. However, the paragraph did state that little weight should be given to the SPD. It was stated that the proposals were in accordance with policy RT1. The Director explained the application of RT1 in this instance.

Members were concerned about the traffic problems, the impacts on the local community, the lack of sustainable transport, whether or not there was a need for a large cafe and the lateness of engagement with the local community by the applicant.

A motion for deferral for discussions with the applicant to consider a reduced sized café, and improved traffic management measures was moved and seconded.

It was noted that if the applicants were willing, the Authority could be involved in working with them, the local community and the Parish Council to look for solutions to the transport and parking issues at the site and in the valley.

The motion for deferral was put to the vote and carried.

RESOLVED:

To DEFER the application pending further discussions with the applicants regarding a reduced sized café and shelter, extension of existing building instead of a new building and improved traffic management measures.

The meeting adjourned at 12.01 for a short break and reconvened at 12.09.

33/19 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

It was noted that Members had visited the site on the previous day.

The Planning officer stated that officers considered that the need for the development was not demonstrated and that more consultation with local people was needed. The design of the scheme lacked quality and did not refer to the local building tradition. Officers were happy to continue working with the applicants and the community to deliver an appropriate level of affordable local needs housing in the parish.

The following spoke under the public participation at meetings scheme:

- Mark Walton, Agent

The Planning officer stated that the concern regarding the loss of woodland had been addressed therefore refusal reason 3 could be removed from the recommendation.

Although Members considered that the site was acceptable for affordable and local needs housing they were concerned regarding the evidence of need. Concern was also expressed regarding the design of the dwellings and the proposed access.

The recommendation for refusal for reasons 1, 2, 4 and 5 stated in the report was moved and seconded. The motion was put to the vote and carried.

RESOLVED:

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. **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.**
4. **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.**

34/19 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

The Planning officer reported that 6 letters of objection had been received since the report was written and these were summarised for the Committee. Key issues raised were increased noise, litter and disturbance to local residents, already enough eating/drinking establishments in the area, detract from the attractiveness of the area and is unnecessary development. A letter from the immediate neighbours to the site referred to increased noise from increased use of the bins at the rear, use of land at rear for dumping other matter, scale of trade bins, objected to the extension of the existing planning conditions inside to apply to the new outside area and noise extending to 7pm without consultation.

Mr James Shawe, the applicant, was present to answer Members questions if required. In response to a Member query Mr Shawe stated that crockery would be used to serve food on so there would be minimal disposable waste from this.

The recommendation for approval subject to conditions was moved and seconded. The motion was put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

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.**

35/19 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 DOLLY'S COFFEE AND CHINA SHOP, THE STONES, CASTLETON, S33 8WX

The Planning officer amended condition 9 of the report recommendation by deleting the words 'Prior to occupation of the development hereby approved'.

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

The following spoke under the public participation at meetings scheme:

- Michael Moorhouse, Applicant. Mr Moorhouse requested to be allowed to continue to open the business from 8am as he did at present rather than 9am as was proposed in the recommendation.

The recommendation for approval subject to conditions, including the amended condition 9, was moved and seconded.

In response to Members' queries officers confirmed that the outdoor furniture would need to be removed after 6pm each night.

It was agreed to amend condition 6 of the recommendation to state the internal opening hours would be from 8am to 9pm and the external hours would be from 9am to 6pm.

The motion with the amended condition 6 was put to the vote and carried.

RESOLVED:

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 internal opening hours shall be between 08:00 and 21:00 only and the external opening hours shall be between 09:00 and 18:00 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. A full flood risk assessment should 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.

The meeting adjourned at 13.14 for a lunch break and reconvened at 13.44.

Present: Mr P Ancell, Cllr D Birkinshaw, 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.

36/19 FULL APPLICATION - REBUILDING OF BARN AND CONVERSION TO A DWELLING AT BARN TO THE WEST OF THE RAKE, MONYASH

It was noted that Members had visited the site on the previous day.

The following spoke under the public participation at meetings scheme:

- Andy Tickle, Friends of the Peak District, Objector
- Jack Hotchin, Applicant

Cllr P Brady stated that he would comment on the application but he would not vote on it as he knew some of the representation writers.

In response to a Member’s query the Director of Conservation and Planning stated that in his view planning policies were being used to deliver affordable local needs housing

and that Members should be aware that local needs dwellings are being approved under delegated powers and that the applications reported to Committee are typically those which raise broader issues. The Director stated he planned to do a summary of approvals from the monthly delegated applications decisions lists.

Members were concerned that the site was very isolated and that a total new build would be required rather than conversion of the existing barn.

The recommendation for refusal was moved and seconded, put to the vote and carried.

RESOLVED:

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.**

14:15 Cllr A McCloy left the room.

37/19 HOUSEHOLDER APPLICATION - DEMOLITION AND REBUILD OF WESTERN SECTION OF DWELLING (RETROSPECTIVE); RENOVATION AND ALTERATIONS TO THE VEHICULAR ACCESS AT PRIMROSE COTTAGE, WINDMILL

Cllr D Chapman left the room as he had declared a prejudicial interest in this application.

It was noted that Members had visited the site on the previous day.

The Planning officer reported that a letter had been received from a neighbour which expressed concern regarding further use of the ground (paddock) for building development and asked for confirmation that the land was agricultural land. They also requested that the original field gate be reinstated and the additional gate denied. The Planning officer stated that the paddock was not part of the curtilage.

14.20 Cllr A McCloy re-joined the meeting but did not take part and abstained from voting in relation to this item.

The Planning officer added an extra condition to the recommendation requiring agreement of a landscaping scheme for the boundaries and definition of the existing residential curtilage using base mapping, with planning permission required for any extensions of curtilage.

A further condition was also added to require submission of all window sizes for checking by the Authority.

The recommendation for approval subject to conditions, including the 2 extra conditions agreed, was moved and seconded. The motion was put to the vote and carried.

RESOLVED:

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 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**
- 12. Agree details of a landscaping scheme for the boundaries and definition of the existing residential curtilage using base mapping, with planning permission required for any extensions of curtilage**
- 13. All window sizes to be submitted for checking and approval by the Authority.**

14.33 Cllr A McCloy left the meeting.

38/19

FULL APPLICATION - TWO STOREY EXTENSION TO THE REAR ELEVATION, WITH GROUND FLOOR PORCH TO THE FRONT ELEVATION, AT 1 WOODLAND VIEW, BUTTS ROAD, BAKEWELL

It was noted that Members had visited the site on the previous day.

The recommendation for approval subject to conditions was moved and seconded. The motion was put to the vote and carried.

RESOLVED:

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.**

39/19 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

As this application and the following listed building application were linked it was agreed to consider both applications together (see also Minute 40/19).

It was noted that Members had visited the site on the previous day.

Members queried the use of granite cobbles and it was agreed to add a condition specifying limestone instead.

The recommendation for approval subject to conditions, including the extra condition, was moved, seconded, put to the vote and carried.

RESOLVED:

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.**
5. **Limestone to be used instead of granite cobbles.**

14:44 Cllr J Macrae left the meeting.

40/19 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

This application was considered in conjunction with the related planning application, details of which are in Minute 39/19 above.

It was noted that Members had visited the site on the previous day.

Members queried the use of granite cobbles and it was agreed to add a condition specifying limestone instead.

The recommendation for approval subject to conditions, including the extra condition, was moved, seconded, put to the vote and carried.

RESOLVED:

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.**
5. **Limestone to be used instead of granite cobbles.**

41/19 HEAD OF LAW REPORT - PLANNING APPEALS

Members considered the report on appeals which had been lodged, withdrawn and decided during the month.

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 3.00 pm

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6. FULL APPLICATION – DEVELOPMENT OF PERMISSIVE PATHS AND A FAMILY MOUNTAIN BIKE TRAIL AT LANGSETT RESERVOIR PLUS PACKAGE OF MITIGATION AT LAND TO THE SOUTH OF LANGSETT RESERVOIR (NP/S/0718/0606 JF)

APPLICANT: YORKSHIRE WATER SERVICES LTD

Site and Surroundings

1. The application site comprises land around Langsett Reservoir. This is a large reservoir located close to the villages of Langsett and Upper Midhope, on the edge of the Peak District National Park. The reservoir is managed by Yorkshire Water.
2. The reservoir is largely surrounded by open countryside and woodland. The surrounding areas are identified as arable land, bracken, broad-leaved plantation woodland, broad-leaved semi-natural woodland, coniferous plantation woodland, dry dwarf shrub heath, inundation vegetation, regenerating birch, standing water, wet dwarf shrub heath, and scattered broad-leaved trees.
3. A series of footpaths surround the northern side and part of the south-east side of the reservoir. The south-west side is largely inaccessible, with a series of paths situated high above this area of the reservoir. A dam wall is situated at the eastern end of the reservoir just below Langsett Village. The dam wall also carries Midhope Cliff Lane, the road into Langsett from The Strines. A stone wall runs along a substantial part of the southern side of the reservoir.
4. The main A616 road runs through Langsett north of the reservoir and Upper Midhope village is situated south east of the site. Main public access to the paths around the reservoir is from Langsett car park off the A616 but there are other access points to the north west and south east of the reservoir.
5. The site is identified as being of ecological importance, A Special Protection Area (SPA), Special Area of Conservation (SAC), and Site of Special Scientific Interest (SSSI) are situated in close proximity to the proposed area for development.
6. A small section of the site is situated within a conservation area.

Proposal

7. A full application has been made for the development of permissive paths and a family mountain bike trail at Langsett Reservoir including a package of mitigation measures.

RECOMMENDATION:

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

1. **Standard time limit**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans; Application Form, Planning and Design and Access Statement, Report to inform a Habitats Regulations Assessment – Stage 1 Assessment of Likely Significant Effects, Common Sandpiper Assessment, Current Tree Species Map, Felling and Thinning Map Langsett, Bird Assessment Report, Long-eared owl records, Woodland Management Plan, Long Term Forest Plan, Woodland Area Plan, Ecological Appraisal, Landscape and Visual Appraisal, Historic Woodland Assessment, RD1**

rev E, RD2 rev E, RD3 rev E, RD4 rev E, RD5 rev E, RD6.1 rev B, RD6.2 rev B, RD6.3 rev B, RD7.1, RD7.2, RD7.3, RD7.4, RD8.1, RD8.2, RD8.3, RD02 rev E, LA03-2, LA03-5, LA02, SA04, LA05, LA01, SA02, SA03, LA03-4, LA03-3, LA03-1, LA03-6,

3. No development shall take place until a written method statement for preservation in situ of the heritage assets identified with the Historic Woodland Assessment produced for Yorkshire Water by John Buglass, dated March 2017, has been submitted by the applicant and approved in writing by the National Park Authority. No development work shall then proceed other than in accordance with the approved method statement so as to ensure that relevant remains are safeguard and preserved in situ.
4. a) No development shall take place until a Written Scheme of Investigation for a scheme of archaeological works has been submitted to and approved by the National Park Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the National Park Authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organization undertake the works set out within the Written Scheme of Investigation.b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
c) Within a period of 12 weeks from completion of the development the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
5. No works or development shall take place until full details of landscape scheme proposals have been submitted to and approved by PDNPA. These details shall include, as appropriate:
 - Planting plans (location of planting) & specifications (including operations associated with tree establishment).
 - Planting schedules, noting species, planting sizes and proposed numbers / densities where appropriate.
 - Locations and specifications of flow control measures ('leaky dams' etc).
6. Prior to the start of construction, a Construction Environmental Management Plan shall submitted to the National Park authority for approval in writing to avoid damage to sensitive habitats on and adjacent to the site. This shall set out:
 - Risk assessment of potentially damaging construction activities.
 - Identification of any biodiversity protection zones
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.

- Measures to prevent pollutants and sediment entering the watercourses located on the site and Langsett Reservoir itself
 - Details of materials/chemical storage to ensure that materials are stored in a suitable manner as to avoid potential impacts on vegetation, watercourses and waterbodies on site and adjacent to the site, including Langsett Reservoir itself.
 - The times during construction when specialist ecological supervision (Ecological clerk of Works) needs to be present on site to oversee works (bird nesting season, fingertip search for reptiles etc.).
 - The responsibilities of the Ecological Clarke of Works during pre-clearance and construction (including checks for protected and notable species).
 - The location and timing of sensitive works to avoid harm to biodiversity features.
 - The use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the PDNPA.
7. Construction works shall be in daylight hours only and no lighting shall be erected in the woodland.
 8. Vegetation clearance shall be completed outside the main breeding bird season (spanning from March to September inclusive). Any construction works during this period shall be checked for nesting birds by a suitability qualified ecologist. If nesting birds are found to be present, these areas shall be left undisturbed until the young have fledged.
 9. Prior to removal, trees to be removed shall be assessed for their significance, and any bird and bat potential and details submitted to the National Park Authority for approval in writing.
 10. Prior to the start of the construction works, the location of fencing, tree planting and wetland areas shall be agreed on site with the National Park Authority.
 11. During construction works on the ground, the route shall avoid heathland habitats. Where loss cannot be avoided during path construction work, extra heathland habitat shall be created by the clearance of areas of regenerating birch to the west of the track, where limited areas of dry dwarf shrub heath and wet dwarf shrub heath have already developed since the removal of previous forestry plantation.
 12. Prior to the track being brought into use, a summary document of the positive woodland management that is planned for YW woodlands in the wider Don Valley shall be submitted to the National Park Authority along with any management plans that support this for approval in writing. The implementation of the measures are likely to contribute to positive management of nightjar and other key woodland bird species, which will provide compensation and enhancement measures relating to the application. The measures set out shall be implemented unless otherwise agreed in writing with the PDNPA.
 13. Prior to the track being brought into use, details relating to the monitoring of the common sandpiper population along the southern shores of the reservoir shall be agreed with the National Park Authority in writing. Details shall include a methodology, timing, duration, and timescale. If the results of monitoring indicate that there has been displacement or loss of territories, then additional mitigation measures shall be implemented to safeguard this species. Additional mitigation measures shall be agreed in writing with the National Park Authority.

- 14. The path shall be designated for daylight hours use only and no lighting shall be erected along the route.**
- 15. Signage for dogs to be kept on a lead at all times shall be erected at key locations along the footpath, as shown on the approved plans, with enforcement during the bird breeding period.**
- 16. Prior to the development being brought into use, the 5ha area of habitat creation for nightjars, other ground nesting birds and heathland creation shown on Figure 15 B shall be created as indicated in the approved plans.**
- 17. Prior to the surfacing material of the tracks being laid, material samples of the surfacing materials shall be submitted to the National Park Authority for approval in writing. Development shall take place in accordance with these approved details.**
- 18. Prior to being brought into use, details of the proposed fencing and signage shall be submitted to the National Park Authority for approval in writing. Development shall take place in accordance with these approved details.**
- 19. Prior to construction of the proposed bike trails, where they pass close to existing public footpaths, details shall have been submitted to and approved in writing by the National Park Authority of measures to be implemented ensuring no miss-use of existing public footpaths by cyclists. The above-mentioned approved measures shall be implemented in tandem with construction of the bike trails.**

Key Issues

8. The key issues are whether the development is acceptable in principle, whether it would conserve the character and appearance of the site and the surrounding area, and whether it is acceptable in terms of the landscape, archaeological and ecological impact.

History

9. A pre-application enquiry was made in 2018 regarding the development of permissive paths and mountain bike routes under PE\2018\ENQ\32755. It supported the principle and advised that there may be scope for the proposed development.

Consultations

PDNPA Archaeology – No objections subject to the provision of a method statement to ensure that heritage assets are safeguarded, and a condition to ensure appropriate archaeological recording and investigation can take place where the heritage assets cannot be safeguarded.

PDNPA Landscape – No objections to the amended plans subject to full details of a landscaping scheme.

County Flood Team – No response received to date.

Bradfield Parish Council raised no objections providing that all planning rules are followed. The Parish Council would suggest that additional car parking could be created on Thickwoods Lane as there is a general lack of safe parking in the area. The Parish Council would also request PDNPA to stipulate the materials to be used.

County Highways – No objections subject to details ensuring a no misuse of existing public

footpaths by cyclists.

PDNPA Rangers – No response received to date.

Natural England – Reply awaiting

Environment Agency – No objections.

PDNPA Forestry – No response received to date.

PDNPA Ecology – No objections subject to construction environmental management plan, construction works in daylight hours, no lighting in the woodland, vegetation clearance outside main breeding bird season, checks for nesting birds during construction, mature trees retained where possible and checked for bird and bat potential, location of fencing, tree planting and wetland areas agreed on site, route to avoid heathland habitats and heathland habitat to be created where not possible, summary of woodland management and management plan for YW woodlands in the wider Don Valley to be submitted and implemented, monitoring details of the common sandpiper population and any mitigation to be agreed, path designated for daylight hours with no lighting, signage for dogs to be kept on a lead to be erected.

Sheffield City Council – No response received to date.

PDNPA Rights of Way – No objections.

PDNPA Tree Officer – No response received to date.

10. Representations

11. A large number of representations have been received in relation to the original application. No representations have been received in relation to the amended plans so far. The representations are summarised as follows:

12. Support

- More accessible trails and circular, challenging and picturesque routes. At the moment few options exist.
- Families who usually walk there can now get to ride there too.
- The routes take riders off the road once you get past the dam, making it safer especially for vulnerable riders.
- Having a weatherproof track meaning you avoid the more sensitive areas which means less erosion (this mountain bikers support all over the Peak District).
- There would be better shared user trails (wider, better sight lines) and a reduction in numbers on each trail which reduce potential conflict between different user groups.
- Excellent opportunity to encourage young people who have mobility problems to enjoy the countryside.
- Wheelchair accessible routes and have to travel a good distance for these.

13. Concerns/General comments

- Disturbance to the breeding/nesting sites of sensitive species such as nightjar and waders.
- As a resident of Upper Midhope, I am concerned that there is not enough dedicated parking, which will only increase with these proposed plans.
- Currently Yorkshire Water have built a depot opposite Joseph Lane entrance off Midhope Cliffe Lane and they have put some form of hardcore down for the heavy

machinery. They will be on site for 12 months and have removed dry stone walls etc. They have reduced the speed limit on the road. This would be an ideal new car parking area to relieve the traffic issues. It is opposite some of the new cycle paths and would also remove some of the traffic congestion from the Flouch End car park and the Langsett Barn car park.

- There are numerous horse riders in the area and it would be great if these new foot paths could also be used by equestrians so that everyone can benefit. There needs to be a route made to make a 'lap' of the reservoir so that riders can enjoy the whole experience, like walkers and MTB cyclists.
- Approving the application should be conditional on (i) providing more and better information about existing travel options to the site and (ii) consideration by PDNP Management Plan partners, led by the PDNPA, of potential options to increase access by alternatives other than the car.
- Langsett should be a showcase for sustainable travel to a Peak District National Park recreation hub.
- Need additional parking to accommodate an increase in visitors to the trails.
- A good quality permissive trail, following the route in yellow nearest the reservoir edge, of sufficient width and surface standard, would benefit all classes of user, including horse riders. Such a route would not greatly impinge on local flora and fauna and would be totally inclusive of all user groups. Cyclists can use the existing Langsett area bridleways, so why not share the yellow trail with horse riders?

14. Objections

- Numerous concerns about the impact this proposed scheme will have upon breeding and roosting birds inhabiting both the reservoir and the Special Protection Area (SPA). Numerous schedule 1 species breed around the reservoir and the moorland edge and the impacts upon these species resulting from the proposed trail is likely to be at a county level.
- Being an Ecologist and long time recorder around Langsett I am very concerned that more paths/cycle routes are to be developed in this area. Looking over the proposed routes map my main area of concern is the western side of Langsett Reservoir. I think that the whole of this area should be left as it is as a conservation zone where currently Nightjar, Tree pipit, Redstart, Spotted Flycatcher and Lesser Redpoll breed. There are a number of routes on the north and south sides of the reservoir and I have no particular objection to these being improved as many people already use the routes. YW provides for recreation but surely it has a duty of conservation and particularly on already prime habitats. I would welcome some discussion at some point on this.
- There is already a trail around Langsett Reservoir which is well used and sufficient. This proposal is totally inappropriate for a site adjacent to the Special Area of Conservation(SAC), SPA and Site of Special Scientific Interest (SSSI).
- Given the likelihood of the proposed scheme resulting an increase in visitor numbers to an area that already suffers from visitor pressure. One would expect that an appropriate assessment of the impacts upon the SAC, SPA, SSSI be undertaken.
- Irresponsible dog owners allowing dogs to interfere on bird nesting sites.
- Additional visitor numbers arriving by car, and increasing the pressure in Langsett of parking
- The proposed area for these paths (cycle tracks in particular) will lead to the fragmentation of habitat which holds breeding birds including; nightjar (amber listed), woodcock (red listed), common sandpiper and two species of owl. The increased pressure from public use will almost certainly affect these species amongst others.
- The application does not consider sufficiently the impact on biodiversity – particularly for breeding, foraging or roosting birds – of the disturbance in the areas

- around the footpaths and mountain bike tracks caused by the increased presence of people using them.
- The increased numbers on the footpaths and mountain-bike tracks is likely to have an adverse impact on a number of species of biodiversity importance including several identified under the NERC Act schedule 41 as well as in the BOCC lists of conservation concern. I would have expected that reasonable measures would be set out in the proposals to avoid the loss of these special birds.
15. The representations raising concerns or objecting to this application highlight issues concerning ecology, parking, access to the site, equestrian use, unnecessary cycle routes, impact on the adjacent SAC, SPA and SSSI, and dogs interfering with bird nesting sites.
 16. In response to the representations it is accepted that the original plans would have resulted in an unacceptable impact in terms of ecology. The plans have been amended to ensure that the location of the proposed tracks and the level of development would result in any impact on ecology being kept to a minimum. In addition, various mitigation measures are proposed to compensate for any adverse impact. The PDNPA Ecologist has raised no objections to the amended plans subject to the imposition of conditions, and they are therefore considered to be acceptable in ecological terms.
 17. It is accepted that the plans may result in parking for visitors becoming more problematic. However, there are already car parks to serve the site and there have been no objections from Highways to these plans. In terms of any additional car parking, this would fall outside of the red line boundary for this application. It is not considered that a Grampian condition is appropriate in this instance, as any plans for additional parking would need to be considered in detail and would therefore require a separate application.
 18. It is accepted that access to the site by means other than a car is difficult. However, it is worth highlighting that this is not a major application so a Travel plan would not be required. It is also possible to access the site by bus from the A616, and it is expected that many visitors may arrive on foot or by bicycle. It is not therefore considered that the proposed plans are unacceptable in terms of access.
 19. It is accepted that equestrian use of the site would benefit horse riders, however this would place further strain on ecology and would result in further landscape impact. It is not considered that that this would be acceptable, and equestrian use of the tracks proposed would result in conflict between users.
 20. It is not considered that the amended plans would have an unacceptable impact on the adjacent SAC, SPA and SSSI. Ecology and Landscape Officers have been consulted on these amended plans and have raised no objections in relation to the impact on these protected areas.
 21. It is accepted that dogs interfering with bird nesting sites may be a potential concern. As such, a condition shall be imposed requiring signage for dogs to be kept on a lead at all times in key locations and for enforcement during the bird breeding period.

Main Policies

22. Relevant Core Strategy policies: GSP1, GSP3, GSP4, L1, L2, L3, RT1, T6
23. Relevant Local Plan policies: LC4, LC5, LC15, LC16, LC17, LC18, LT18, LC20, LT20

24. 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
25. 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.
26. National Planning Policy Framework
27. 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.
28. Paragraph 172 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.'

Development Plan Policies.

29. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
30. Policy 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.
31. Policy GSP4 states that the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
32. 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.

33. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
34. 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
35. Policy RT1 states that 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.
36. Policy T6 states that the rights of way network will be safeguarded from development, and wherever appropriate enhanced to improve connectivity, accessibility and access to transport interchanges. This may include facilitating attractive safe pedestrian and cycle routes between new residential or industrial developments and the centre of settlements. Where a development proposal affects a right of way, every effort will be made to accommodate the definitive route or provide an equally good or better alternative.
37. Policy LC4 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area.
38. 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.
39. Policy LC16 states that when considering development proposals that could affect archaeological sites or features, their national and local significance by reference to the Schedule of Ancient Monuments and to the County Sites and Monuments Records and other relevant information; the protection, enhancement and preservation of the sites or features and their settings; and the need for the development to be on the site in question; and the need for an appropriate archaeological assessment of the nature and importance of the remains will be considered.
40. Policy LC17 states that for statutorily designated sites, features or species of international, national or regional importance; development applications in the vicinity of designated sites will be carefully considered to assess the likelihood of adverse effects.
41. Policy LC18 states that where development which could affect a site, feature, or species of nature conservation importance or its setting is acceptable, appropriate safeguards and enhancement will be required to minimise adverse impacts. These should ensure conservation of the features of importance in their original location. Provision must be made for the beneficial future management of the nature conservation interests and a satisfactory record must be provided of any features which could be lost or concealed. If the likely success of these measures is uncertain, development will not be permitted.
42. Policy LT18 requires safe access provision and adequate parking arrangements.
43. Policy LC20 states that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly

considered.

44. Policy LT20 states that where a development proposal affects a public right of way, either the definitive line of the public right of way should be retained, or, in exceptional circumstances, where retention of the definitive line is not possible, the developer will be required to provide an alternative route that is of equal or better quality than the original.

Assessment

45. The application relates to the development of permissive paths and a family mountain bike trail at Langsett Reservoir plus a package of mitigation. The application would result in a circular route close to the perimeter of the reservoir being created.
46. The plans have been amended to address impacts of the development including the impact on the landscape and ecological interests.
47. The amended application is for the development of paths and trails, predominantly to the southern side of the reservoir. These are proposed to comprise a permissive path, a cycle route and a combined route. The south-west side part is proposed to largely comprise a combined route, with small sections where the permissive path and cycle route would be segregated. The south-east side of the reservoir is proposed to largely comprise a permissive path only, with a small area of development where a cycle path would link with existing tracks. Small areas of development are also proposed to the other banks of the reservoir, where short cycle path and permissive path sections are proposed to link with existing tracks to create the circular route.
48. Both the permissive path and cycle routes are proposed to be two metres wide, comprising a woven geotextile membrane laid on the graded and compacted sub-grade. Existing gravel stockpiled on site is proposed to be used to form a 2.5m wide sub-base layer of 140mm depth. The surface finish would comprise a 50mm layer of self-binding gritstone graded from 15mm to dust, compacted with a cross fall of 2.5% to drain runoff.
49. The combined route is proposed to be 3.5m wide and be formed in the same way as the cycle and pedestrian routes.

The application also proposes a package of mitigation. This would comprise the creation of 5ha compensatory habitat in an area of woodland to the North-West of the site suitable as a breeding habitat for nightjars, woodcock and other ground-nesting bird species. It is also proposed to provide signage in 7 locations around the reservoir, indicating that dogs should be kept on a lead. It is also proposed to fence off areas to the south-west side of the reservoir, along with the provision of nest boxes and nesting sites for song thrush, spotted flycatcher, redstart and tawny owl on suitable retained trees, as well as the provision of bat boxes on suitable retained trees.

Principle

50. We consider that the proposed amended plans are acceptable in principle. Policy RT1 of the Core Strategy states that 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. This policy also states that new provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and must not disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities. The proposed plans would clearly

promote recreational activities within the National Park, and the location for development would provide a logical circular route around an existing reservoir. It is considered that the proposed plans would provide a valuable community and visitor facility, while having minimal impact in terms of landscape and ecological matters. It is not considered that existing users of the area would be adversely affected by the proposed scheme.

Character/Landscape

51. The plans (as amended) would not result in any adverse impact on the character and appearance of the site and the surrounding area. The routes would be surfaced in gritstone which is geologically suitable for the area. They would generally be sited within woodland and scrub landscapes and thus not be open to wider public views. The level of development has been reduced significantly during the application process, and the amended plans show a minimal number of new tracks across the site. It is considered that material samples would be required in the event of an approval, in order to ensure appropriate materials are used so that the new tracks would blend into the surrounding landscape. Fencing and signage are proposed, and it is considered that details of these would also be required in order to demonstrate that these additions would be of an appropriate style and height so as not to have any adverse impact on the surrounding landscape. Subject to conditions securing agreement over material samples and details, we consider that these amended plans would not result in any adverse impact on the character of the site and the surrounding landscape. As such, the development would conform with policies GSP1, GSP3, L1, L3, LC4, LC5 and the NPPF.
52. The Authority's Landscape Officer was consulted on this application and raised no objections to the amended plans. The Officer further stated that "the latest plans satisfactorily address the concerns I raised regarding the previous iteration – I am now supportive of the application". The officer went on to suggest the following condition would be required....'No works or development shall take place until full details of landscape scheme proposals have been submitted to and approved by the PDNPA. These details shall include, as appropriate: Planting plans (location of planting) & specifications (including operations associated with tree establishment), Planting schedules, noting species, planting sizes and proposed numbers / densities where appropriate, Locations and specifications of flow control measures ('leaky dams' etc)'
53. The comments from the Landscape Officer are accepted. It is considered that the suggested condition is required to ensure the protection of landscape character by appropriate landscape design.

Amenity

54. It is not considered that the proposed plans would result in any significant issues in terms of amenity. There are no residential properties located in close proximity to the proposed area for development, so it is not considered that there would be any additional impact for neighbours. As such, the development would conform with policies GSP3, LC4 and the NPPF.

Ecology

55. The Authority's Ecologist was consulted and made the following comments –"The revised scheme is a lot more acceptable than the previous scheme, however, mitigation and compensation measures are still required. The additional bird survey submitted shows that the main species to be impacted upon by the development would be common sandpiper and night jar. The path has been pulled away from the shoreline

to reduce the impact on common sandpiper. An assessment on the potential impacts has been completed. Four of the eleven territories recorded sit within a distance where there is still potential for disturbance. The line of sight is broken up by trees and vegetation in the majority of cases, however, territory CS1, which is the closest to the development is within the line of site. The assessment indicates that there is suitable, unoccupied habitat further along the shoreline for this territory should there be issues with disturbance and further planting is suggested between the footpath and the wall to provide additional mitigation. During a meeting with Yorkshire Water (YW) on 11th March, we also asked for fencing, tree planting and wetlands to be located in key locations along the route. These were agreed in principle. The report recommends the monitoring of this territory to assess impacts. We would recommend the monitoring of all territories to assess impacts during busy periods of use (this is something that Barnsley Bird Study Group may wish to be involved in). If the results of monitoring indicate that there has been displacement or loss of territories, then additional mitigation measures should be implemented.

56. It is likely that nightjar will be impacted upon as a result of the development. The use of compensatory habitat has been recommended in the October 2018 bird report, referring to one particular woodland compartment. However, this area will be replanted and will only remain suitable for a short period of time. As a long term measure, YW have demonstrated that there will be clear fell compartments as part of the overall woodland management for the site. In addition, as additional compensation and enhancement, positive woodland management is proposed in the wider Don Valley. The positive management was discussed at the meeting with YW and the Lakeland Partnership on 11th March. A key point from the meeting was that Sheffield Lakeland Landscape Partnership are involved in the management of the woodlands and also part funding the track. They were to provide further clarification relating to how this fits in with their objectives and vision and their input in monitoring and managing. This information has not yet been received, and therefore needs to form part of a condition”.
57. The Ecologist concluded that conditions should be imposed requiring a construction environmental management plan, construction works in daylight hours, no lighting in the woodland, vegetation clearance outside main breeding bird season, checks for nesting birds during construction, mature trees retained where possible and checked for bird and bat potential, location of fencing, tree planting and wetland areas agreed on site, route to avoid heathland habitats and heathland habitat to be created where not possible, summary of woodland management and management plan for YW woodlands in the wider Don Valley to be submitted and implemented, monitoring details of the common sandpiper population and any mitigation to be agreed, path designated for daylight hours with no lighting, signage for dogs to be kept on a lead to be erected.
58. The Ecologist’s comments and recommended conditions are accepted . We consider that the amended plans are acceptable in terms of ecological matters and that the suggested conditions, along with a condition to provide the proposed area for mitigation, are required. As such, this application is in conformity with policies L2, LC17, LC18 and the NPPF subject to the suggested conditions.

Highways

59. Sheffield City Council are the highway authority and raised no objections. The following comments were made in relation to the original plans – ‘The only concern I have would be if cyclists started using existing public footpaths. However, for the most part, the bike trails are well away from public footpaths. The only instance where this doesn’t seem to be the case is where a proposed bike trail passes close to an existing public footpath running from Upper Midhope towards Midhope Cliffe Lane. Accordingly, I’d recommend

the following condition: Prior to construction of the proposed bike trails, where they pass close to existing public footpaths, details shall have been submitted to and approved in writing by the Planning Authority of measures to be implemented ensuring no mis-use of existing public footpaths by cyclists. The above-mentioned approved measures are to be implemented in tandem with construction of the bike trails. Reason: In the interests of ensuring pedestrian safety. You might also want to consider the comments of Bradfield Parish Council, and condition that details are car parking provision/accommodation off Thickwoods Lane be submitted to the Planning Authority for approval prior to construction of the bike trail, and constructed in tandem with construction of the bike trail. Reason: To ensure sufficient car parking accommodation in the interests of maintaining/ensuring road safety’.

60. The comments from Highways are largely accepted. The proposed plans are considered to be satisfactory in terms of highways matters, and the suggested condition in relation to the no mis-use of existing public footpaths by cyclists is considered to be necessary. As such, this application is in accordance with policies T6, LT18, LT20 and the NPPF. In terms of additional car parking, the suggested location would fall outside of the red line boundary for this application. It is not considered that a Grampian condition is appropriate in this instance, as any plans for additional parking would need to be considered in detail and would therefore require a separate application.

Archaeology

61. The Authority's Archaeologist raised no objections subject to the imposition of conditions. The following comments were made – "I have reviewed the information submitted in support of this application and the information available in PDNPA's Historic Buildings, Sites and Monuments Record (HBSMR), and the proposed development appears to affect a number of heritage assets.
62. I welcome the submission of the Historic Woodland Assessment, as this is a great enhancement on the information otherwise available within the HBSMR. This demonstrates that heritage assets of historical and archaeological interest survive within the woodland and within the area of the proposed development. It also indicates that these remains are primarily of local, but in some cases of regional interest.
63. However, there appears to be a conflict here between the developments approach to the heritage assets identified in the Historic Woodland Assessment and what the plans for the proposed development indicate..... It could be that the intention is to avoid the above listed heritage asset and safeguard them from any harm during the proposed development, and this approach would be supported. However, the plans and information submitted do not demonstrate this approach; they suggest that the features on the route will be directly impacted upon, and those in close proximity could be harmed during the construction of the paths/routes.....
64. A method statement for the preservation in situ of archaeological remains is required in order to fully understand how archaeological impacts will be minimised and preservation in situ and safeguarding of the identified heritage assets identified in the Historical Woodland Assessment will be achieved, when the supplied drawings depict the new routes directly over and in close proximity to the identified heritage assets.
65. Where heritage assets are not to be safeguard, but will be harmed by the proposed development, a scheme of archaeological works is required to allow the archaeological interest of the heritage assets to be investigated and recorded prior to this harm/loss. The scheme of archaeological work will need to include elements of measured survey, photographic recording and archaeological monitoring of groundworks”.

66. The comments from the Archaeologist are accepted and we consider that the suggested conditions are required in the interests of the archaeology of the site. The revised application is acceptable in terms of archaeological matters, and is therefore in accordance with policies L3, LC16 and the NPPF.

67. Rights of Way

68. The Rights of Way team raised no objections to the amended plans and made the following comments – ‘We support the revised proposals as they will enhance the network of public access in the area and improve accessibility for enjoyment by all. The specification provided seems generally satisfactory, although the use of geotextile on MTB trails is dubious. I’m also disappointed that the earlier proposed segregation of bikes and pedestrians has been reduced/minimised as a compromise to the landscape impact concerns, but feel that by doing so, the merit of the overall proposal is reduced – which is a shame’.

69. The comments from Rights of Way are largely accepted. It is considered that the amended layout is acceptable for potential users. While the minimised segregation between tracks is detrimental from a rights of way perspective, the original plans would have resulted in an unacceptable landscape and ecological impact. On balance, we consider that the minimised segregation between tracks is the most appropriate approach. The amended plans are acceptable in terms of rights of way, and are therefore in accordance with policies T6, LT20 and the NPPF.

Trees

70. The application indicates that trees shall be retained where possible. It is expected that there will be some trees that need to be felled in order to cater for the development proposed. The Tree Officer has not provided any response to this application, however it is considered that a condition should be imposed detailing any trees to be removed. This is in order to assess their significance, and to consider any bird and bat potential. The amended plans are acceptable in terms of the impact on trees, subject to the imposition of this condition. As such, this application is in accordance with policies T6 and LT20.

Conclusion

71. The proposed amended plans are appropriate in terms of principle, subject to conditions. They would conserve the character and appearance of the site and the surrounding area, and are acceptable in terms of the impact on landscape, archaeology, ecology and trees. The plans would provide 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. The Rights of Way network would be improved as a result of these plans, and any impact in terms of landscape, archaeology, ecology and trees will be appropriately mitigated. The surrounding Conservation Area would be largely unaffected by these plans, and there would be no adverse impact for neighbours. As such, this application is in accordance with policies GSP1, GSP3, GSP4, L1, L2, L3, RT1, T6, LC4, LC5, LC15, LC16, LC17, LC18, LT18, LC20, LT20 and the NPPF.

Human Rights

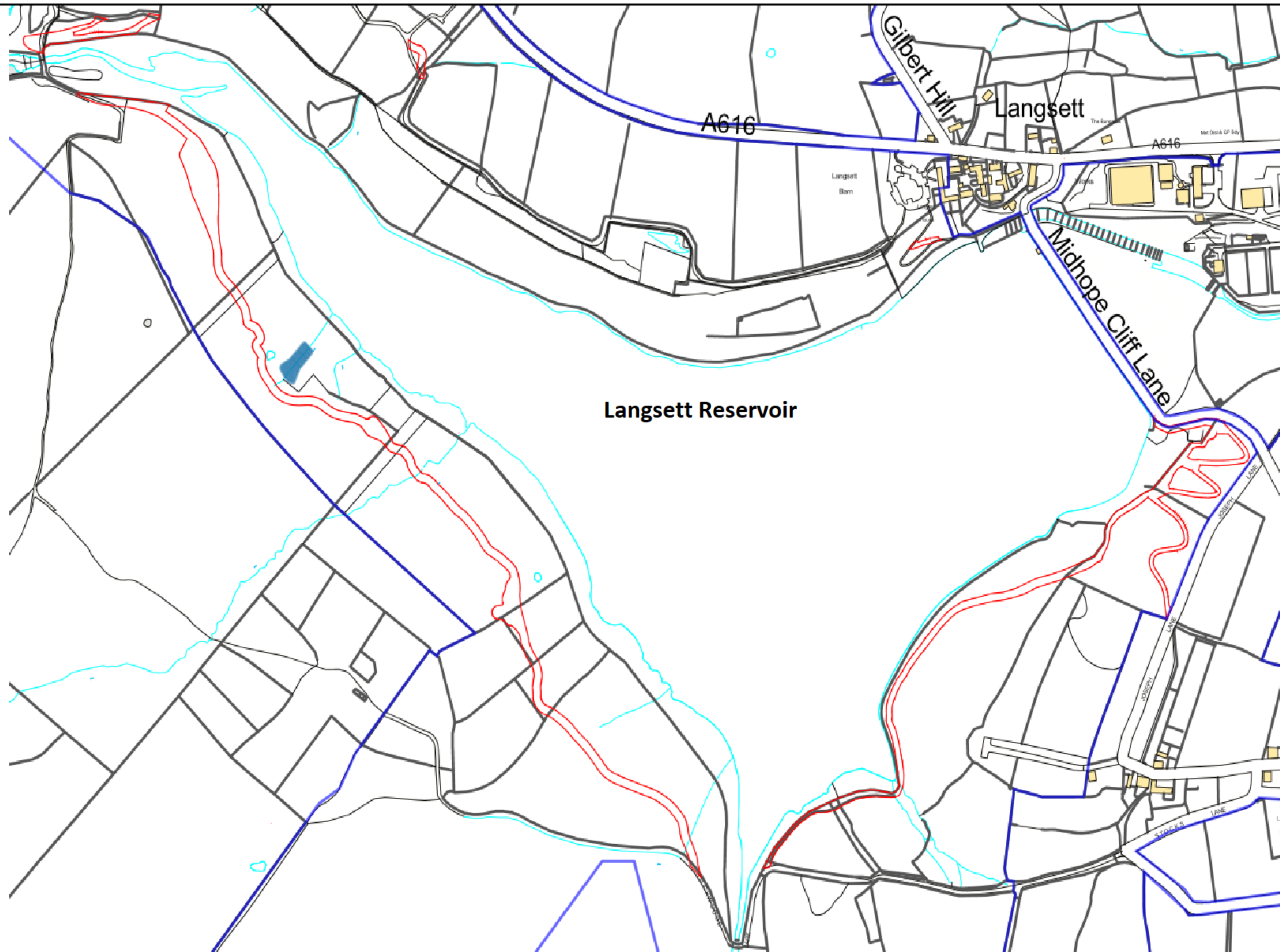
72. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author – Joe Freegard, Planner

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Committee Date: Friday 12th April
 Item Number: Item 6
 Application No: NP/S/0718/0606
 Grid Reference: 421137, 400423

Title: **Land to the south of Langsetts Reservoir**



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7. FULL APPLICATION - ERECTION OF AN AGRICULTURAL WORKERS DWELLING AT HIGHER FORD WETLEY FARM, FORD WETLEY, FORD - (NP/SM/0218/0104 SC)

APPLICANTS : MR & MRS P ALCOCK

Updated Report

1. The application was deferred at the Planning Committee meeting on 12 October 2018. The recommendation was to refuse the application as an essential functional need for a second farm workers dwelling had not been demonstrated and the applicant had not provided sufficient evidence to demonstrate that the construction costs of a new dwelling would be commensurate with the likely sustainable income of the business. Members were broadly supportive of the need for additional accommodation, but were concerned about the size of the proposed dwelling and enquired whether an alternative solution could be found. The possibility of converting the existing barn on site (attached to the main farmhouse) to a dwelling or an ancillary unit of accommodation were discussed. A motion to defer the application to allow for further discussions with the applicant regarding: the size of the dwelling, possible conversion of the existing agricultural barn or creation of ancillary accommodation, and evidence of meeting the financial test was agreed.
2. Since the October Planning Committee meeting, the applicant has provided amended plans showing an amended scale and design of the house, further information about the suitability of converting the barn or constructing an ancillary building and an updated Business Plan that includes financial accounts of the farming business. The purpose of this update to the previous report is therefore to set out the assessment of the new information that has been received.

RECOMMENDATION

That the application be REFUSED for the following reason:

- 1 An essential functional need for a second agricultural workers dwelling on the site has not been demonstrated, contrary to policy HC2 and LC12 of the Development Plan.**

Evidence of Financial Test.

- 3 In terms of the financial justification, evidence has been presented within a revised Business Plan & Report, including Income & Expenditure Projections over 3, 5 & 10 years.
- 4 According to the report and with figures taken from the Central Association of Agricultural Valuers (CAAV), the standard construction costs of the proposed dwelling would be £291,200, with 10% added for groundworks, giving a total cost of around £320,320. The above figures are based on a new build at commercial rates. The agent has stated that the actual cost is likely to be significantly less, due to the clients undertaking a large amount of work themselves. The applicant's daughter's spouse is in the building trade; therefore, the cost of build may be closer to £200,000. The submitted information further sets out that some private funds are available for the new dwelling. However, the report demonstrates that even if this is not the case, the business can sustain the full finance costs of the build.
- 5 The agent concludes that the report and accompanying income and expenditure projections clearly demonstrate the future business is going to be self-funding, viable and sustainable into the future, being both profitable and cash positive. The

business will have no borrowings other than those outlined in this report, which will be used to erect the farm workers dwelling. The figures clearly show that the business is able to service the full finance costs of the new dwelling, although it is likely that the costs will be substantially less, and private monies may be used to save on borrowing costs.

- 6 With regard to this updated information, the application has now demonstrated that the proposal would be commensurate with the likely sustainable income of the new farm business and that the new dwelling would be financially sustainable. Therefore, the application is now considered to comply with the Financial Test requirement of policy HC2. The second reason for refusal has therefore been overcome. This however does not address the conflict with the policies that require there to be an essential functional need before a new dwelling in the open countryside can be acceptable.

Essential Need

- 7 The National Planning Policy Framework establishes at paragraph 79 that there must be an essential need for a rural worker to live at or near their place of work before a new house in an isolated location in the countryside can be allowed. This guidance applies nationally, so it is no less stringent in rural areas outside of the national park than within it. For example, exactly the same requirement for the essential functional need to be demonstrated that is set out in policies HC1 and HC2 of our Core Strategy is also a requirement of policy R2 of the Staffordshire Moorlands Core Strategy.
- 8 As was set out in the report to Planning Committee in October 2018, the submitted information predicts that the farm business will generate a labour demand of almost 3 full time workers. However, not all of these workers would need to be available day and night at little or no notice to deal with emergency situations. A requirement for one or two farm workers to be on site is reasonable and proportionate to the size of the farm business. This need is met by the existing farm house. The agent makes the case that a second farm workers dwelling is needed in order to allow the applicant to reduce his working hours and eventually retire. The daughter, living in the new house would eventually become the main farm worker.
- 9 The applicant is therefore not saying that two key workers houses are needed, simply that the existing farm house will not be used to provide key worker accommodation in the future. Annex A of PPS 7, National Level guidance (which has been superseded but still provides useful background), says that an essential functional need will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved. The farm business needs one dwelling to provide on-site accommodation and this need is met by the existing farm house. The need for a second dwelling arises from the personal circumstances of the family. The long established policy principle, is that need must be proven in order to prevent the unnecessary development of homes in the open countryside and to drive development in more sustainable locations in settlements.
- 10 The issue of personal circumstances at farms was considered in a high-profile appeal decision that has emerged since the October Planning Committee meeting (reference APP/K2420/W/18/3206304, dates 05 November 2018). The application was outside the National Park and was for a second farm workers dwelling (ie a new dwelling in addition to the established farm house) . Whilst the background circumstances were different to those in this case, the key issues were comparable. Additional accommodation was sought to enable a key worker to remain on the site without living in the existing farmhouse. The inspector notes that *“there is a*

residential dwelling on the land, a three-bedroomed detached farmhouse. Currently, the farmhouse is occupied by the appellant's elderly mother who does not wish to move or reside with the appellant, his wife and two grown-up children. On this basis, a residential dwelling already exists on the farm that would provide for the essential needs of the enterprise; albeit not one that would meet the personal needs and wishes of the appellant's family."

- 11 The Inspector went on to conclude that *"The granting of planning permission for the proposal before me, however, would allow for an additional home in the countryside that would be permanent, surplus to the needs of the enterprise, and contrary to the thrust of the development plan and national policies that seek to protect it."*
- 12 The same issues apply to this case. Allowing the application would result in the construction of an additional home in the open countryside which does not have an essential need to be there in order to allow the farm business to continue to provide the land management benefits that it offers.
- 13 There are other options to provide additional accommodation for the family that would be supportable in principle. These are discussed further below.
- 14 The updated report states that the business will own outright Higher Ford Wetley Farm along with its existing range of farm buildings, with 76 Hectares (190 acres) owned and approximately 24 Hectares (60 acres) rented. The enterprises to be undertaken on the farm would be similar to those currently carried out at the farm under the existing partnership. From the updated information, there appears to be no further evidence to support the case than that provided in the October committee report (see paras: 40 - 43 of the original report below) that would indicate there is a functional need for a second agricultural workers dwelling on this site. The essential need for an on-site key worker for the farm business can still be met by the existing farm house and the additional information does not alter our previous view. The application should be refused because an essential functional need for a second farm workers dwelling has not been demonstrated.

Conversion of the existing Agricultural Barn or the erection of an Ancillary Building

- 15 According to the agent, the adjoining building to the farmhouse is currently used for storage and lambing and is essential for this purpose. The information sets out that at lambing time all shed space is used to full capacity, with the building being used for storage of farm equipment for the remainder of the year. The information sets out that the building is needed for agricultural purposes. The agent further states, that the cost of conversion would be too expensive, with the quality of house being much less than the proposed new build, with more expensive running and maintenance costs. As such, the applicant is unwilling to pursue the conversion of the barn as an alternative to constructing a new dwelling.
- 16 The applicant's concerns about converting the barn are acknowledged. However, it remains the case that the barn is a traditional building that would appear to be suitable for conversion. Converting the building would be in line with policy HC1 which supports the conversion of valued vernacular buildings or emerging policy DMH5 which supports the conversion of outbuildings to ancillary dwellings. Converting the barn may not be the most convenient way of providing additional accommodation, but it does appear to be a potential solution to meeting the applicant's accommodation needs. And one that would overcome the conflict with the requirement for an essential functional need for a second farm workers dwelling to be demonstrated, as that need would not be required to be proven in a conversion for ancillary accommodation of a vernacular building.

- 17 With regard to erecting an ancillary building, the agent has made it clear that the current application is for a farm workers dwelling and therefore the applicants do not wish to consider ancillary accommodation, which would have to be tied to the farmhouse. The applicants therefore request that the application be judged against policies HC2 & LC12, as the proposal would be for a farm worker and not ancillary accommodation. The applicant is unwilling at this time to pursue an ancillary dwelling as an alternative to the proposed new farm workers dwelling.

Amended Siting, Scale & Design of the proposed Agricultural Workers Dwelling

- 18 In terms of siting, the orientation of the proposed dwelling has slightly altered. The reduced footprint is largely in the same location but the architectural frontage of the dwelling would now face south. In terms of scale and form, the proposed dwelling has been altered from a predominantly L-Shaped footprint to a rectangular footprint. The building's footprint would now have a measurement of approximately 103 square metres (Previously 139 sqm.) with an overall floor area (over two floors) of around 182 square metres (Previously 228 sqm).
- 19 The amended design would still be based on a traditional appearance and constructed in natural materials; stone for the walling, set under a blue tiled roof, with timber windows and doors. Internally, it would comprise a kitchen/dining room, a lounge area, with a utility and wet room at ground floor. A staircase would lead to four bedrooms (one with en-suite) and family bathroom at first floor.
- 20 The amended plans show external offset chimneystacks, which are not a traditional feature in the National Park and look at odds with the simple design of the dwelling. In addition, the set of French doors on the front elevation are an inappropriate insertion and display a lack symmetry in the elevation. The amended plans also show that the garden curtilage would be bounded with a post and rail fence, whereas the Authority's Landscape Architect had identified that drystone walling would be a more appropriate treatment.
- 21 The design of the proposed dwelling could be amended by planning conditions. This however does not overcome the conflict with the policies that require there to be an essential functional need before a new dwelling in the open countryside can be considered acceptable.

Conclusion

- 22 Whilst the financial test has been addressed, and the revised scale and design of the dwelling is acceptable, there still remains the main issue that the scale of the farm business does not justify an essential need for a second permanent farm workers dwelling on the farm. The development therefore remains contrary to policies HC2 and LC12. We have encouraged the applicant to consider alternative ways of meeting the need for extra living space through the conversion of the existing barn or through an annex to the main house, but these suggestions have not been taken up. It is therefore recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil

Appendix 1 attached – Report from October 2018 Planning Committee

Report Author – Steve Coombes, Planner

Appendix 1

Full Report to October 2018 Planning Committee Below:

Site and Surroundings

1. Higher Ford Wetley Farm is a working farmstead located approximately 0.8km to the west of Ford village. The site comprises a traditional longhouse with attached Shippon, with a mix of smaller traditional buildings and some modern portal outbuildings, which are mainly sited to the south west of the farmhouse. The main access to the farm is via a long single track off Penthills Lane. There is also a secondary access provided to the north of the farm from Ford village. The nearest neighbouring dwelling is Ford Wetley Cottage sited around 300m to the northeast of the farm. A public right of way edges around the north of the farm and then continues through the farmyard at its western edge before joining the farm access track towards Penthills Lane.

Proposal

2. Full planning permission is sought for the construction of a two storey, four bedroomed Agricultural Workers Dwelling, constructed from natural gritstone under a Staffordshire Blue tiled roof, with timber windows and doors. The dwelling would have an L shaped floor layout, comprising kitchen, dining/sitting room and lounge area, with a cloakroom, utility and wet room at ground floor. A staircase would lead to four bedrooms and family bathroom at first floor. The proposed new farmhouse would be sited to the south west of the main farmhouse and farm buildings and would be served by an existing and adjacent farm track. The dwelling would propose two parking spaces to the side with a private amenity area to the front and side, defined by a new drystone wall. There is already a farmhouse at the farm so the proposed dwelling would be a second agricultural workers dwelling.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

2. **The applicant has not provided sufficient evidence that there is a functional need for a second agricultural workers dwelling on the site, contrary to policy HC2 and LC12 of the Development Plan.**
3. **The applicant has not provided sufficient evidence that the construction costs of a new dwelling would be commensurate with the established functional requirement and likely sustainable income of the business, contrary to policies HC2 and LC12 of the Development Plan.**

Key Issues

4. Whether there is sufficient justification for a new house in the open countryside for a key worker in agriculture.

5. Whether the proposed development would conserve the valued characteristics of the area and the National Park more widely.
6. Whether the proposal is acceptable in regard to highway issues, impact on amenity of nearby local residents & environmental measures.

Relevant Planning History

2018 - Pre-application enquiry regarding the conversion of a redundant barn to residential use or a new build for rural workers dwelling within the farmyard - Advice provided setting out the barn conversion would be unlikely to be supported and that any application for a new build farm workers dwelling should be accompanied by an agricultural appraisal and the functional and financial tests would need to be addressed.

2009 - (NP/GDO/0309/0222) - GDO Notification - Erection of 3 bay portal-framed unit with central bay open fronted to allow loader access - Granted.

Consultations

7. Highway Authority - No response to date.
8. Parish Council - *'Approves the application on the grounds of business need and the unobtrusive location of the dwelling within the landscape'*.
9. PDNPA Landscape - The submitted Landscape & Visual Impact Assessment (LVA) is satisfactory for the size of the proposal, but needs a detailed planting scheme.
10. PDNPA Archaeology - No known historic or archaeological features are on the site of the proposed dwelling. Therefore, no archaeological mitigations would be required.

Representations

11. No third party representations have been made.

Main Policies

12. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, HC2, L1
13. Relevant Local Plan policies: LC4, LC12, LT11, LT18, LT20

National Policy

14. 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.

15. The National Planning Policy Framework (NPPF) has been revised (Published July 24 July 2018). 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, 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.

Main Development Plan Policies

16. Policy HC1(B) of the Core Strategy (CS) allows for new residential development where it provides for key workers in agriculture, forestry or other rural enterprises in accordance with CS Policy HC2, which says:
 17. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
 18. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
 19. It will be tied to the land holding or rural enterprise for which it is declared to be needed.
20. The above policies are consistent with the National Planning Policy Framework (NPPF), which says at Paragraph 79, that planning policies and decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply, including when there is an essential need for a rural workers, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside. Local Plan (LP) Policy LC12 provides further criteria to assess the acceptability of new farm worker's dwellings.
21. In this case, LP Policy LC12 asserts, that the need for a new agricultural or forestry worker's dwelling will be considered against the needs of the farm or forestry business concerned and not the personal preferences or circumstances of any individuals involved. Development will be permitted provided that:
 22. a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
 23. there is no suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker(s) concerned; and
 24. size and construction costs are commensurate with the established functional requirement and likely sustainable income of the business; and
 25. it is close to the main group of existing buildings and does not require obtrusive new access tracks or driveways; and
 26. a satisfactory mechanism is put in place to secure long term control by the business of the dwelling in question and of any other dwelling that meets an agricultural need of the business; and
 27. occupancy of the dwelling in question (and of any other dwelling that meets an agricultural need of the business) is restricted to persons solely or mainly working in the locality in agriculture or in forestry, or to the same occupants when they have stopped such work, or a widow or widower of such a person, and any resident dependents; and

28. stated intentions to engage in or further develop farming or forestry are genuine, reasonably likely to happen and capable of being sustained for a reasonable period. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation; and
29. sufficient detail is provided to enable proper consideration of these matters.
30. These policies are supported by a wider range of design and conservation policies, listed below.

Wider Policy Context

31. CS Policy GSP1 states, that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.
32. CS Policy GSP2 says, that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.
33. CS Policy GSP3 is relevant, because it sets out detailed criteria for judging the impacts of new development on the valued characteristics of the National Park, and should be used to achieve the sensitive management of new development.
34. CS Policy L1 says, that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.
35. CS Policy CC1 and the associated supplementary planning document on Climate Change and Sustainable Development, encourage incorporating energy saving measures and renewable energy into new development.
36. LP Policy LC4 considers design, layout and landscaping and points out that particular attention will be paid to scale, form, mass and orientation in relation to existing buildings.
37. LP Policy LT11 and LT18, require development to be provided with appropriate access and parking provision that would not harm the environmental quality of the National Park.
38. LP Policy 20, states, that where a proposal affects a public right of way, either the definitive line of the public right of way should be retained or, in exceptional circumstances, where retention of the definitive line is not possible, the developer will be required to provide an alternative route.
39. Further guidance is offered in the Authority's Supplementary Planning Documents on Design.

Assessment

40. According to the agent, the existing agricultural business is run as a farming partnership, comprising of the applicant and his brother who jointly farm two holdings, the application site at Higher Ford Wetley Farm and the neighbouring holding Stoop Farm. Both the

brothers are now over 60 and have families who wish to continue farming. The decision is therefore being made to split the farms to allow the respective families to run independent businesses. It is proposed to split the existing land and stock on a 50/50 basis between the applicant and his brother, with the applicant retaining approximately 60 hectares (149 acres), with a further 40 hectares (100 acres) of rented land. The applicant who is now 69 is no longer in a position to be a key worker and is therefore looking to retire. In this case, the new dwelling at Higher Ford Wetley Farm would be for the applicant's daughter and her partner, who would become the key workers at the farm. The applicant would remain in the existing farmhouse.

Key issue 1 - Whether there is an agricultural justification for the proposed development.

41. In assessing the principle of this proposal, the key policies are CS Policies HC1 (B), HC2 and LP Policy LC12. These policies indicate that new housing for key workers in agriculture must be justified by functional and financial tests. In addition, any subsequent agricultural worker's dwelling must also be tied to the land holding or rural enterprise for which it is declared to be needed.
42. Functional test
43. The application presents the case that the applicant (the long-serving farmer on the site) is looking to reduce his working hours and eventually retire. At present therefore, it is necessary for the main farmhouse to be occupied by the farmer and his wife and that a further dwelling would be needed for their daughter and her partner to work on and manage the farm. The submitted and updated Agricultural Business Appraisal states, that the new farm business would farm approximately 100 Hectares (250 acres) and that the current labour requirement for the existing business (over the two farms) is calculated as 4.25 fulltime workers. The anticipated labour requirement for the new stand-alone business enterprise at Higher Ford Wetley Farm is considered equivalent to 2.97 full time farm workers.
44. Whilst the appraisal demonstrates a significant workload in terms of person-hours, it is considered that the new business would not justify a need for a second dwelling on the farm, particularly as the applicants and their daughter (who appears to be part of the wider work force) already live on site in the existing farmhouse. It is important to make a distinction between the total labour demand of a farm business and the demand for workers who need to live on site. In other words, not all the workers in a farm business have an essential functional need to live on site. It does seem reasonable given the proposed scale of the new farm business to need one or two on site key workers, however as stated above, this need is already met by the existing farmhouse. Justifying a new home in the open countryside depends on essential functional need of the business and not on personal circumstances. Whilst the applicant's intentions to retire from the business are acknowledged, the assessment fails to demonstrate a clear and convincing argument for an essential functional need for a second dwelling on the farm. It is considered that the land management benefits of the farm business are provided for by the existing dwelling and there would be no further benefit to the special qualities of the National Park from permitting a second farm workers dwelling in this instance.
45. Financial Test
46. In terms of the financial justification, evidence has been presented in the submitted Planning Statement as to why the applicant considers it unnecessary to provide information as set out in the criteria in the Local Plan, stating primarily, that there is no requirement for a financial viability test for rural workers dwellings under the NPPF. There is however a requirement both in the Authority's Core Strategy and Local Plan Policies for the financial tests to be passed and whilst farming at Higher Ford may be part of a well-established rural business, it is considered (in terms of financial viability of

the proposed new business), trading accounts for the farms overall should be provided for the past three years in support of the application. Officers could then assess whether or not the new farming business would be considered both profitable and sustainable. In addition, government policy advises that any new dwelling should be commensurate with the needs of the enterprise and should not reflect the personal preferences or circumstances of the applicant. The enterprise should also be capable of sustaining the dwelling in financial terms i.e. cover capital costs as well as ongoing maintenance.

47. In this case, there has been no evidence provided of the construction costs for the proposed dwelling and because of the lack of financial evidence, it has not been possible to establish whether the proposal would be commensurate with the likely sustainable income of the new farm business. It is not possible therefore to be satisfied that the proposed dwelling is proportional to the need and profitability of the business and that the new dwelling would be sustainable. Therefore the application fails to comply with the requirements of policies CS Policy HC2 and LC Policy LC12.

Alternative accommodation in the locality

48. Policy also sets out that new homes for agricultural workers will only be permitted if there is a proven need that cannot be met in a nearby settlement. Whilst this has been briefly addressed in the Agricultural Business Appraisal, there is no clear evidence in the form of supporting evidence, such as estate agent listings including distances from the farm. The submitted information is trying to demonstrate that no existing accommodation is affordable in the locality which could reasonably meet their daughters housing need. In the absence of any precise evidence, it is possible that there may be properties that would functionally meet the need for a worker to be available at very short notice on the farm day or night at a reasonable distance from the farm. Moreover, if the applicant is seeking to reduce his working hours with the intention of retiring, then it would appear possible to look for such a property and for the applicant's daughter to stay in the existing farmhouse from where she and her partner could more routinely manage the holding and meet the functional need as indicated in Local Plan Policy LC12 (iii).
49. Additionally, it does appear that there are opportunities either through the conversion of existing buildings or appropriate extension to the existing farm house to provide additional ancillary accommodation in a manner that would be compliant with the Authority's policies. This would allow opportunity to provide accommodation that would allow the applicant to remain at the site and for the family members to also continue to live at the site as part of a single household. These opportunities do not appear to have been considered.
50. Officers are sympathetic to the difficulties of succession planning at farms. Farming is a way of life as well as a business and anecdotally we know that it can be very difficult to leave farm holdings or to fully retire from farming. In this case, it is considered that the proposal is not the right solution to the retirement and succession planning needs at this holding. Emerging policy DMH 5 sets out that conversions of outbuildings and new build ancillary accommodation where no suitable outbuildings exist are supported as follows:

DMH5: The conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that:

- a. it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of the property at a later date through demand for further outbuildings; and*
- b. the site can meet the parking and access requirements of the proposed development; and*
- c. the new accommodation provided would remain within the curtilage of the main house, accessed via the same access route, sharing services and utilities, and remain under the control of the occupier of the main dwelling, or*

B. Where no buildings are suitable for conversion, a new build ancillary dwelling unit can be accommodated in such a way that it:

- d. is within the existing building group; and
- e. is subsidiary in physical size to the main house; and
- f. is of an appropriate design and materials that complement the existing building group; and
- g. is able to be located in such a way that any heritage significance of the existing building group is conserved or enhanced by the new building; and
- h. is able to be located in such a way that the wider landscape setting of the building group is conserved or enhanced by the new building; and
- i. does not require new access points and tracks from highway to building or new services and utilities infrastructure; and
- j. can be contained within a single planning unit by condition

For proposals under A or B, where it is not possible to secure its ancillary status in perpetuity by planning conditions, the ancillary accommodation will be tied to the main dwelling by way of section 106 agreement.

51. It is considered that this type of need in these circumstances would be better met by an application for ancillary accommodation under this policy. This meets the needs of this applicant (as it would other applicant's in similar circumstances) but would ensure that development that takes place in the National Park is of an appropriate scale, nature and type to protect the special qualities of the National Park particularly in locations outside of settlements. Any ancillary development under this policy could be flexibly used to accommodate the retiring farmer or the daughter and her partner, and that would be a decision for the family to make and could be swapped at any point in future to reflect changing needs of the wider family without any change being needed in planning terms. Ancillary development under this emerging policy would not be subject to the agricultural functional and financial needs test.

Key Issue 2 - Whether the proposed development would conserve the valued characteristics of the area and the National Park more widely.

52. Siting, Design & associated curtilage of the new dwelling.

53. Development Plan Policies require in respect of the siting of any new agricultural dwellings that they should be located close to the main farm complex and should not require obtrusive new access tracks or driveways. Following a pre-application site meeting, it was considered that the proposed siting was the most suitable location for the new dwelling as it would be positioned within a natural hollow in the field and closely associated with the farm, being immediately to the south west of the complex of modern agricultural buildings and adjacent to the existing access track to the farm. In addition, the general design and materials of the proposed dwelling would reflect the local vernacular of traditional buildings in the locality.

54. The orientation of the dwelling would be that the architectural frontage would face southwest and be set back from the farm track to as to afford a garden area, including parking and manoeuvring, which is considered a relatively modest curtilage for the dwelling. The new dwelling and associated curtilage would be bounded by drystone walling. As stated, the proposed design of the dwelling is based on a traditional appearance having an L shaped form and constructed in natural materials; stone for the walling, set under a blue tiled roof, with timber windows and doors. The building's footprint would have a measurement of approximately 139 square metres with an overall floor area (over two floors) of around 228 square metres, so it is a substantially sized dwelling. Internally, it would comprise a kitchen, dining/sitting room and lounge area, with a cloakroom, utility and wet room at ground floor. A staircase would lead to four bedrooms and family bathroom at first floor. Overall, this dwelling is considered to be a sympathetic scheme in siting and design terms, therefore complies with the requirements

of CS Policy GSP3, and LP Policies LC4, LT11 & LT18 in these respects. This however does not outweigh the conflict with the policies that require there to be an essential need before a new dwelling in the open countryside can be considered acceptable.

55. Impact of the development on the locality and the wider landscape setting

56. In terms of the Authority's Landscape Character Assessment, the development site lies within the upland pastures of the South West Peak, which is characterised by an undulating landscape with dispersed gritstone farmsteads and permanent pasture of various shaped small to medium sized fields enclosed by gritstone walls and some thorn hedgerow. In this instance, the siting of the proposed building would take advantage of a natural hollow in the field and would be screened somewhat by intervening tree cover and the prevailing distance from the main road network. However there is a Public Right of Way (PRoW) running through the site, which would have to be addressed by the applicant, which in policy terms the path should be of equal or better quality than the original and available before the definitive route is affected. In landscape terms the Authority's Landscape Architect has no immediate concerns with the suggested planting mitigation, however, considers that a more detailed planting scheme would be needed to address more deciduous species being used and any trees affected to be addressed. These issues could be conditioned accordingly should the application be considered for approval.

57. Consequently, the proposal is considered a sympathetic scheme in landscape terms and complies with the requirements of development plan policies, subject to agreeing a more appropriate landscape mitigation scheme. Again, however, the fact that the proposal is broadly acceptable in this respect does not outweigh the conflict with the policies that require there to be an essential need before a new dwelling in the open countryside can be considered acceptable.

Key Issue 3 - Potential impact on highway safety and amenity of neighbouring dwellings

58. Potential impact on the amenity of local residents

59. Policy requires that new development should not have an adverse impact on the amenity of nearby dwellings. In this case the nearest neighbouring dwellings are located over 300m to the north east of the farm complex and therefore are far enough away as not to be harmed by the development. Regarding this, it is considered the proposal generally accords with CS Policy GSP3 and Local Plan Policy LC4.

60. Access and potential impact on the local highway

61. Policies within the Development Plan requires that new development should provide appropriate parking provision and safe access. In this instance, the proposed access to the application site would be from an existing farm track, with the scheme providing two parking spaces with ample manoeuvring space. The Local Highway Authority have not commented, however, it is considered unlikely there would be any significant increase in traffic movements over and above those that could be reasonably generated by the current use of the access. In addition, there appears to be sufficient space within the site curtilage to provide an adequate level of on-site parking and turning. Consequently, the proposal is considered acceptable in highway safety terms in accord with LP Policies LT11 & LT18 in these respects.

Other Issues

62. Environmental Management

63. CS Policy CC1 states, that development must make the most efficient and sustainable use of land, building and resources and take account of the energy hierarchy, achieve the highest standard possible for carbon reductions, and achieve the highest possible standards of water efficiency. In this case, no specific energy measures have been submitted; however, the proposal will be obliged to comply with current energy conservation requirements under building regulations. In this case, it is considered that due to the topography of the surrounding land that there may be scope for environmental measures. Had the proposal been considered acceptable in principle, the applicant would have been requested to provide details of renewable energy generation measures.

Conclusion

64. It is considered the scheme fails to satisfy the financial and functional tests in CS Policy HC2 and LP Policy LC12. It has not been demonstrated that there is an essential functional need for a second farm workers dwelling for the agricultural business and the proposal therefore amounts to a new dwelling in the open countryside for which there is no justification. The needs of the family and business for succession planning can be met in a different way with ancillary accommodation that would be less harmful to the special characteristics of the National Park.

Human Rights

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

66. List of Background Papers (not previously published)

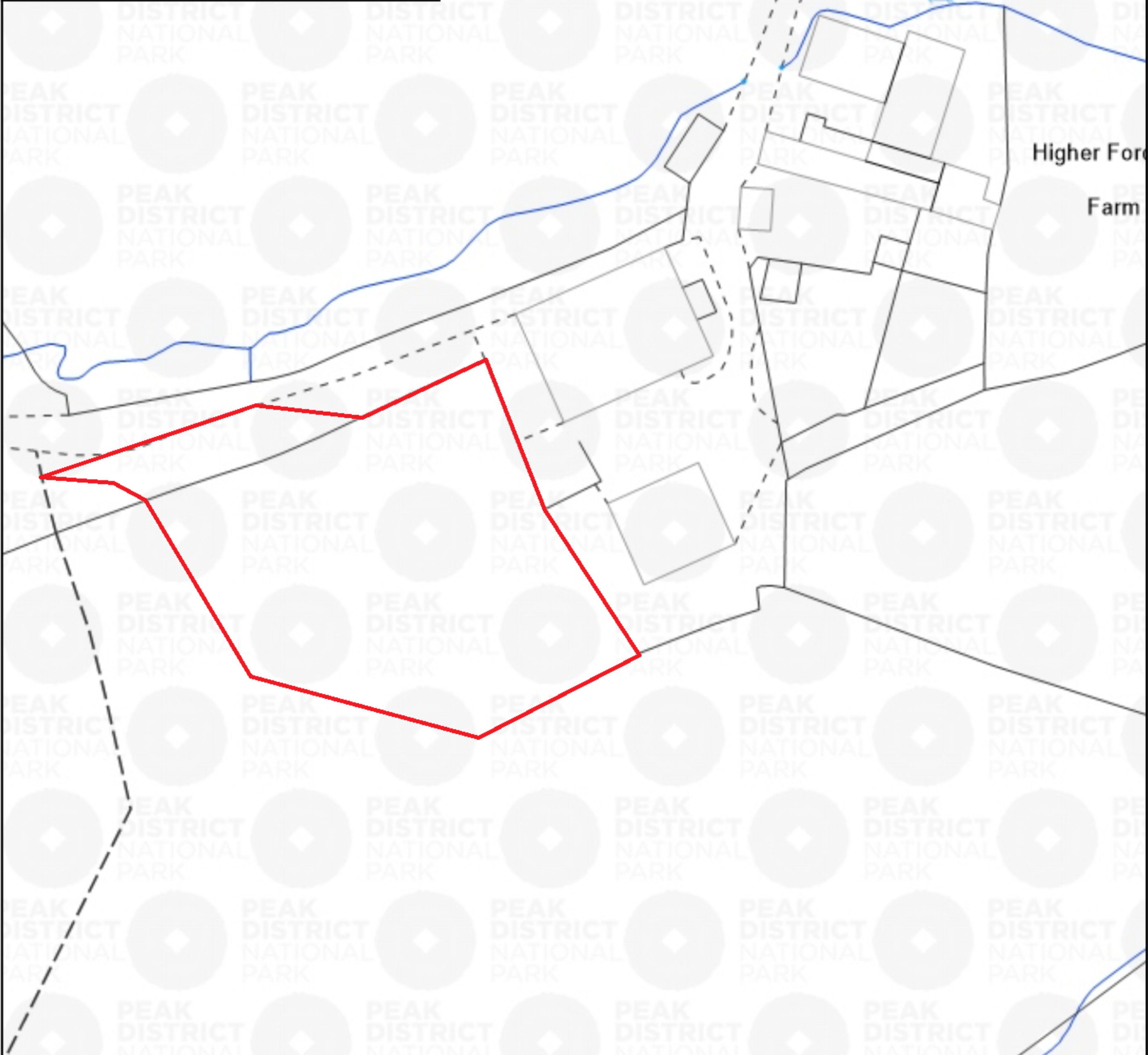
67. Nil

Report Author – Steve Coombes, Planner

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1:1000



Higher Ford
Farm

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Committee Date: Item Number: Application No: Grid Reference:	Friday 12th April Item 7 NP/SM/0218/0104 405603, 353838	Title: Higher Ford Wetley Farm Ford Wetley Ford	 PEAK DISTRICT NATIONAL PARK
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8 FULL APPLICATION - EXTENSION TO PROVIDE TOILET AND ALTERATIONS TO PORCH TO CREATE DISABLED ACCESS – HOLY TRINITY CHURCH, EDALE (NP/HPK/1218/1208 DH)

APPLICANT: REVD DR SIMON COCKSEGE

Site and Surroundings

1. Holy Trinity Church stands off the west side of the unnamed road from Edale Station up to Grindsbrook, in Edale village. The church is set back from the road by approximately 25m; the village war memorial, also Grade II listed, stands directly to the east side of the church.
2. The church was Grade II listed on 24 September 1984. It dates from 1885 with the spire being added in 1889. It is constructed from coursed, squared gritstone. The timber framed south porch was part of the original architect's design but is distinct from the main body of the church due to its design and materials.
3. The nearest neighbouring residential properties are Mam Tor House to the north, Newlands to the west, and Church Cottage, which is Grade II listed to the south.

Proposal

4. The application is to alter and extend the south porch of the church to create a toilet with disabled access and provide doors to the porch. The proposals include alterations to the paths which relate to the south door of the Church.

RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **The proposed development would harm the significance of the Grade II listed Holy Trinity Church contrary to Core Strategy policies GSP3 and L3, Saved Local Plan policies LC4, LC5 and LC6 and Emerging Development Management Policies DMC3, DMC7 and DMC8. The public benefits arising from the development would not outweigh this harm and therefore the proposed development is also contrary to the National Planning Policy Framework.**

Key Issues

- Impact upon the Grade II listed building and the designated Edale conservation area.
- Impact upon the amenity of the area and neighbouring properties.

History

5. 1991 - NP/HPK/0791/086 - Extension to provide kitchen and toilets refused.
6. 1992 - NP/HPK/1191/145 - Extension to church to provide kitchen and toilet facilities, granted subject to conditions.
7. 2006 - NP/HPK/0106/0029 - Re-levelling paths & provision of handrails to ease disabled access to existing place of worship, granted subject to conditions.
8. 2016 - NP/HPK/0116/0039 - Provision of disabled access to church garden from existing path with siting of five benches within the church garden area, granted subject to conditions.

9. 2018 - NP/HPK/1217/1280 - Listed Building consent application for full disabled access and toilet facilities. A small extension (west of the porch) housing the toilet, a ramp in the porch to improve access, glass doors to the porch to make the porch an inside space reducing heat loss. Roof tiles to match the recently-replaced main church roof. Application withdrawn.
10. 2018 - NP/HPK/0118/0010 - Planning application for full disabled access and toilet facilities. A small extension (west of the porch) to house the toilet, a ramp in the porch to improve access, glass doors to the porch to make the porch an inside space reducing heat loss. Roof tiles to match the recently-replaced main church roof. Application withdrawn.
11. Extensive advice was given by officers prior to the submission of this application several options were considered and discussed at length to accommodate a new toilet and disabled access to the Church. The Authority's officers recommended that a new porch off the north elevation would be the least harmful solution.

Consultations

12. Derbyshire County Council (Highway Authority): No highway objections.
13. High Peak Borough Council: No response to date.
14. Edale Parish Council: Support.
15. Historic England (Derbyshire): Do not wish to offer any comment.
16. Amenity Societies: No response to date.
17. PDNPA Conservation Officer: I am unable to recommend approval of this proposal on the grounds that the proposal does not represent the least harmful option, and causes demonstrable harm to the heritage asset.
18. PDNPA Senior Archaeologist: There is little potential for below ground archaeological remains at the site, however, the changes to the south porch will result in changes to and loss of historic fabric, and to the architecture and deliberate symmetrical design of this part of the building. This would result in harm to the significance of the listed building, but the scale of this harm is less than substantial. This harm would affect the building's historic and architectural interest. Therefore, *should* this harm be considered justified with respect to the balance of public benefit, then I recommend that this harm is mitigated by a targeted programme of building recording to ensure that a record is made of this area of the church before the alteration and changes to its historic fabric and designed aesthetic are made.

Representations

19. During the consultation period, the Authority has not received any formal representations regarding the proposed development.
20. The results of a public consultation carried out by the applicant of 35 people (12.5% of the adult population of Edale) and the children attending the village school have been provided with the application. The consultation indicates that there is public support, and the desirability of an internally accessible toilet.

Legislation

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

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.

22. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Guidance tells us that ‘preserving’ in this context means preserving from harm.

23. Section 66 also sets out that special regard must be had to the desirability of preserving the setting of listed buildings. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Section 73 places a general duty upon decision makers that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Main Policies

24. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, HC4 & RT1

25. Relevant Local Plan policies: LC4, LC5, LC6, LC15 and LC16

National Planning Policy Framework

26. The National Planning Policy Framework (NPPF): The NPPF 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.

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

28. NPPF Para 133 sets out a strong presumption against substantial harm. It says that 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 loss is necessary to achieve substantial public

- benefits that outweigh that harm or loss.
29. 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.'*
 30. NPPF Para 133 sets out a strong presumption against substantial harm. It says that 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
 31. NPPF Para 134 deals with balancing harm. It says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
 32. Part 16 of the NPPF relates to conserving and enhancing the historic environment. When considering potential impacts of proposals on the significance of a designated heritage asset great weight should be given to the assets conservation, irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm.
 33. Paragraph 193 states, "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." Paragraph 194 states that any harm should require clear and convincing justification. Paragraph 196 states that where the harm to the significance of the asset is less than substantial, the harm should be weighed against the public benefits of the proposal.
 34. 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: (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).
 35. Part 8, paragraph 92 states that policies and decisions should (a) plan positively for the provision and use of community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship), and (d) ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community.
 36. Part 12 states that good design is a key aspect of sustainable development; planning policies should ensure that developments are sympathetic to local character and history, while not preventing innovative design.

Peak District National Park Authority Development Plan

37. Core Strategy policy L1 states that development must conserve and enhance valued characteristics of the National Park. Core Strategy Policy L3 deals with cultural heritage assets of historic significance, and states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.
38. Core Strategy policy HC4 states that the provision or improvement of community facilities and services will be encouraged within named settlements. It states that proposals must demonstrate evidence of community need.
39. Saved Local Plan policy LC5 deals with applications for development or works which are within designated Conservation Areas, it states that consideration should be given to (i) the form and layout of the area and views into and out of the site; (ii) the scale, height, form and massing of the proposal and existing buildings to which it relates; (iii) locally distinctive design details including traditional frontage patterns, and (iv) the nature and quality of proposed building materials.
40. Saved Local Plan policy LC6 relates to listed buildings and how these will be preserved and where possible enhanced, applications should demonstrate why the proposed works are desirable or necessary. Works which adversely affect the character, scale, proportion, design, detailing of, or materials used, or which would result in loss or irreversible change to original features will not be permitted.
41. LC6 (d) states that In particular, development will not be permitted if it would directly, indirectly or cumulatively lead to:
 - i. changes to plan form which involve removal of original walls, stairs, or entrances, or sub-division of large interior spaces; or
 - ii. removal, alteration or unnecessary replacement of structural elements including roof structures, beams and floors; or
 - iii. the removal, alteration or unnecessary replacement of features such as windows, doors, shutters, fire surrounds and plasterwork; or
 - iv. the loss of curtilage features which complement the character and appearance of the listed building (e.g. boundary walls, railings or gates); or
 - v. the replacement of original features other than with original materials and with appropriate techniques; or
 - vi. repairs or alterations involving materials, techniques and detailing inappropriate to the listed building; or
 - vii. extensions to the front of listed buildings.
42. Saved Local Plan policies LC15 & LC16 give detailed policy guidance in relation to archaeology and to historic and cultural heritage sites and features.
43. The above policies are also supported by the wider range of design and landscape conservation policies in the Development Plan including GSP1, GSP2 and GSP3 of the Core Strategy and LC4 of the Local Plan, which require a high standard of design that is sensitive to the locally distinctive character of the landscape setting, with particular attention paid to the proposals impact on the character and setting of buildings, the character and appearance of the National Park siting, landscaping and materials.

Supplementary Guidance

44. The Authority has a Supplementary Planning Document (SPD) for extensions and alterations to existing buildings. It 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.
45. The Edale Conservation Area appraisal was adopted in 2005 and is a relevant material consideration. The appraisal says that *'At Grindsbrook the listed church of the Holy and Undivided Trinity is an austere building that is the dominant building on entering the village. Although the present day church was built in 1885, across the road lies the site of the original church and cemetery dating back to 1633. An ancient sundial survives in the grounds where by the 1790s the first chapel was documented as being already decayed and too small for the congregation. In 1812 it was replaced on the same site with a plain building that was more like a barn in appearance. In 1885 it was demolished when the present day church was built. The Vicarage appears to be of a similar age and was presumably rebuilt at much the same time as the Church.'*

Emerging Development Management Policy

46. The Authority has reached an advanced stage in the production of Development Management Policies. We consider 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.
47. Policies DMC3, DMC7 and DMC8 are relevant and reflect the current policy approach of seeking a high standard of design which conserves and enhances the significance of the National Park and its cultural heritage.

Assessment

48. The proposed works do not require Listed Building Consent (LBC) as the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010 applies to listed church buildings belonging to specified religious orders in England.
49. Development for the benefit of community facilities are considered acceptable in principle, as are extensions to existing buildings. National policy 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 irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm should require clear and convincing justification, and the harm should be weighed against the public benefits of the proposal. The Authority's conservation policies are in line with national policy.
50. Officers understand the desirability of having a new internally accessed toilet; there is little scope to provide this facility within the existing building. Prior to the submission of this application several options were considered and discussed at length. Officers recommended that a new porch off the north elevation would be the least harmful solution.
51. The proposed extension is to the existing south porch which is part of the original footprint, but is distinct from the main body of the Church due to its design and materials. The main building is constructed from gritstone, the south porch is an open fronted timber framed structure with a symmetrical form.
52. The proposed extension would be off the west side of the porch, set back from the front of the porch by 300mm. As a result of the design, the porch would lose its symmetry. It would

also impact on the natural light to the entrance to the Church having an adverse effect on the character. It is proposed to introduce lights to the interior where currently there are none, also affecting character in a negative way. Although the design proposed has been amended to be sited in front of the buttress, it would still protrude beyond the west wall of the church, and therefore does not fit well into the corner. The historic fabric of the framing and glazing of the porch's west wall would be lost along with part of the base walling to create the full height door. This aspect of the proposal would be significantly harmful to the architecture and aesthetics of the church, contrary to policies L3, and LC6.

53. The proposal includes enclosing the porch with the introduction of doors to improve the thermal efficiency of the church. Officers advised that this positive aim could be achieved in a way which would minimise the harm to the fabric of the building. The porch should be enclosed in as lightweight a fashion as possible, with frameless glazed doors to minimise the impact on the existing porch design. If this was not possible for some reason then the porch should remain open fronted. The submitted plans show the doors to the porch are plain glazed but with frames over 100mm thick. Therefore, although the doors proposed are recessed, the thickness of the frames means that they would be visible and very apparent and would alter the aesthetics of the entrance. The proposed doors would harm the character and appearance of the porch, contrary to policies L3 and LC6.
54. The re-grading of the pathways to create ramped access to the south porch and landscaping proposals have little potential for disturbing below ground archaeological remains. The paths are already tarmac, however the proposed edging material is a reconstituted stone product which is considered inappropriate in this setting and would need to be replaced by natural stone. The plans also show the creation of a blue clay brick level area in front of the porch entrance which would introduce an inappropriate material into the setting which would contrast sharply with the stone paving in the porch. It is considered that the use of clay bricks be omitted in favour of natural York-stone. With the aforementioned changes which can be covered by planning conditions, this aspect of the proposal would have a minimal impact.
55. The NPPF requires that when considering potential impacts of proposals on the significance of a designated heritage asset great weight should be given to the assets conservation, irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm. The harm should be weighed against the public benefits.
56. The proposed new toilet is intended to provide disabled access, however, the internal footprint is just 1.6m by 2.3m. The Access Guide specification for a fully wheelchair accessible facility requires turning circle of 1500mm; this information was sent to the applicant via email prior to the submission of the application. It is very questionable whether the turning circle can be achieved when grab rails and fittings are installed within the space provided, and there is certainly not room for the new toilet to be equipped as a changing place for adults who are more profoundly disabled.
57. In this instance there are public toilets in the vicinity, in the Moorland Visitor Centre approximately 125m to the south of the Church and in the public car park approximately 400m to the south. The facilities at the Visitor Centre are fully accessible to visitors with disabilities, including wheelchair users and there is disabled parking on site. There is an existing toilet in the vestry of the Church.
58. Since there are public toilets in the vicinity which are wheelchair accessible, this is not considered to justify the harm that the proposed extension to the south porch would cause. Nor does it demonstrate that the public benefit would outweigh the harm the proposals would cause to the building.
59. Officers consider that an extension to the north could be accommodated with less harm to the building and its special qualities, and that would be large enough to accommodate a

changing place accessible facility. This would have considerable public benefit (set against less harm) as no other facilities of that nature exist in the National Park. While the applicant considers that an extension on the south side as proposed would be easier and less costly, the ease and cost of development are not material considerations to the planning decision, or public benefits and cannot be weighed against harm.

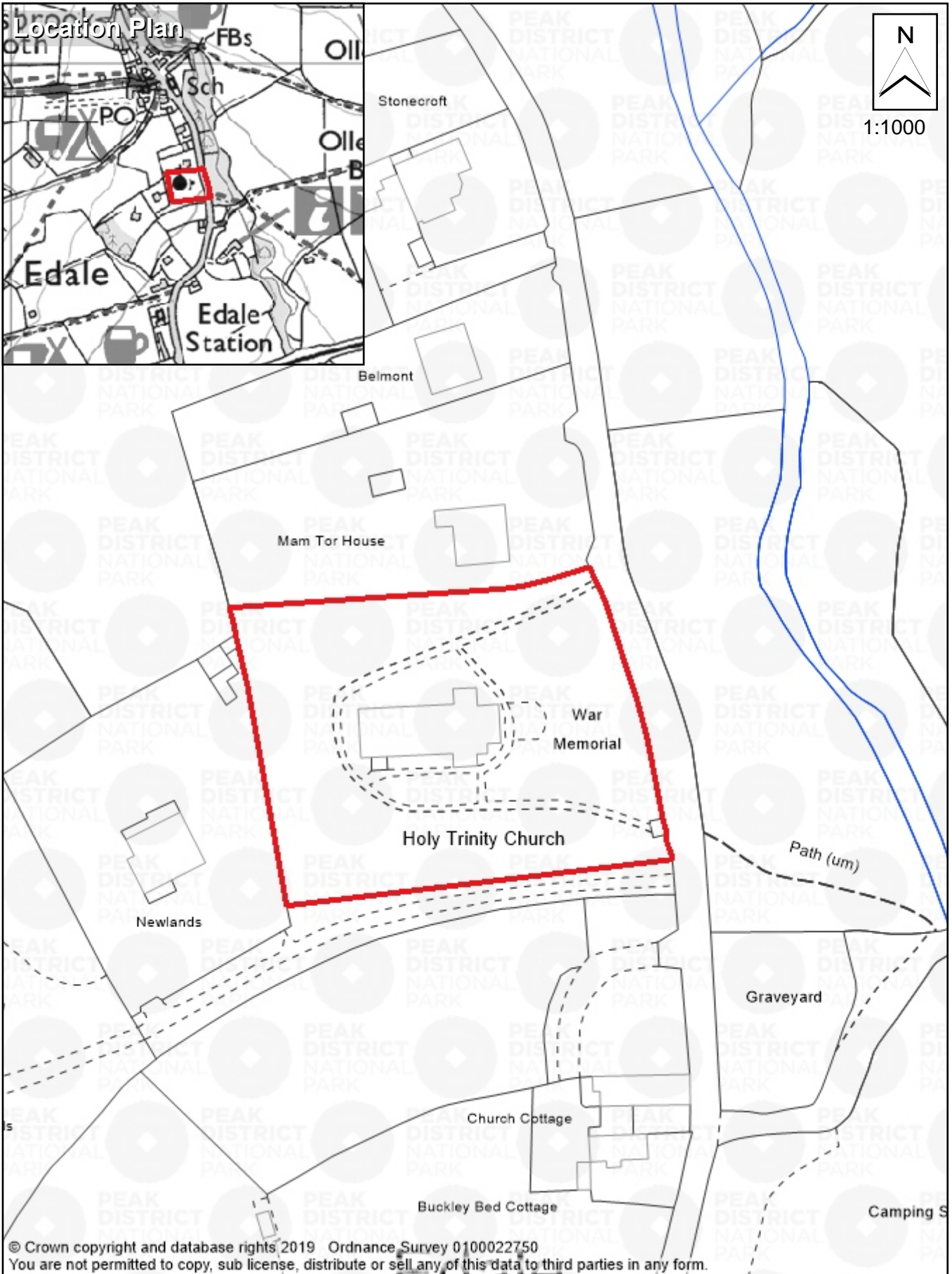
60. In conclusion, the proposal cannot be considered to be compliant with national planning policy and policies L3, LC5, LC6 and LC15, or with policy HC4, which requires proposals to demonstrate evidence of community need.

Human Rights


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

List of Background Papers (not previously published)

Nil



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Committee Date:	Friday 12th August	Title: Holy Trinity Church Edale	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 8		
Application No:	NP/HPK/1218/1208		
Grid Reference:	412325, 385768		

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9 FULL APPLICATION – CHANGE OF USE OF AGRICULTURAL LAND FOR PROPOSED CAMPING PODS, SHOWER BLOCK, ACCESS WITH BRIDGE OVER WARSLOW BROOK AT - FURLONG FARM, UPPER ELKSTONES, WARSLOW (NP/SM/0219/0103, MN)

APPLICANT: MR CARL BOOTH

Site and Surroundings

Furlong Farm is located between the hamlets of Upper and Lower Elkstones, approximately one and a half miles west of Warslow village.

The property is a heavily extended farmhouse and adjacent modern agricultural building. The property occupies an isolated position with no immediate neighbours.

The application site itself is located approximately 100m east of the farmhouse, within an agricultural field. This field slopes downhill from west to east, and is bounded on its eastern side by Warslow Brook. Trees line the edge of Warslow Brook but the site is otherwise an open hillside field.

The closest highway to the application site is Elkstones Road, which runs north-west to south-east approximately 40m to the east of the application site. There is no vehicular access to the site from this road.

The site is outside of any designated Flood Zone.

Proposal

The application originally proposed siting of up to 10 camping pods (4 initially, rising to 10 at a later date) in the field, along with an amenity block, and a new access track from Elkstones Road that included a bridge over Warslow Brook.

The application has since been revised, omitting the amenity block and reducing the total number of camping pods to 4.

RECOMMENDATION

That the application be REFUSED for the following reasons:

- **The permanence, size, and design of the pods means that their potential impacts would be comparable to siting chalets or lodges on the land, which policy RT3(B) states will not be permitted.**
- **Due to the siting of the camping pods in open countryside, outside of woodland, and due to the position and appearance of the access track, the development would harm the rural character and appearance of the landscape, contrary to policies L1, LC4.**
- **Insufficient information has been submitted to establish whether the development would conserve the ecological interests of the site, contrary to policies L2 and LC17.**
- **Insufficient information has been submitted to establish whether the development would conserve tree interests within and adjacent to the site, contrary to policy LC20.**
- **Due to sub-standard exit visibility from the site access, and due to a lack of information regarding access track construction, the application fails to demonstrate that the development would be served by safe access arrangements, contrary to policy LT18.**
- **Insufficient information has been submitted to establish whether the development would result in an increase in flood risk, contrary to policies CC5 and LC22.**

Key Issues

The key planning issues arising from this proposal are:

- Whether the siting of camping pods in this location accords with planning policy.
- Whether the siting and appearance of the development would conserve the landscape of the area.
- Whether the development would conserve the ecological interests of the locality.
- Whether the development raises any highway safety or amenity implications.
- Whether the development would have any adverse flood or drainage impacts on the watercourse within the application site.

Relevant Planning History

2018 – Planning permission granted for extension to the farmhouse at Furlong Farm

Consultations

Highway Authority – Advise that construction of the access road from Elkstones Road will require importation of fill material to fill the valley.

They note that an indicative vertical profile of the access road is included in the Transport Technical Note but that this is unreadable. They also query why this is only indicative.

They state that there are no cross sections of the access showing the embankment slope or details of the proposed gradient of the track.

They note that there are no estimates of the proposed quantity of imported construction material, which they advise which could be extensive. Related to this, they ask how many wagon trips would this require along the single track country lane.

They also query why can the existing access to the farm not be used and whether there are there any other alternative access points.

The note that visibility splays of 2.4m x 43m are proposed and that these are what would be expected for a 30mph speed limit road.

Lead Local Flood Authority – Advise that in the absence of an acceptable Drainage Strategy they object to the grant of planning permission and recommend refusal on this basis for the following reasons:

- *There appears to be no documents showing any technical details of the proposed package treatment plant which demonstrate that this would be a suitable means of waste water disposal and will not increase the risk of pollution to the watercourse. Please submit details of the proposed treatment plant and maintenance arrangements.*
- *There appears to be no details of the proposed river crossing and how this will affect the surface water flood risk associated with the Warslow Brook. Please submit details (cross section and plan) of the proposed watercourse crossing.*
- *The application suggests that surface water will be managed by SuDS [Sustainable Drainage Scheme] however no details of surface water drainage proposals have been submitted. Please submit documents demonstrating how surface water will be managed.*

District Council – No response at time of writing.

Parish Council – The Parish Council originally objected to the application raising concerns relating to the construction of the river crossing and potential noise impacts. A revised response has since been received supporting the application. This advises that the Council wish to revoke their previous

objections following attendance of the applicant at the parish meeting and his assurances in relation to the points of concern.

PDNPA – Ecology – Advise that the Authority holds little information for this area, but there are wader records in the wider area.

They consider, however, that the scheme has the potential to have impact on a number of protected and notable species along the watercourse, particularly dipper, which are known to nest along the watercourse. There may also be grassland interest on this site.

They therefore advise that an extended Phase 1 ecological appraisal is required in order to inform a decision on the application. They advise that, based on the information available, they do have concerns about the suggested location of the development and consider that an alternative location should be explored.

They suggest that a more appropriate location would be in the field immediately next to Furlong Farm, where existing access could be utilised. However, it is noted that survey is still likely to be required.

Representations

9 letters of representation were received in relation to the application, 8 objecting to it and 1 supporting it.

The grounds for support are that Elkstones does not have much bed and breakfast accommodation, and the site would provide more holiday accommodation for families.

The grounds for objection are:

- that the serving highway is unsuitable for the increase in traffic that the development would result in, causing increased risk of accidents and highway amenity
- that increasing traffic along the highway would result in increased disturbance and a loss of amenity for property adjacent to the highway
- that the development would result in noise pollution in a quiet countryside location
- that the siting of the pods would harm the appearance of the landscape, including in nearby views, long distance views, and in views from local properties
- that the development would have adverse impacts on wildlife – including protected species – in and around Warslow brook due to disturbance arising from construction works and the proposed use itself
- that littering and litter collection facilities would harm the appearance of the countryside
- that the development increases risk of watercourse pollution
- that the lack of mobile phone coverage at the site presents a risk to users of it.

Policies

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was revised and republished in February 2019. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

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

Paragraph 48 advises that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Development Plan policies

The Authority's planning policies are contained within the Development Plan, which comprises the Core Strategy and the Local Plan.

Policy GSP1 of the Core Strategy 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.

Policy GSP3 of the Core Strategy 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 DS1 of the Core Strategy outlines the Authority's development strategy, detailing the policy principles that have been adopted to promote a sustainable distribution and level of growth and to support the effective conservation and enhancement of the National Park. These include provision for recreational and tourism development in the countryside, in principle.

Policy L1 of the Core Strategy identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

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

Policy RT3 of the Core Strategy is particularly important in determining the acceptability of the proposed development. RT3 says that proposals for caravan and camping sites must conform to the following principles:

A. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network and do not adversely affect living conditions.

B. Static caravans, chalets or lodges will not be permitted.

C. Provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself.

D. Development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged.

The Authority is currently preparing a new planning policy document, titled Development Management Policies, which is due to replace the policies of the Local Plan shortly.

Chapter 5 of this document addresses Recreation and Tourism. It states that Core Strategy policy RT3 is clear that static caravans, chalets and lodges are not acceptable features in the National Park.

It goes on to advise that the open character of large parts of landscape particularly in the White Peak and Dark Peak mean that the non-traditional and permanent presence of such forms of accommodation is incompatible with the conservation purpose of the National Park.

The text recognises that there is, however, a growing range of alternative forms of accommodation such as camping pods, yurts, shepherd's huts etc. which have come onto the market in response to a demand for greater quality and comfort.

It makes clear that the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact as static caravans, chalets, and lodges, and that they will therefore be determined against Core Strategy policy RT3B.

Policy DMR1 of this emerging policy document predominantly addresses touring camping and caravan sites but does refer to camping pods directly, with the policy stating that development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact. The supporting text explains that experience has shown that these can have acceptable impacts where they require no other additional development.

This emerging policy can be given some weight in accordance with paragraph 48 of the NPPF because, whilst it is not yet adopted, the Development Management Policies document is at an advanced stage of preparation.

Policy LT18 of the Local Plan addresses road safety, stating that the provision of safe access arrangements will be a pre-requisite of any development, and that where the provision of safe access would damage the valued characteristics of the area the Authority will consider refusing planning permission.

Policy L2 of the Core Strategy requires development to conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.

Policy LC17 of the Local Plan states that development will not be permitted unless adequate information is provided about its likely impact on the special ecological interests of a site, with policy LC18 continuing that where development which could affect a site, feature, or species of nature conservation importance or its setting is acceptable, appropriate safeguards and enhancement will be required to minimise adverse impacts.

Policy LC20 of the Local Plan addresses the protection of trees, woodlands or other landscape features put at risk by development. It states that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered.

It also states that where development that involves risk of damage to trees, woodlands or other landscape features is acceptable, adequate space must be left for their replacement with appropriate species of trees and shrubs or local materials. Appropriate maintenance that respects wildlife interests will be required.

Policy CC5 of the Core Strategy addresses the water environment and, amongst other things, 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.

Policy LC22 of the Local Plan more specifically addresses surface water run-off, stating that development will be permitted providing that adequate measures are included to deal with the run-off of surface water from the site.

The Authority's adopted design guidance documents 'Design Guide' and 'Building Design Guide' are further material considerations.

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, RT3, CC5

Relevant Local Plan policies: LC4, LC17, LC18, LC20, LC22, LT18

Assessment

Principle of the development

The proposed camping pods are permanent timber structures which would be placed or constructed on a level platform just above the ground. They would be approximately 2.5m tall, 3.5m wide and 8.5m long. The permanence, size and design of the pods means that their potential impacts would therefore be comparable to siting chalets or lodges on the land – rather than either touring caravans or conventional tents. For this reason – and in accordance with the supporting text of Chapter 5 (Recreation and Tourism) of the emerging Development Plan Policies document – they have been assessed against Core Strategy policy RT3(B).

As detailed above, policy RT3(B) specifically states that static caravans, chalets or lodges will not be permitted. The supporting text says that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. RT3 therefore makes a general presumption against this type of development.

Siting and appearance of the development

Policy RT3 only permits the type of development proposed on an exceptional basis and where it would not have adverse impacts.

Emerging policy DMR1 specifically addresses the siting of camping pods, permitting them in principle only where they are small, simple structures, located in woodland settings and where they have acceptable landscape impacts. The supporting text also notes that experience has found that such development can be accommodated more successfully where it does not require additional infrastructure.

Further, policies L1 and LC4 both require valued landscape character to be conserved.

Consequently, the key issue is whether the proposed development would conserve the landscape – which, taking account emerging policy DMR1, means siting camping pods in woodland.

The site is sloping, rising to the west as it leads uphill. Whilst there are a number of trees in close proximity to the application site along the valley bottom next to the brook, and some within it, it could in no way be described as a woodland location.

This means that the site is open to view in the wider landscape, most notably from the highway to the east and south east, which faces towards the site. The rising hillside to the west and topography to the north and south mean that other views of the site are also likely to be possible at longer distances from footpaths to the west and the highway network to the east.

While the amended proposal reduces the number of pods and positions them close to a tree line to the eastern edge of the site, the pods would remain prominent in views from Elkstones Road – particularly when the trees are out of leaf – due to their solid mass and general form conflicting with the appearance to the surrounding landscape. They would be seen as clearly man-made structures in an otherwise undeveloped field, harming the rural character of the locality. It is acknowledged that in longer distance public views the landscape impacts would be lower and that the pods themselves would not be easily picked out in the wider landscape. However, the visual impact from closer to the site still causes considerable concern.

Further, the pods are not small and simple examples of such buildings. Such pods would typically include a bed and little else, allowing them to remain small in size. By contrast, the proposed pods include toilet and shower facilities inside, which increases their size significantly over what would otherwise be the case. This increases their impact in the landscape and is contrary to the requirements of emerging policy DMR1 which specifically requires that pods be small and simple.

Due to the position of the proposed development on the hillside, the site will require some levelling and excavation to allow the siting of pods and access to them. Details of existing and proposed levels have not been provided, but it is anticipated that a significant amount of cut and fill of the hillside would be necessary, further harming the character of the landscape – which is otherwise one of semi-natural sloping valley sides.

The proposed access track and bridge would be a further significant intrusion in to the countryside. The existing field access is a pedestrian gate in a boundary fence and hedgerow, beyond which the land drops steeply down towards the brook before rising again on the other side up to the proposed campsite.

It is proposed to replace the gate with a vehicular access – shown indicatively as being 6m wide plus a splayed entrance and leading on to a hard surfaced track, also shown indicatively as 6m wide. In order to level the track and provide a gradient suitable for vehicular access the plans also show re-grading of the field through which it passes.

A culvert would be created through the brook, with a pipe and built up ground supporting the access track above. Whilst the details submitted in relation to the track are advised to be indicative, it is clear that they are broadly reflective of what would be necessary to facilitate the new access.

The impact of the track and culvert would be entirely at odds with the rural character of the landscape, introducing a highly prominent element of engineering in an otherwise unspoilt area of the valley bottom and brook.

In summary, the development would result in harm to the character and appearance of the landscape in this location, contrary to policies L1, LC4, and LT18. It is therefore also concluded that the development does not occupy a location where it avoids adverse impacts in the landscape and so cannot be supported as exceptional development under the provisions of RT3. Due to being located outside of a woodland the proposal is also contrary to emerging policy DMR1, which is a material consideration in the determination of the application.

Ecological impact

The Authority's ecologist advises that the Authority holds limited ecological information for this area, but that waders are recorded in the wider locality and that dippers are known to nest along this watercourse. They also advise that there may be grassland interest on this site.

Given this interest, they advise that an extended Phase 1 ecological appraisal is required in order to allow an informed assessment to be made. Even without this information though the Ecologist advises that they have concerns about the suggested location of the development and encourage the exploration of alternative locations.

The application therefore includes insufficient information to assess impacts on ecological interests, contrary to policy LC17.

Further, the submitted design and access statement advises that no trees will be affected by the development. Engineering operations associated with the new access would be undertaken within the root protection areas of trees adjacent to the brook however. Without a tree survey and full details – rather than indicative ones – of the proposed engineering works impacts on the tree interests of the site cannot be assessed. This is contrary to policy LC20 of the Local Plan.

Highway impacts

The highway authority object to the application on a number of grounds, primarily related to a lack of information regarding the construction of the access road.

They advise that the indicative information provide in relation to the road profile is insufficient for an assessment to be made.

Specifically, they advise that a detailed vertical profile for the road, cross sections of the access showing embankment slope, and details of the quantity of imported material are all required.

They raise concerns that the volume of imported material could be substantial and require numerous wagon trips along what is a single track country lane.

They also query why the farm's existing access could not be used instead, and whether other alternative access locations have been considered.

They also advise that the proposed visibility splay of 43m in each direction is only in accordance with what would be required on a road with a 30mph speed limit. At this location Elkstones Road has a 60mph speed limit – which would require visibility splays of 215m in each direction. Traffic would not be travelling at this speed past the entrance – road width and bends in the road would make this difficult. However, it has not been demonstrated that exit visibility from the site would be safe with only 43m visibility in each direction. On this basis the access is concluded to be substandard.

On the basis of these objections it is concluded that the proposal fails to demonstrate that the site would be served by safe access arrangements and that it would conserve highway amenity more generally, contrary to policy LT18.

Flood risk

Whilst the site is outside of any designated flood zone the development would directly affect the watercourse of Warslow Brook.

A single indicative elevation plan of the proposed river crossing has been submitted, but this states that the specification is to be agreed with the Lead Local Flood Authority (LLFA). The LLFA have raised objections to the proposal based on a lack of detail regarding the proposed river crossing however, requesting plans to establish its impact on flood risk.

The LLFA also request details of the package treatment plant that was proposed to serve the toilets at the site. The amenity block has been omitted from the revised scheme but the pods are proposed to be served by individual toilets and showers and so such a plant will still be required. In the event of approval of the application these details could be secured by planning condition.

The LLFA have also requested details of how surface water drainage from the site is to be managed.

Based on the lack of information submitted and the comments of the LLFA it is concluded that the impacts of the development on flood risk cannot be fully assessed, contrary to policies CC5 and LC22.

Amenity

Whilst the development may be visible from some properties at longer distances, it is sufficiently removed from them as to not adversely harm their outlook, or to be overbearing or oppressive upon them.

Noise arising from the development is also not considered to raise concerns in relation to amenity; the nearest neighbouring property (other than the applicant's) is over 300m away and the proposed use is not expected to generate noise of such volumes to cause nuisance or significant disturbance over these distances.

Representation has raised concern about increased noise and loss of privacy for roadside properties from increased traffic movements along the highway network. However, it is likely that the increase in vehicle movements would amount to a maximum of 16 per day (assuming two, two-way trips per pod each day), and these would be likely to take place using domestic vehicle. Whilst there are concerns about highways safety as set out above, the impact of traffic on the amenity of roadside properties would be low.

Overall, the development conserves the amenity of nearby properties as required by planning policy.

Conclusion

The siting of the camping pods would be comparable to siting chalets or lodges on the land, which planning policy states will not be permitted.

Both the pods and access track would harm the rural character and appearance of the landscape, contrary to planning policy.

The application also fails to demonstrate that the development would be served by a safe access as required by planning policy.

The application also includes insufficient information in several areas, meaning that impacts on ecology, trees, highway safety, and flood risk cannot be properly assessed.

Accordingly, the application is recommended for refusal.

Human Rights

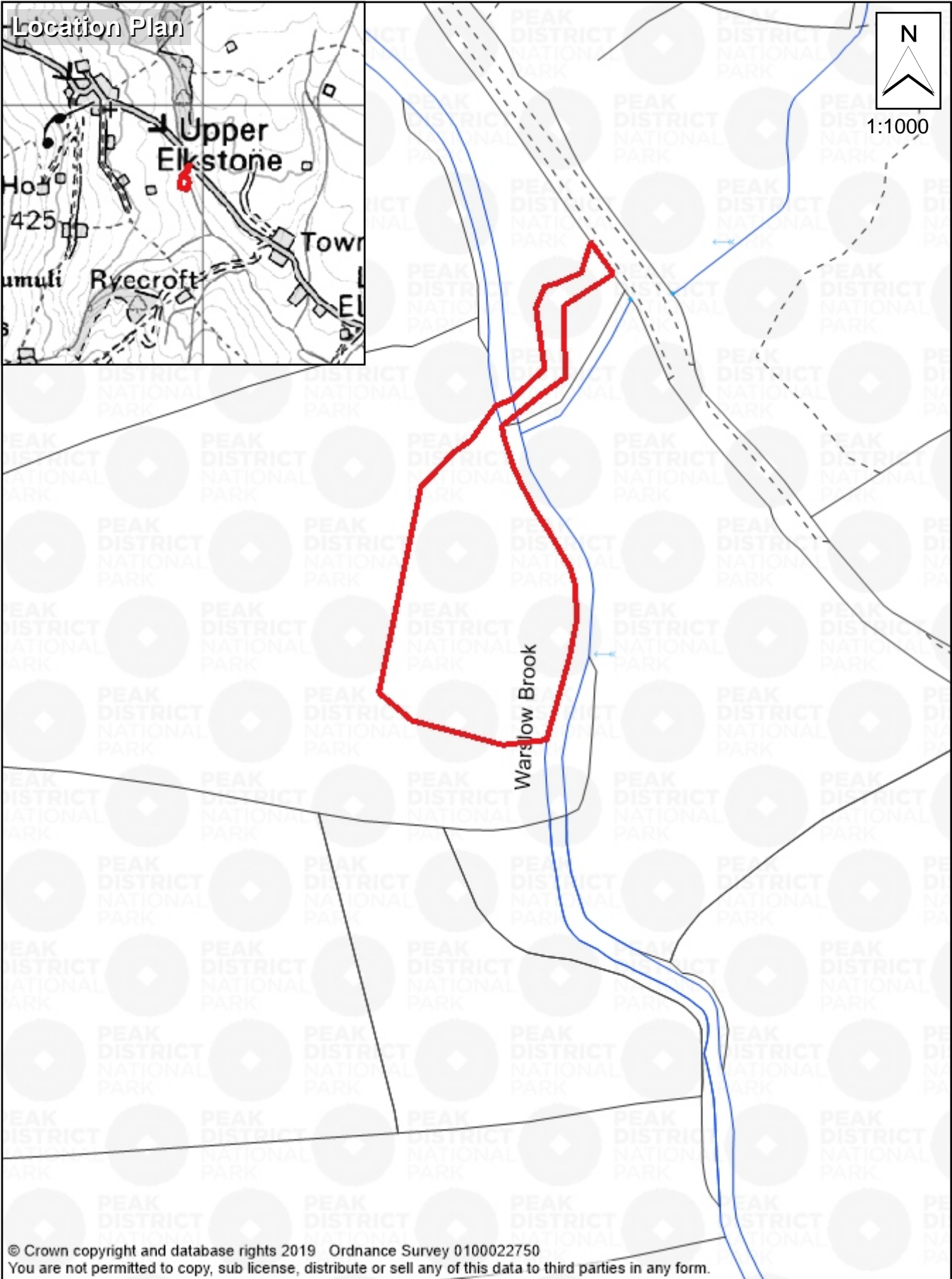
None arising.

List of Background Papers (not previously published)


None

Report Author and Job Title

Mark Nuttall, Senior Planner



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Committee Date:	Friday 12 April 2019	Title: Furlong Farm, Upper Elkstones, Warslow	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 9		
Application No:	NP/SM/0219/0103		
Grid Reference:	405804, 358670		

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10 FULL APPLICATION – CONVERSION OF BARN TO LOCAL NEEDS DWELLING AT LEACH BARN, LEADMILL, HATHERSAGE (NP/DDD/1018/0951, AM)

APPLICANT: MR TREVOR SMITH

Site and Surroundings

1. The application site is located in open countryside approximately 850m to the south east of the centre of Hathersage. The site is located part way down a track off the B6001 adjacent to the Leadmill Bridge and the River Derwent. The garden to Leach House, a Grade II Listed former farmhouse, abuts the north-west side of the barns curtilage.
2. The site comprises a barn constructed from natural gritstone under a stone slate roof. There is a single large central doorway and smaller blocked doorway in the eastern elevation and a single smaller door in the rear elevation. The building is a typical small Peak District combination barn formerly used to house livestock and to store threshed straw or hay. It sits in the corner of a large field used for grazing horses and although previously in common ownership with the field, the barn was sold separately in 2016.
3. The barn is currently disused, a previous planning permission for use of the building as a workshop was granted on a personal basis only to a former occupier. It is understood that the building was refurbished at that time and a concrete floor put in. Subsequently it has been used for furniture storage in connection with the nearby Plough Inn and also rented out as local painter and decorators store for several years from around 2005/7 until the owner sold the building. Prior to the sale pre-application advice to the tenant farmer who was understood to have had an option to purchase advised that it was not suitable for conversion to a dwelling. Therefore the planning use of the building appears to be either a storage use or the former agricultural use.
4. Access to the site is via the track from the B6001 which is also the route of the public footpath which follows the route of the River Derwent towards Grindleford. The application site is located within Flood Zones 2 and 3.

Proposal

5. The conversion and extension of the barn to one affordable dwelling to meet local need. The submitted plans have been amended following discussions between the agent and the Environment Agency.
6. The amended plans show that the proposed dwelling would have one bedroom. Internally the floor level of the proposed bedroom and kitchen would be raised 1.04m above the existing floor level of the barn accessed by a staircase from ground level and from a new doorway and external staircase formed in the north elevation.
7. The barn would be converted to a one bedroom dwelling provided on the raised floor within the building. A bedroom, bathroom and kitchen / living area would be created with access down the new external stairs to the proposed terrace area. The floor area for the dwelling would be 36.5 square metres.
8. Two window openings would be installed in the west elevation along with a new door opening to provide access to a walled terrace area to the side of the barn. The doorway on the west elevation would be provided with a half glazed frame.

9. The existing large central doorway on the east elevation would be glazed with timber frames and the existing smaller doorway would be opened and provided with a new partially glazed frame.
10. The existing western boundary wall would be lowered and a new wall erected to the east elevation to form a terrace to the side of the barn. An external store is proposed within the terrace area formed with timber walls under a slate roof.
11. The curtilage of the property would include the land to the west which would be utilised for the parking of two cars and the land to the east which is part of the field, separated from the rest with post and rail fencing.

RECOMMENDATION:

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

The proposed development would harm the significance of the barn and its setting within the wider landscape 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.

Key Issues

13. Impact of the proposed development upon the character and appearance of the existing barn and its setting within the landscape.
14. Whether the proposed dwelling would meet established local need for affordable dwellings.
15. Whether the proposed development is acceptable in principle in terms of flood risk.

Planning History

16. 1984: NP/WED/0584/225: Planning permission granted conditionally and on a personal basis for change of use of barn to workshop.
17. 2013 – 2017: Various pre-application enquiries received in regard to potential development to convert the barn.
18. 2017: ENQ 30759: Pre-application advice in relation to the current proposals. The following advice was given:
19. *“I have outlined below the current policy position and my views as to how an application for conversion to a dwelling would be likely to be viewed. As you will see, regrettably there are a number of planning policy issues which mean that a change of use of the building to a dwelling would not be supported in principle.*
20. *The National Planning Policy Framework states, amongst other things, that in determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and that Authorities should avoid new isolated homes in the countryside apart from where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.*
21. *Whilst not of such character or other significance to represent a valued vernacular building, the barn is still a heritage asset by virtue of its age and traditional design. The conversion would result in an isolated dwelling in the countryside however, and the*

- proposed use and conversion works would not result in an enhancement of the immediate setting of the building in this context. Therefore, the development is not considered to comply with the Framework in this regard.*
22. *As noted, the site is in the open countryside - clearly separated from the settlement of Hathersage, where the Authority's local planning policies are also more restrictive. The Authority's Development Plan policy DS1 - which sets out the general development strategy for the National Park supports the principle of conversion of traditional buildings for housing, community facilities, and business uses including visitor accommodation. In terms of housing conversion though, policy HC1 of the Development Plan further restricts conversion of buildings in the countryside to those cases where the conversion is required to conserve a valued vernacular building.*
23. *In this case the building, whilst traditional, is of modest size and simple form and character, and would not be considered to be of valued vernacular. It would not therefore be suitable for conversion to a dwelling under the Authority's adopted planning policies and for this reason my view is that conversion to a dwelling would not comply with policy HC1.*
24. *In terms of detail, Policies L1, L3, LC4 and LC8 address matters of landscape impact, design, protection of heritage assets, and conversion of traditional buildings. The primary matters addressed by these policies are the need for any development to conserve the buildings character and appearance, and for it to have an acceptable relationship with the wider landscape. The proposed extension, by virtue of its massing and detailing would be overly dominant and would not reflect the character of the existing building, detracting from its appearance.*
25. *Additionally the site is within Flood Zones 2 and 3, as designated by the Environment Agency and as you have determined in the submitted FRA. As also noted in the FRA, the use you are proposing falls in to the 'more vulnerable' classification. More vulnerable development would only be permitted in Flood Zone 3 if other less vulnerable sites are ruled out (in this case the building is pre-existing, so obviously it could not be sited elsewhere) and where the development provides wider sustainability benefits to the community that outweigh flood risk; and where a site-specific flood risk assessment is undertaken and demonstrates that the development will be safe for its lifetime without increasing flood risk elsewhere.*
26. *Both elements of the test have to be passed for development to be permitted. I do not consider that conversion to a market dwelling would offer wider sustainability benefits to the community that would outweigh flood risk, and so an application would raise objections on these grounds."*
27. 2018: Planning application for conversion of barn to local need dwelling withdrawn prior to determination.

Consultations

28. Parish Council: Make the following comments.
29. This is known to be a very wet area of ground due to the proximity of the leat. The building is a substantial stone barn in an historic setting. The building appears to be structurally sound at this time and this proposal will ensure that the building is maintained and be of heritage interest. It is preferred that this development provides accommodation to satisfy local need.
30. District Council: No response to date.

31. County Council Emergency Planning: Consider the submitted Flood Evacuation Plan to be suitable and sufficient in that it has assessed potential access/egress routes in a flood event, and that the availability of an Environment Agency 'Flood Warning' service at this location would allow sufficient time to evacuate safely.
32. Highway Authority: No objections subject to conditions.
33. Lead Local Flood Authority: Refers Authority to standing advice.
34. Environment Agency: Makes no objection subject to the imposition of conditions to secure finished floor level and makes the following comment.
35. *"The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the flood risk assessment submitted with this application is implemented and secured by way of a planning condition on any planning permission."*
36. *The proposed development is conversion of a barn into a residential building in Flood Zone 3a which is classed as more vulnerable development. The proposed development habitable floor finished floor level to be set at 137.82m AOD as outlined in the FRA.*
37. *The current available model for River Derwent is the River Derwent Recalibration, Black and Veatch, 2005 model (only in channel flood levels and flood outlines available). This model does not currently have updated 30% and 50% climate change (CC) allowances built in to it. For More Vulnerable developments in Flood Zone 3a, the FRA should consider the Higher Central (30%CC) and Upper (50%CC) estimates. Thus, the design flood for More Vulnerable developments is a 1% annual probability (a 1 in 100 chance each year) and therefore the '2080s' (2070 to 2115) epoch should be applied and mitigated to. Given the proximity of the development to Flood Zone 3b a design flood of 100yr 50%CC is adopted to be mitigated."*
38. The Environment Agency also gives the following advice to the Authority:
39. *"The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered."*
40. *The main access road (from B6001) to and from the property is flooded for any flooding events larger than 20 years. Thus, access road to and from the development during a design flood could impede dry access.*
41. *The LPA must determine, in consultation with their emergency planners, whether the arrangements for access and egress are acceptable. The Environment Agency does not comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network."*
42. PDNPA Conservation Officer: The Authority's Conservation Officer made the following comments on the scheme as originally submitted. Further comments have been sought on the amended plans.

43. The introduction of parking and small curtilage would go some way to negating such rural charm as the building has. Design amendments are suggested including removing the proposed external doors to the main elevation and altering the roof light and additional window on the east elevation to ‘ventilation slits’.
44. PDNPA Archaeology: Makes the following comments.
45. *“Leach Barn is a non-designated heritage asset and is of local historic, archaeological and architectural interest. Leach Farm is identified in the Peak District National Park Authority’s Historic Buildings, Sites and Monuments Record and the Derbyshire Historic Environment Record, as a partially extant 19th century farmstead, L-shape in plan with an attached farmhouse and agricultural buildings forming one side of the yard, with detached elements to the main plan. Leach Barn forms one of these detached elements.*
46. *It is a typical of a small Peak District combination barn, the typical kind of barn on Peak District Farmsteads, used to house livestock and used to store threshed straw or hay. Leach Barn has a typical arrangement with a large opening marking to position of the threshing bay in its east elevation, with a typical cambered arch opening, and a smaller winnowing door in the west elevation to provide a through draft for threshing. It also has a now blocked entrance to the cow housing in the east elevation, and a pitching hole for the movement of the stored crop. The fact that the access door to the former area for cow housing suggests a change of use, and perhaps a change in farming practice. This is atypical for Peak District examples where more typically where a change of use has occurred, it has been the threshing bay entrance that is blocked related to the reduction in the production of grain crops. The barn has lost its former internal partitions that would have divided the hayloft and threshing area from the cow housing. The Significance and Impact Statement submitted in support of this application indicates that the barn is likely to date to the 18th century and that the roof structure is original to the building (excluding the modern boarding). The hand sawn timbers and carpentry marks apparent in the roof structure would support this. The floor is of modern concrete, although it cannot be ruled out that historic floors survive beneath this, for example a surviving threshing floor could be made of stone slabs, beaten earth or more rarely timber. Any such surviving remains would have archaeological interest.*
47. *Historic map regression indicates that the barn was in existence at the time of the 1830 Hathersage Enclosure Award, and that by the time of the epoch 1 OS map of 1881 the building extended further to the north, with a roofed structure and two small folds occupying the area to the north of north gable end with the pitching hole. The Significance and Impact Statement presents evidence of a 20th addition with a large amount of glazing that is untypical of a combination barn and out of character with the traditional form, materials and function of this building.*
48. *The structure appears to be in relatively good condition and not in immediate danger or risk. The core significance of this non-designated heritage assets lies in its:*
- *traditional agricultural character – this demonstrates its agricultural origin and function*
 - *traditional materials – which are characteristic of the area*
 - *its surviving historic fabric – particularly the roof structure, which appears to be original*
 - *the location, form and size of historic openings – legibility of the historic function of the barn.*
49. *The proposed conversion will result in harm to the significance of this non-designated heritage asset. Changes to the historic fabric, including the insertion of a new opening in the north elevation to provide access, is in an area where the function of the barn meant there would not traditionally have been an opening; will affect the historic interest of the*

building. The proposed stepped access arrangement is out of character with the agricultural character of the building, and the rear roof light and proposed new opening in the west elevation, an elevation that historically only had the single opening as it faced away from the yard are to east, and there would be a limited need for opening because of the limited movement of people, stock, produce through this area and into the building, with this activity focused on the yard area and east elevation with the cart entrance and cow house doors, and the pitching hole for access to the hayloft in the north gable. Such changes will result in permanent changes to the visible fabric and structure of the building, which will affect the legibility of its function and historical development, changes affect an area of the building's core significance. Also of concern is that the proposed changes will result in harm to the traditional historic agricultural character of the building, again a core aspect of its significance.

50. *The conservation through finding a viable use of this non-designated heritage asset is a desirable outcome, but the new use must sustain its heritage values and significance. The current scheme is certainly less harmful than the previous scheme, but there will still be harm.*
51. *Should the proposals be considered acceptable with respect to planning balance and this harm is deemed to be outweighed by public benefit, then I advise that the archaeological and historic impacts detailed above be addressed through a conditioned scheme of building recording. This would need to be a programme of descriptive building recording that would supplement the existing Heritage Statement to achieve an overall level of recording in accordance with Historic England 2016 Understanding Historic Buildings guidance Level 2/3. This needs to incorporate a full visual record when the buildings have been emptied and cleared out and safe access provided to all areas. It would also need to include elements of a drawn record (annotated plan and elevation drawings showing the form and location of surviving historic fabric; photograph location and direction plan), and a written record and description of the buildings and historic features /fabric revealed, and analysis of historic use and development. This is in accordance with NPPF para 199, and a suitable condition to achieve this is suggested below."*
52. PDNPA Ecology: No response to date.

Representations

53. Three letters of representation have been received to date. All three letters support the application for the following reasons:
54. The development would be an enhancement to the locality.
55. The development would keep the building in good condition and be in keeping with the local environment.
56. The roof is in danger of collapse and if this happened there would be a ruin instead of an attractive barn on the site.

Main Policies

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

National Planning Policy Framework

59. 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.
60. 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.'
61. 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.
62. 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.
63. Paragraph 155 of the NPPF says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
64. Paragraph 164 of the NPPF says that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.
65. 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.
66. 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

67. 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.
68. 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.
69. 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.
70. 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.
71. 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.
72. 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.
73. Policy LC17 provides more detailed criteria to assess development that may affect protected sites, species or habitats.
74. 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.
75. 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.

76. 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.
77. Policies LT11 and LT18 require development to be provided with appropriate access and parking provision which conserves the environmental quality of the National Park.
78. 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.
79. 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.
80. Emerging Development Management Policies
81. 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. The Authority considers that the revised version of the Publication Document addresses the remaining soundness issues and therefore may be afforded significant weight as a material consideration in the determination of this application.
82. The emerging conservation policies reflect the policy approach in the NPPF in requiring development to conserve the valued characteristics of the National Park and in requiring an assessment of impact of development upon the landscape, biodiversity and cultural heritage asset.
83. Policy DMC10 is relevant for conversions of heritage assets and says that this will be permitted provided that it can accommodate the new use without changes that would adversely affect its character, that the building is capable of conversion and that the changes brought about by the new uses conserves the heritage asset, its setting and landscape character including dark skies.
84. Policy DMH1 is relevant for affordable housing and says that affordable housing will be permitted outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that there is a proven need and any new build housing is within adopted size thresholds.
85. Policy DMH2 says that in all cases new affordable housing must be first occupied by persons satisfying at least one of the following criteria:
86. (i) a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or

87. (ii) a person (and his or her dependents) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
88. (iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.

Assessment

Justification for proposed dwelling house

89. 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.
90. 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.
91. This application is for an affordable house to meet established local need. Some information has been provided with the application in regard to the applicant's circumstances. From the information provided it is clear that the applicant would not meet any of the definitions of a person with local qualification set out by either saved Policy LH2 or emerging Development Management policy DMH2.
92. There is significant need within the parish of Hathersage for affordable housing and the Parish Council would prefer that this development provide affordable housing. The agent has indicated that if the applicant would not be considered to have a local qualification then the dwelling would be required to meet the wider need within the parish.
93. There is an up-to-date parish need survey for Hathersage which establishes that there is a need for affordable housing within the parish that is not currently met. The identified need is for two bedroom, four person houses and bungalows, and three bedroom houses. The survey states that there are sufficient existing one and two bedroom affordable flats within the parish to meet need.
94. Therefore while there is an established need for affordable housing, the parish need survey states that there is no requirement for additional one bedroom properties which this development would deliver. It is therefore considered that there is no established need for the proposed affordable dwelling contrary to saved Policy LH1 and emerging Development Management policy DMH1.
95. Policy HC1 does make provision for the creation of market housing if it is demonstrated to be required to achieve conservation or enhancement of a valued vernacular or listed building. It is clear from the submitted application and from consultation responses received from the Authority's Conservation Officer and Archaeologist that the application building should be considered to be a non-designated heritage asset.

96. Therefore irrespective of whether the proposed dwelling was to be affordable to meet local need or a market dwelling a key issue would be whether the development is required to achieve conservation or enhancement of the building.

Impact of development

97. Leach Barn is a non-designated heritage asset and is of local historic, archaeological and architectural interest. Leach Farm is identified in the Peak District National Park Authority's Historic Buildings, Sites and Monuments Record and the Derbyshire Historic Environment Record, as a partially extant 19th century farmstead, L-shape in plan with an attached farmhouse and agricultural buildings forming one side of the yard, with detached elements to the main plan. Leach Barn forms one of these detached elements.
98. The building is typical of a small Peak District combination barn, the typical kind of barn on Peak District Farmsteads, used to house livestock and used to store threshed straw or hay. Leach Barn has a typical arrangement with a large opening marking the position of the threshing bay in its east elevation, with a typical cambered arch opening, and a smaller winnowing door in the west elevation to provide a through draft for threshing.
99. The core significance of the building as a non-designated heritage asset is considered to be its traditional agricultural character and its relationship to the wider landscape which demonstrates its agricultural origins and function, the use of traditional materials, surviving historic fabric, in particular the roof structure which appears to be original and the location, form and size of historic openings.
100. Significant concerns have been raised by the Authority's Conservation Officer and Senior Archaeologist about the impact of the proposed development upon the significance of the barn.
101. The proposed raising of the main floor by over 1m to mitigate for potential flood events creates differing levels internally which would contrast with the plain, simple and bold symmetrical form of the building reflecting its former function.
102. The proposed external staircase would further disrupt the simple symmetrical form of the building and require the creation of a new door opening in the northern gable which would require the removal of a significant amount of historic fabric in a position where there is no evidence of a former opening and where historically there would not have been an opening.
103. The proposed two long and narrow window openings to the east elevation and the glazing to the large central opening and glazing to the smaller doors would add domestic elements and further erode the simple functional appearance of the building.
104. The creation of a domestic curtilage to the east of the barn, formed by inappropriate post and rail fencing and its use as a domestic garden would severely compromise the character of the building which currently fronts directly onto the open field. The functional and physical relationship of the building with the field is a critical element of the historic character of the building. The parking of domestic vehicles to the west of the barn would add further domestic elements. Taken together the impact of the proposed domestic garden and parking areas would significantly harm the setting of the barn within the landscape.
105. The combined impact of the proposed alterations and change of use of the building to create a dwelling would seriously compromise the core characteristics of the building which form its significance and for which the building is valued.

106. The conservation of the barn through finding a viable use of this non-designated heritage asset is a desirable outcome, but 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 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.

Flood Risk

107. Policies CC1 and CC5 in accordance with the NPPF and National Planning Policy Guidance seek to direct development away from areas of flood risk. The Strategic Flood Risk Assessment (2008 SFRA) which has been carried out and underpins the Authority's Core Strategy identifies the application site as being within Flood Zone 3b. Flood Zone 3b is the functional flood plain which is defined as land where water has to flow or be stored in times of flood.
108. This application proposes the conversion of the barn to create a dwelling house which for the purposes of National Planning Policy Guidance is a 'More Vulnerable' use in relation to flood risk. National Planning Policy Guidance is clear that any use which is vulnerable to flooding is not appropriate within Flood Zone 3b and therefore the proposed development is not acceptable in principle on the grounds of flood risk.
109. The Environment Agency has, in responding to the previous application on this site, drawn the Authority's attention to the more recent SFRA carried out for Derbyshire Dales in 2016. This SFRA also identifies the application site as being within Flood Zone 3b.
110. The application is supported by a Flood Risk Assessment (FRA) which acknowledges that the site is identified as being within Flood Zone 3b by the 2008 SFRA. However the FRA provides analysis of modelled Environment Agency in-channel flood data which shows that the site is on land topographically higher than the more frequent flood events associated within the functional flood plain and therefore considers that the site is outside of Flood Zone 3b (and within Flood Zone 3a).
111. The change of use of the barn and site to a 'More Vulnerable' use in relation to flood risk is acceptable in principle within Flood Zone 3a provided that development can be made safe for its lifetime without increasing flood risk elsewhere and that safe access and escape routes can be demonstrated.
112. Discussions have been undertaken between the agent and the Environment Agency which has resulted in amended plans showing the finished floor level within the barn raised by 1.04m above the existing floor level of the barn. This is to ensure that the floor level is raised above the predicted 1 in 100 year flood event level plus 50% taking into account the impact of climate change.
113. The Environment Agency raise no objections to the development provided that the development is carried out in accordance with the revised FRA and that the lowest habitable floor levels are set no lower than this level and are permanently maintained. If permission were to be granted it therefore would be necessary to impose a planning condition to require this to ensure that occupants are safe during a 1 in 100 year flood event.
114. The Environment Agency go on to advise the Authority that in assessing if a development is safe, the ability of residents to safely access and exit a building during a 1 in 100 year flood event and evacuate before an extreme flood needs to be considered. The Environment Agency advise that the main access road (the B6001) is flooded for any

- flood event larger than a 1 in 20 year flood event which could impede dry access and egress.
115. Following this advice a Flood Evacuation Plan (FEP) has been submitted in support of the application and the Authority has consulted the Emergency Planning Team at Derbyshire County Council. The FEP has analysed the location of standing / slow flowing water along the evacuation route from the building and the depth of water.
 116. The FEP states that the risk of a rapid onset flood event with very little warning would be relatively low and that evacuation from the site can be achieved by travelling to and then north along the B6001 using two possible evacuation routes. These routes could be utilised if no flooding has occurred on the topographic low point.
 117. No true safe escape route could be guaranteed if the site flooded unexpectedly, however it may still be possible to evacuate the site if evacuation is sought after receiving a warning from the Environment Agency provided that flooding along the evacuation route has not exceeded 0.25m in depth. Safe refuge can otherwise be provided on site due to the proposed finished floor levels.
 118. The FEP therefore concludes that it would be imperative that the site owner sign up to the Flood Warning System.
 119. The Authority has consulted the Emergency Planning Team following the advice from the Environment Agency. The advice received is that the submitted FEP is suitable and sufficient as it has assessed potential access / egress routes in a flood event and that the availability of an Environment Agency Flood warning service would allow sufficient time to evacuate safely.
 120. Having had regard to the advice from the Environment Agency and the Emergency Planning Team it is therefore concluded that if the proposed development was determined to be acceptable in principle then the development could be made safe for its lifetime without increasing flood risk elsewhere and that safe access and escape routes have been demonstrated. If permission was granted conditions to secure the finished floor levels and implementation of the FEP would be necessary to make the development acceptable in planning terms.

Other considerations

121. Given the distance of the barn to the nearest neighbouring property Leach House 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.
122. Access to the property is good from the main B6001 road onto the track with ample visibility. There is also room within the site for adequate parking clear of the track but no room for on-site turning space. Vehicles would therefore need to make turning manoeuvres into and out of the parking spaces using the lane. However, this would be at low speed and unlikely to adversely conflict with users of the footpath. Therefore Officers agree with the Highway Authority that subject to conditions that the development would not harm Highway Safety.
123. A protected species survey has been carried out and submitted with the application. The survey report concludes that no evidence of bats, birds or any other protected species were identified on site. Therefore subject to the implementation of reasonable avoidance measures and suitable enhancements the development would not harm the favourable conservation status of any protected species or habitat.

Conclusion

124. The proposed development would harm the significance of the barn and its setting within the wider landscape 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

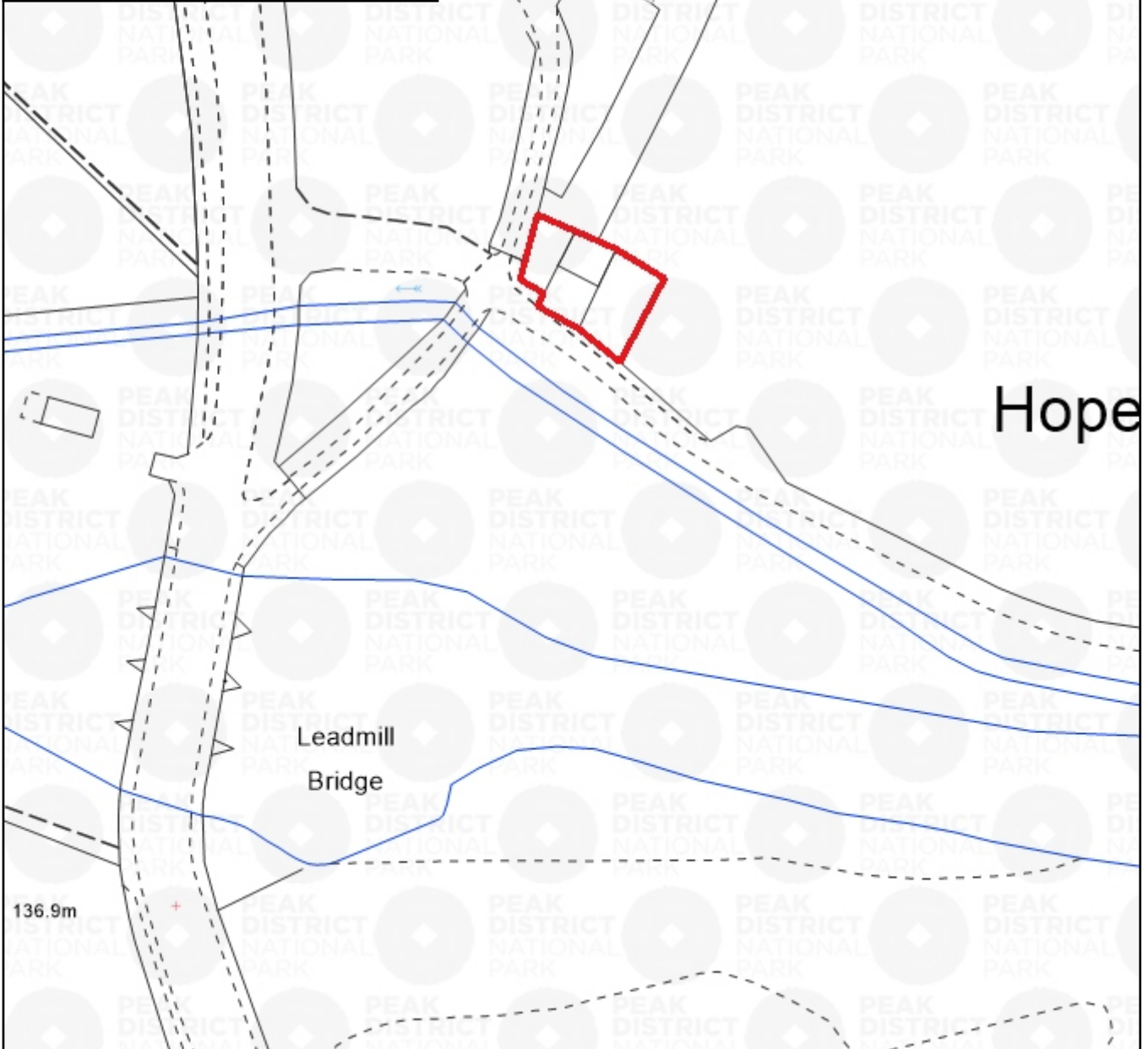
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Report Author - Adam Maxwell, Senior Planner




1:1000



Hope

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Committee Date:	Friday 12 April 2019	Title: Leach Barn, Leadmill Bridge, Leadmill	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 10		
Application No:	NP/DDD/1018/0951		
Grid Reference:	423404, 380667		

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11 FULL APPLICATION - CREATION OF EIGHT ADDITIONAL CAR PARKING SPACES TO ACCOMMODATE THE INCREASE IN VEHICLE NUMBERS AT MARY DEVONSHIRE COTTAGES, THE GREEN, PILSLEY (NP/DDD/1218/1219, ALN)

APPLICANT: MR BEN GARSTANG – CHATSWORTH SETTLEMENT TRUSTEES

Site and Surroundings

1. Within the settlement of Pilsley there are two sizeable areas of green, grassed open space extending off the western side of main street and directly to the north of the school. The application site is located on the southern edge of the westernmost of the two grassed areas (known as 'Top Green'), to the north of a group of properties known as School Row and to the east of two terraces known as Mary Devonshire Cottages. The site is within the Pilsley Conservation Area.
2. As amended the application site measures 24.8m long by 5.4m deep. At present a low stone wall runs along the southern edge of the application site, separating the green space from a surfaced access track.

Proposal

3. The application (as amended) seeks full planning permission for the creation of eight residents parking spaces by demolishing the existing low wall, surfacing the application site in tarmac, erecting a new 1m high wall around the sides and rear of the area and demarking the spaces with stone setts.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- **3 year time limit**
- **Adopt amended plans**
- **Prior to commencement of the stone wall, a detailed section of the wall and details of materials shall be submitted to an agreed in writing by the National Park Authority. Thereafter the wall shall be constructed in full accordance with the approved details.**
- **Written Scheme of Investigation to be submitted, approved and implemented.**
- **Trees to be protected during construction.**

Key Issues

- The principle of constructing new parking spaces.
- Loss of open space.
- Impact of the proposed development upon the character and appearance of the Conservation Area and on archaeology.
- Impact on Trees.

History

4. Pre-application advice was sought from the Authority in October 2018. The following advice was given:

“It appears that the outbuildings to the north of School Row and the wall did not appear until some time in the first two decades of the 20th century. Previous to that there had been what looked like a residential dwelling in that part of the green space together with a terrace of houses roughly where the Mary Devonshire Cottages are now. A boundary wall ran in a north-south orientation to the front of these properties which cut across the area of green space as it is now. So essentially the western part of the green space is a relatively recent feature albeit that it does now contribute to the Conservation Area by providing a pleasant open green space with open views. On balance we have come to the conclusion that in principle there may be scope to provide some parking in this area after all – given that the wall is relatively recent and given that this area does appear historically to have been domestic curtilage.”

Consultations

5. Highway Authority – no objections as the track from which access would be gained to the spaces in not adopted highway. Raised the point that the comments made by objectors to the submitted scheme with regard to the limited space for turning and manoeuvring are valid and that echelon parking or wider spaces would be another option.
6. District Council: No response.
7. Parish Meeting – ‘*Pilsley Parish Meeting considered this application at their meeting on 24th January and there are mixed views from the village. All agree parking is an issue.*’
8. Authority’s Conservation Officer – no objections subject to conditions.
9. Authority’s Tree Officer – no objections subject to conditions.
10. Authority’s Archaeologist - ‘*This development will affect both designated and non-designated heritage assets. The site of the proposed development is a site of archaeological and historic interest. The site lies within Pilsley Conservation Area, and as demonstrated in the supporting information provided by the Chatsworth Settlement Trustees, it was previously occupied by a range of buildings. Historic map evidence available indicates that these buildings were in place by the mid-19th century but were removed in the early 20th century. Information from the Chatsworth Archive provided in support of the application depict the extent of the building in the mid-19th century and details of their occupier and use at this time, demonstrating their use was largely agricultural – outbuilding, cowhouses, yards, stack yards and workshops. It is not known how these buildings were removed or whether any belowground traces survive. Any belowground traces that do survive would have archaeological interest, and would therefore be a non-designated heritage asset. There is no information available that indicates the age of the lost buildings. Pilsley is a pre-Domesday (1086) village in origins with the medieval based around the east-west aligned High Street. The area of the proposed development is located to the south of this, in an area that represents later expansion, where the extant buildings largely date to the 18th and 19th century. Based on this understanding it is possible that the lost buildings in this area are of a similar date.’ Without this supporting information it is not possible to properly understand the extent of the archaeological interest of the site or make an informed judgement on the level of significance of the remains. Based on the available information, I would estimate that if belowground traces of the buildings do survive, they would likely be of local significance. But, it is also possible that all traces of the*

buildings were removed in the early 20th century, and there may be no surviving below ground remains of these lost structures, in which the archaeological interest of the site would be low.'

11. *'No information on the extent of groundworks required to create the parking area has been provided in the application. However, it is anticipated that these could include excavations for drainage, for the creation of the parking surface and for the wall foundation. Such groundworks have the potential to encounter and destroy surviving belowground remains of the lost buildings depicted on the 19th century maps. This would represent permanent and irreversible harm to the archaeological interest of the site and harm the significance of a non-designated heritage asset of local significance, potentially resulting the complete loss of the last remains of these structures. NPPF (para. 197) requires that a balanced planning judgement is required that has regard to scale of this loss/harm and the significance of the heritage asset. The harm/loss must be weighed against the public benefit of a planning proposal, and based on the estimated significance of the remains (if present) I would not anticipate that this would weigh heavily in a planning balance where considerable public benefit could be demonstrated. Should this application be deemed acceptable with respect to planning balance and with respect to the impact on the Conservation Area, then I recommend that the archaeological impacts outlined above are addressed through a conditioned scheme of archaeological monitoring, recording and investigation, in accordance with NPPF para 199. The scheme of archaeological work needs to include archaeological monitoring of all groundworks in the first instance, which, depending on the nature of remains encountered, could be scaled up to a strip, map and sample exercise in the within the area of the development footprint. This would need to be undertaken by a suitably qualified and experienced contractor, and carried out in accordance with a written scheme of investigation that has been submitted to, and approved by the Senior Conservation Archaeologist.'*

Representations

12. Four letters of objections have been received. The letters object to the application on the following grounds:
- The green space is a recreational asset used by villagers and the proposals would erode it.
 - Proposals would cause a safety risk as cars manoeuvre into spaces.
 - Spaces would be used by walkers and visitors.
 - Would result in a higher wall which would be incongruous, and parking on both sides of the green.
 - Better to square off the parking on the opposite side of the green.
 - Community use the existing wall to sit on.
 - There are alternative places to park in the village.
13. One letter of support and one letter of 'general comment' have been received. The letter of general comment states that it might be better to square off the parking on the opposite side of the green and raises concerns about the height of the proposed wall.

Main Policies

14. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC4, T7
15. Relevant Local Plan policies: LC4, LC5, LS4, LT11, LC20

National Planning Policy Framework

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. 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.
17. 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.'
18. 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.
19. Para 192 sets out that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
20. Paragraph 196 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
21. 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

22. 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. GSP2 sets out that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.

23. 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.
24. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest. LC5 seeks to protect the character of Conservation Areas.
25. Core Strategy policy HC4(C) states that proposals to change the use of buildings or sites which provide community services and facilities including shops to non-community uses must demonstrate that the service or facility is no longer needed or available elsewhere in the settlement or can no longer be viable.
26. Core Strategy policy T7 states that residential parking will be the minimum required for operational purposes, taking into account environmental constraints and future requirements. Saved Local Plan policy LT11 states 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. 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.

Assessment

The principle of constructing new parking spaces.

28. Information within the submitted Design and Access Statement sets out that the proposed parking spaces would be used in association with 13 existing properties that are situated around the 'Top Green.' These are no.s 1-8, Mary Devonshire Cottages; School House; no.s 2-4 School Row; and Poole House. All of these properties have three bedrooms with the exception of Poole House which has two. Only two of the properties have any dedicated off street parking (School House has two parking spaces and Poole House has one). There is an existing hard surfaced area to the north of Top Green which provides informal parking space for around 15 vehicles. Using parking standards of two off street parking spaces per three bedroomed dwelling, the applicant has calculated that there is a need for 23 parking spaces overall, with a shortfall of 8 when the 15 existing spaces are subtracted.
29. Parking provision within Pilsley village has been a long-standing issue. Parking pressure is caused from resident, visitors and business uses. This has been compounded in Pilsley in the past by visitors and staff from the nearby farm-shop parking in the village, although this has been alleviated by the granting of permission for an overflow car park and for the reconfiguration of the main car park at the farm-

shop and by other measures such as farm-shop staff parking on the school playground at weekends and school holidays.

30. Some justification has been provided for the additional resident parking provision. However, in many respects Pilsley is not dissimilar to many other villages in the National Park where due to the tight grained nature of historic settlements, off street parking is limited. The main considerations in assessing the current proposal must be the loss of the open space and (as required by policies T7 and LT11) the impact of the proposed parking spaces on the character and appearance of the Conservation Area.

Impact on Amenity Space

31. Core Strategy policy HC4(C) states that proposals to change the use of buildings or sites which provide community services and facilities including shops to non-community uses must demonstrate that the service or facility is no longer needed, is available elsewhere in the settlement or can no longer be viable.
32. A number of objectors to the scheme have stated that the Top Green is an important amenity space used by villagers for recreational purposes, and that the loss of the application site would erode the available space. On the other hand, it is also noted that the Parish Council has not raised this as an issue on behalf of the wider community.
33. The Top Green currently has an area of approximately 801 sqm, and the Lower Green has an area of 1423 sqm. The proposed car parking space would erode 129sqm of the edge of the Top Green, which amounts to 5.8% of the total available space. While this is clearly a loss, it would not be significant in the context of the overall size of the open space. Pilsley is well served with the two large areas of green open space and this small loss would not compromise the overall quality of the available green space or its usability by the local community.
34. With regard to the wording of policy HC4(C) due to the significant area of green space unaffected by the development, we conclude that sufficient green space is 'available elsewhere in the settlement' in line with the policy aims.

Impacts on Character and Appearance of the Conservation Area and on Archaeology

35. The Adopted Conservation Area appraisal for Pilsley notes the 'well-tended green', however the area is not designated as 'Important Open Space'. Views into and out of the area to and from the B6048 are noted in the appraisal as are views across the space in and east/west orientation. These views would not be affected by the proposed development. The proposed parking spaces would be located in the south western corner of the Green and as such from the majority of the Green and from views across it, they would not be prominent and would read more as part of the building group known as School Row. The open character of the area would be retained.
36. A Heritage Assessment has not been submitted with the application. However copies of historic maps have been provided together with a written commentary. These show that the application site was previously occupied by a group of buildings. These buildings, which appeared to be workshops and outbuildings were in place by the mid-19th century but were removed in the 20th century. The Estate considers that the Top Green was most likely created in its current form when the Mary Devonshire Cottages were constructed and the remaining outbuildings demolished in 1959.

37. As initially submitted, nine parking spaces were proposed and there were shown to be perpendicular to the access road, Following concerns about the restricted space available to the rear of the space for manoeuvring being raised, amended plans have been received showing the spaces arranged at an angle (echelon) which has resulted in a reduction from nine to eight in number. The layout of the space is acceptable. The proposed surfacing is tarmac. Whilst a top dressing is usually preferable all of the surrounding road and tracks are surfaced with tarmac and so in this case the proposed finish is acceptable.
38. At present the low wall that stretches along the length of the site is around 650mm in height. The proposed wall would be 1m high in order to help screen the parked vehicles. Whilst this is a little higher than at present, provided the wall is built to a high standard in local natural materials this would not appear out of keeping, at is would be similar height to many of the other boundary walls in the vicinity.
39. In conclusion, there would be some harm to the character of the Conservation Area through loss of the existing open space but the visual impact would not be significant. We consider that the resultant harm would be minor. The harm identified is therefore less than substantial and, in accordance with the guidance contained within the NPPF, must be weighed against the public benefits of the scheme.
40. Similarly, with regard to impacts on archaeology the Authority's Senior Archaeologist has advised that if there are below ground traces of the previous buildings surviving, they would likely be of local significance. No information on the extent of groundworks required to create the parking area has been provided in the application. However, we anticipate that these could include excavations for drainage, for the creation of the parking surface and for the wall foundation. Such groundworks have the potential to encounter and destroy surviving belowground remains of the lost buildings depicted on the 19th century maps. This would represent permanent and irreversible harm to the archaeological interest of the site and harm the significance of a non-designated heritage asset of local significance, potentially resulting the complete loss of the last remains of these structures. The archaeologist concludes that if the public benefits are deemed to outweigh the harm then the archaeological impacts can be addressed by means of a condition for archaeological monitoring, recording and investigation. There is the potential for less than substantial harm to below ground archaeology which must be weighed against public benefits.
41. The public benefits, as outlined above, are that the parking spaces would provide dedicated off street parking spaces for the benefit of a number of nearby dwellinghouses. It is a finely balanced judgement but given the relatively minor impact on the Conservation Area, the condition that can be added to look after archeological interests, we are of the view that the public benefits outweigh the minor level of harm.

Impact on Trees

42. There is a mature sycamore tree located approximately 9m to the north east of the application site. Sycamores were introduced in Britain in the middle ages and make an important contribution to the landscape and setting of many villages. It is important that they are recognised in relation to this value particularly as other native trees are vulnerable to loss through fungus and disease.
43. Whilst a full tree survey has not been submitted an assessment of the impact of the development on the trees by the Estate's Head Forester has been submitted. This concludes that the proposed spaces would occupy 2% of the root protection area (RPA) of the trees and therefore development of the car park would not adversely affect the vitality and stability of the tree as long as the remaining RPA is protected during

construction. The Authority's Tree Conservation Officer has raised no objections subject to conditions with regard to tree protection and working methods.

Alternative Sites

44. At the pre-application stage, we discussed the potential of enlarging the existing hard surfaced parking area to the north of the Top Green with the applicant. This would still have an impact on the Green by removing some of the grassed area and due to the geometry of the area it would not be possible to create more than one or two additional spaces. It was concluded that this would not provide sufficient benefit to outweigh the loss of the green space, and use of temporary ground protection to safeguard working area during construction.

Highway Issues

45. The Highway Authority has raised no objection as the roads and tracks that encircle the greens are not adopted public highway. Vehicles would need to reverse out onto the lower road when exiting the spaces, but vehicle speeds on this area are not likely to be high and we consider vehicles would be able to manoeuvre into and out of the spaces in a safe manner.

Conclusion

46. In conclusion, the public benefits of providing dedicated off street parking provision for local residents and thus relieving pressure for on-street parking elsewhere in Pilsley village outweighs the minor, less than substantial harm to the Conservation Area. The minor loss of amenity space would not be significant and would not compromise the overall quality of the available green space or its usability by the local community. Any potential archaeological interests can be mitigated through an appropriate condition. Accordingly we recommend the application for approval.

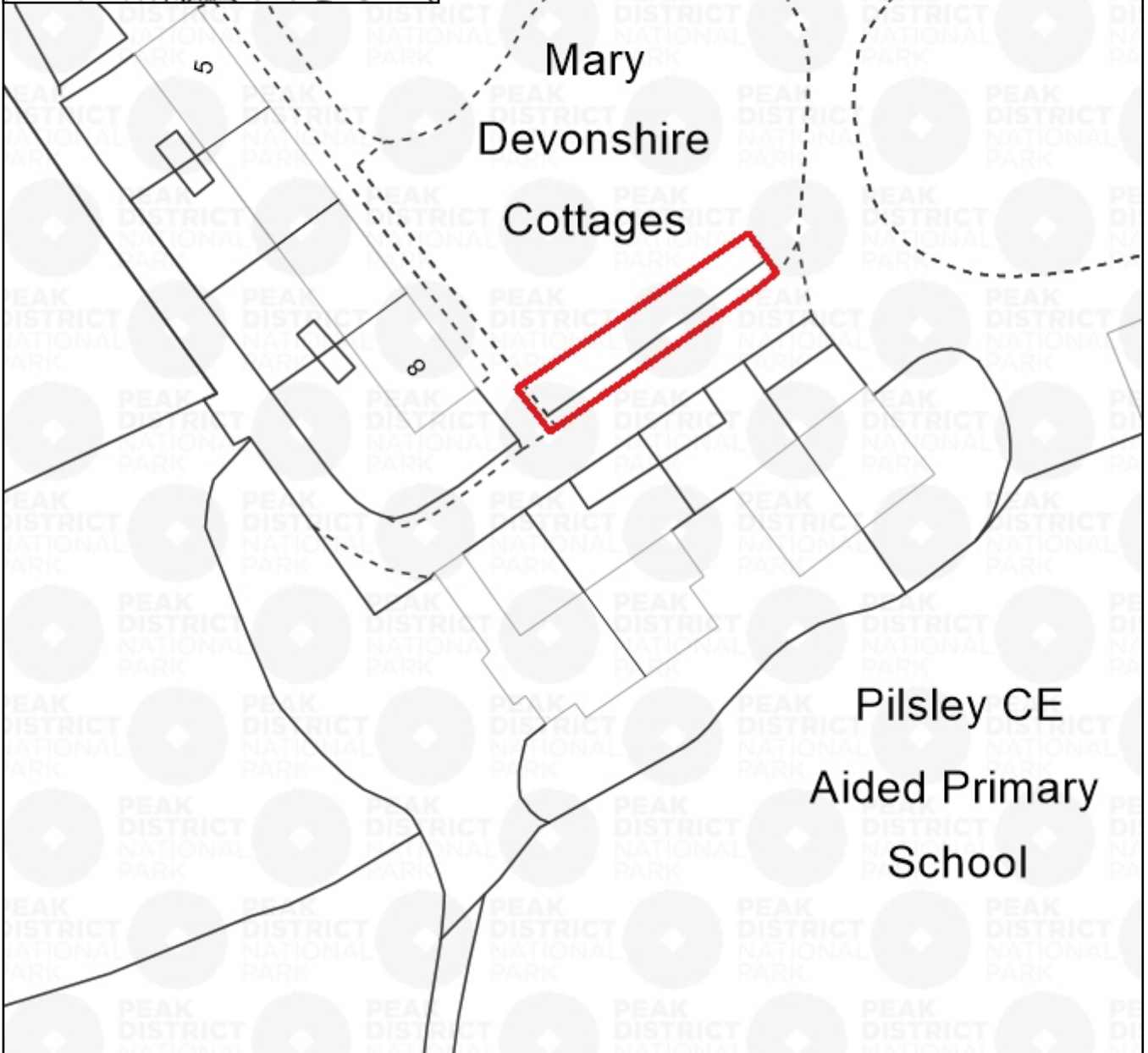
Report Author – Andrea Needham, Senior Planner

Human Rights


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

List of Background Papers (not previously published)

Nil



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Committee Date:	Friday 12th April	Title: Mary Devonshire Cottages	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 11	The Green	
Application No:	NP/DDD/1218/1219	Pilsley	
Grid Reference:	423997, 370995		

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12 FULL APPLICATION – CHANGE OF USE FROM AN A1 (SHOP) TO AN A5 (HOT FOOD TAKEAWAY) AT BROOK HOUSE, MAIN ROAD, HATHERSAGE (NP/DDD/1218/1185 SPW)

APPLICANT: MR DALE HEFFREN

Site and Surroundings

1. Brook House is an end of terrace property situated on Main Road in the centre of Hathersage village. The property is set back from the main road behind a footpath and a row of six parking spaces. The off road parking spaces are associated with Bank House, the nearby restaurant, so not available to Brook House. The property is a 19th century building of gritstone construction under a stone slate roof. The front wall is staggered, stepping in at the eastern end.
2. The ground floor has a lawful use as an A1 shop but is currently vacant. It was most recently occupied by the Post Office. Post office services are now available in the Spar shop at the garage across the main street. Above the shop at first floor is a 1 bedroom flat. The only external space associated with the property is a thin strip of yard area to the rear, accessed through the building.
3. Behind the building the ground level immediately rises by approximately 2m to the garden of the neighbouring dwelling house to the north, Thornfield. There is a terrace of listed cottages adjacent to north-east side of the building, and the former bank building adjacent to the south is now operating as a restaurant.
4. The property adjoined to the west is also in use as an A1 shop at ground floor level with flat above.
5. An minor access road to the properties to the north and east runs up past the Bank House restaurant and east of the application building.
6. The site is within the Hathersage Conservation Area.

Proposal

7. To change the use of the ground floor of the building from an A1 shop use (most recently a Post Office) to an A5 takeaway. Externally this would require a kitchen extraction/ventilation system, which would be internal up to roof level where it then would be housed within a stone chimney.
8. The proposed opening hours are Monday to Friday 11:30 to 21:00 and on Saturdays, Sundays and Bank Holiday Mondays 11:00 to 21:00.

RECOMMENDATION:

9. **That the application be APPROVED subject to the following conditions or modifications:**
 1. **Standard time limit**
 2. **The development shall not be carried out other than in complete accordance with the submitted plans A3_01, A3_04, and specifications subject to the following considerations or modifications.**

3. **Opening hours, Monday to Friday 11:30 to 21:00 and on Saturdays, Sundays and Bank Holiday Mondays 11:00 to 21:00.**
4. **Before the use hereby permitted takes place, the final detailed specification and design for the extraction and filtration system shall be installed in accordance with a scheme to first be submitted to and approved by the National Park Authority. The approved scheme shall achieve a target level of no more than 33dbLAeq 1m from the façade of the nearest dwelling (assessed in accordance with BS4142:2014). The specification for the extraction and filtration system shall thereafter be operated and maintained in accordance with that approval throughout the lifetime of the development to prevent noise and odour nuisance.**
5. **Prior to commencing the use hereby permitted the extraction unit and systems stated in the ‘Purified Air - Specification & Defra Report’ shall be installed and throughout the lifetime of the development these shall be permanently maintained in accordance with the submitted ‘Purified Air – Preventative Maintenance Contract’.**
6. **The chimney hereby approved shall be made of natural gritstone and sited on the ridge to match the existing chimneys on the same terrace of properties.**

Key Issues

10. Principle of loss of the existing community facility of the post office/shop and its conversion to a hot food takeaway; any amenity issues in particular in relation to noise, odour or other disturbance.

History

2018 - (NP/DDD/0417/0350) Advertisement consent granted for new signage for the proposed chip shop.

2017 - planning permission for change of use to a hot food takeaway was refused as no noise impact assessment had been submitted and due to the extraction equipment's proximity to neighbouring residential properties it was likely to have a significant adverse impact on the amenity of these neighbours. The proposal was also refused because of the size, appearance and positioning of the extraction equipment which would adversely affect the character and appearance of the Conservation Area and the visual amenity of the neighbouring property.

2017 - Enquiry 28991 related to this property. The proposal was for conversion to a pub (Artisan beer house). The enquirer was advised that post offices are community facilities and therefore received protection as such in the development plan policies. So any forthcoming application would need to demonstrate that the existing use can be released. Advised that to demonstrate that the use is no longer viable then this would normally require a period of marketing (usually 1 year) the premises as a going concern. If no interest within a year then this would usually demonstrate the facility is no longer viable. Residential amenity would need to be protected by the proposal and the proposal would need to conserve and enhance the character and appearance of the conservation area.

11. **Consultations**

12. Highway Authority, Derbyshire County Council – No highways objections
13. District Council – No response to date.

14. District Council Environmental Health – 07/02/2019 In principle, I do not object to this application for a change of use of the premises to create a fish and chip shop. I am satisfied that the applicant has provided details of a noise survey undertaken to assess the possible impacts of noise on nearby residential premises and do not believe that a noise nuisance should result from the operation of the extraction unit. I do have some concerns, however, that there is the potential for odour from the operation of the fish and chip shop to impact on nearby premises. Although an odour nuisance may not result from smell emanating from the premises, it is likely that some odours will escape from the unit and impact on neighbouring premises, both commercial and residential. However, there are other commercial food premises in the locality that have the potential to create odour nuisance from cooking processes etc. and we have not received complaints from local residents regarding odour nuisance. Therefore, if adequate extraction facilities are in place, such a food outlet can operate without creating odour issues on nearby premises.

18/02/2019 Thank you for your email with the attached information regarding proposed extraction systems. Having read the supporting documents, I would comment that if the proposed unit and systems are used and the correct maintenance and servicing to the equipment is undertaken, I believe that it is possible for the premises to be run as a fish and chip shop takeaway premises, without an odour nuisance ensuing. Although some odours may naturally escape from the premises, it is not anticipated that these would be excessive or at a level likely to give rise to statutory nuisance. Therefore, I would not suggest that the application be rejected on grounds of excessive odours.

15. Hathersage Parish Council – ‘In 2018 Hathersage won a landscape award for the new village centre. The proposed hot food takeaway is 20 yards from this area in the Conservation Area. The proposal will lead to major problems with litter, noise, smell, parking and loss of amenity.

The proximity to numerous dwellings is unacceptable as, no matter how many extractor units are involved, the odour from the opening of the shop door will lead to unpleasant smells for all the neighbours.’

They are also concerned about lack of litter bin and parking provision which the applicant cannot offer due to the lack of curtilage.

They consider there are enough eating options on Main Road and that the unhealthy nature of fish and chips is problematic.

They are concerned about noise of extraction units.

Representations

41 representations have been received. 25 object and 16 are in support. The full representations can be found on the electronic file. The material planning issues raised are summarised below.

Support is raised on the following points –

- Will enhance the look and ambience of the village.
- Use a vacant building, having been vacant for approximately 2 years.
- No problems with car parking and just as many cars/vans stopping when this was a post office.
- Provides employment.
- Would add to the vitality of the village, being a hive of activity.

- Good for tourism and visitors.
- Will not create any further parking problems as short stay on street parking is available close to the business and also pay and display within a short walk.

Objection is raised on the following points. –

- The takeaway facility and associated extraction equipment represents an overbearing presence to the property Thornhill (which is behind the site).
- Odour (smell)
- Negative impact on the amenity of nearby residents.
- No off street parking for staff or customers
- Litter
- Vermin
- Concern that the recently completed community spaces will be used to eat takeaway food.
- Negative impact on the Conservation Area.
- Opening hours of 9.5-10hrs a day will provide no respite for residents.
- Will harm the peaceful enjoyment of nearby properties including their gardens.

Main Policies

16. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L3, HC4, HC5.

17. Relevant Local Plan policies: LC4, LC5, LC6, LC8, LC10 LS1.

National Planning Policy Framework

18. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It's now on its 3rd version which was published in 2019. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'
19. Core Strategy policy GSP1 reiterates that the Authority has a statutory duty to foster the social and economic welfare of local communities in the National Park whilst GSP2 states opportunities to enhance the National Park should be acted upon.
20. Core Strategy policies DS1 details the development strategy for the National Park. It identifies Hathersage as a named settlement.

21. Core Strategy Policy HC4 sets out the criteria for considering the change of use of a community facility stating that proposals to change the use of buildings or sites which provide community services and facilities including shops and financial and professional services to non-community uses must demonstrate that the service or facility is:
 1. No longer needed; or
 2. Available elsewhere in the settlement; or
 3. Can no longer be viable.
22. It goes on to say state that wherever possible the new use must either meet another community need or offer alternative community benefit such as social housing, and that evidence of reasonable attempts to secure such a use must be provided before any other use is permitted.
23. Policy HC5 of the Core Strategy requires that any new shops and related activities are of an appropriate scale to serve the needs of the local community and the settlements visitor capacity. It also states that premises for the sale and consumption of food and drink will be permitted in villages provided there is no harm to living conditions or to the role or character of the area, including its vitality and viability.
24. Local Plan policy LS1 reiterates some of these points, adding that there must be adequate facilities for the storage and disposal of goods, waste, and delivery of stock.
25. It also states that proposals for the sale and consumption of food or drink will be permitted provided that it does not erode the primary retail role of the area or harm its character, viability and vitality. It notes that where the development of a take-away foodshop is proposed, particular care must be taken to protect the amenity of nearby property (for example by restricting opening times) and to ensure local traffic safety.
26. Core Strategy policy GSP3 and policy LC4 of the Local Plan seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy LC4 also notes, amongst other things, the particular attention will be paid to the impact of developments on the amenity, privacy and security of nearby properties.
27. Local Plan policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the conservation area will be preserved and, where possible, enhanced.
28. Core Strategy policy L3 requires development to conserve historic assets. Local Plan policy LC6, which states that any applications for development affecting listed buildings must clearly demonstrate how the building will be preserved and enhanced and why the development is desirable or necessary.
29. Local Plan Policy LC10 addresses shop fronts, requiring a design and appearance that conserves the character and appearance of a building and its locality.
30. Section 12 and in particular para 127 of the National Planning Policy Framework sets out national policy on achieving well-designed places. These include always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

31. The Development Plan is in accordance with the policies in the National Planning Policy Framework as both documents seek to support the prosperity of rural communities, and promote the retention and development of local service provision, including local shops. Both documents also seek to secure high quality design that would conserve the valued characteristics of the National Park, and to protect the amenity of residents.
32. The Hathersage Conservation Area Appraisal was adopted in 2011 and is a further material consideration.
33. 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.
34. For the purposes of this application the following development management policies are relevant. DM3, DMC5, DMC7, DMC8, DMS2, DMS4, DMT6. These in general offer similar protection to community facilities, amenity, heritage assets and require a high standard of design.
35. **Assessment**
36. Principle of loss of Post Office / A1 shop use
37. This application is a resubmission. The previous application was refused for issues relating to noise, impact on conservation area and visual amenity. The previous application dealt with the principle of the loss of the existing post office and its proposed use as a hot food takeaway.
38. In the previous application it was accepted that the existing Post Office ceased trading from the premises some time ago and they currently stand vacant.
39. In the previous application the applicant provided correspondence from both the former manager of the Post Office branch, and from a representative of the estate agency marketing the property. They confirmed that the Post Office use ceased as it became unviable, principally due to cutbacks in the commission rates offered by the Post Office to those running the business, and due to changing shopping habits (for example, road tax being purchased online and parcel deliveries being similarly arranged). Whilst the loss of a local Post Office is regrettable, based on the evidence provided it was accepted that this use of the building is no longer viable. Officers note that post office facilities have now been accommodated within the nearby garage shop.
40. While the current application does not include information on these issues as they have already been accepted in the applicant's earlier application it cannot be introduced at this resubmission stage as a reason for refusal. On this basis it is accepted that the shop has been adequately advertised and officers accept there is currently no need for the premises as an A1 shop (post office).
41. For these reasons the development is in accordance with policy HC4, in so far as it relates to the change of use of a community facility to another use.
42. The emerging Development Management policies offer greater detail on what is

required before an A1 shop use is released (including a viability assessment and marketing the property through the local authority Economic Development Team for at least 12 months). This property has been vacant for 2 years, it is considered that for this application releasing the A1 use has already been demonstrated to be acceptable in planning terms.

43. Principle of change of use to a takeaway

44. Policy HC4 also requires the change of use of a community facility such as an A1 shop to consider other community uses, including the provision of affordable housing. Only if it is found that such alternative use is not viable or required should other non-community uses be considered.
45. In terms of the Authority's policies, a takeaway business, as proposed, would not be considered to represent a community facility. Although it is acknowledged that it would be likely to be frequented by people living within the village.
46. Given the property's character and size the most obvious alternative community use would be as a modest affordable dwelling. However, officers recognise that may not be desirable in planning terms as it could erode the vitality and viability of the town centre if a town centre use (a use with an active frontage) was lost.
47. On the applicant's previous application officers have contacted the Rural Housing Enabler at Derbyshire Dales District Council to discuss housing need in Hathersage. At that stage the most recent survey they undertook in the village was in May 2016. This found a relatively large unmet housing need in the village. However, that survey concluded that there are already sufficient one and two bed roomed affordable flats within the village. On that basis and because the premises are not large enough for conversion to anything other than a one bed flat, conversion of the premises to an affordable dwelling would not meet a community need.
48. Officers found it difficult to imagine what other community use the building might serve, given its size and the existing community provisions within the village. It should be noted that an artisan beer house has been discussed at the pre application stage, however it's not known if this came forward as a viable offer on the premises; seemingly not based on the owner's representation. Officers therefore accept that the building can be converted to the proposed takeaway use under the terms of the Core Strategy Policy HC4.
49. The premises are modest in size and on this basis it is considered that the development would be of a scale to serve the needs of the local community and the settlements visitor capacity as required by HC5.
50. Policies HC5 and LS1 also requires that living conditions and amenity are conserved by development, and that the role or character of the area is not harmed by development, including its vitality and viability.
51. Impacts on living conditions and amenity are addressed later in this report (and found to be acceptable). In terms of vitality and viability, Officers consider that the proposed use would not harm the vitality or viability of the village centre; the use would maintain an active frontage to the building, would contribute to the range of takeaway options available to local people, and would not lead to the loss of a commercial premises. Furthermore, there are numerous other shops in the vicinity ensuring a good range of local service provision would be maintained. The proposal is therefore considered to

comply with HC5 and LS1.

Matters of design and appearance

52. There is only one external alteration proposed and that is a new stone chimney to the front facing roofslope. A new scheme of signage has been permitted already, but this is controlled under the advertisement regulation regime and does not prejudice the outcome of this application.
53. On the front facing roofslope the new chimney is proposed to be constructed of natural stone and will act as the outlet for the extraction system. This has been detailed to match the two other chimneys on the terrace, however it is sited off the ridge. The new chimney would therefore be out of keeping with both the Park's building tradition for ridge chimneys as well as the existing two ridge chimneys. Although it is considered to be a high quality aesthetic for a ventilation flue, and one which is considered to be sympathetic to the character and appearance of the existing building, no justification has been submitted as to why it cannot be sited properly on the ridge and in order to conserve the character and appearance of the building and the Conservation Area, a condition requiring a ridge chimney is necessary.
54. A row of listed cottages lies to the east, approximately 12m from the chimney. The high quality finish of the proposed chimney (flue) enhanced by appropriate siting would ensure that the setting of these listed buildings will not be harmed.
55. The proposal, as amended by the above condition, is therefore considered to conserve the character and appearance of the built environment, the conservation area, and the nearby listed buildings as required by policies L3, LC4, LC5, LC6, and LC10.

Noise impacts on living conditions and amenity

56. The main issues this proposal raises in relation to amenity are those of noise, odour and potentially any other disturbance.
57. In terms of noise, the first reason for refusal from the previous application related noise from the extractor system not having been properly assessed via a noise assessment.
58. This application has been supported by a noise assessment (a noise design target assessment). The calculations of the noise target has been based on the criterion that the noise rating level of the new mechanical services should not exceed the background noise level (DBLA90) outside the nearest residential windows when assessed in accordance with BS4142:2014.
59. The noise design target assessment has found the background noise levels in the area to be 38dB. The assessment explains that the total permissible specific noise level from the extract system should not exceed 33 dBLAeq, this includes a 5dB penalty for acoustic features (tonality and impulsive/intermittency characteristics). It assumes that the extraction equipment will not be in use after 23:00, officers note that this fits with the stated opening times (which show that the premises will close at 21:00). The report concludes that 'it is expected that it will be feasible to design appropriate mitigation measures to meet the criteria', those criteria being to meet the target level of 33dBLAeq at the nearest residential windows (when assessed in accordance with BS4142:2014).
60. The District Council Environmental Health Officer (EHO) has been consulted and is satisfied that the submitted noise survey assess the possible impacts of noise on nearby residential premises and does not believe that a noise nuisance should result

from the operation of the extraction unit.

61. Planning officers consider that a planning condition will be required to ensure that noise level of the proposed extraction unit does not exceed the stated 33dbLAeq when measured at 1m from the façade of the nearest residential property. The nearest would be the flat above the proposed chip shop itself. The condition will need to be a pre-condition (prior to commencing use) as resolving this matter goes to the heart of the permission and the extraction equipment will need to be in operation from the time the use actively commences.
62. Concerns are raised in the objections about general disturbance from customers and deliveries. Subject to the proposed opening times it is considered that the proposed use would not otherwise cause any other noise or disturbance significant enough to warrant refusal on amenity grounds. In accordance with the policies of the development plan and in the interests of amenity, planning conditions can secure the proposed opening hours.
63. We consider that on the basis of the evidence, that the activity and noise generated by the development would not have a discernible impact above that of the existing uses. Officers also note the comments made by the Inspector when issuing the Appeal Decision at Bank House – the property next door to the application site – in June 2017. In allowing conversion of the former bank to a restaurant the Inspector noted that, in a mixed use area, residential occupiers would typically expect some degree of noise and disturbance from neighbouring uses.
64. If the ground floor did not already have lawful use as a retail unit then we may have had concerns regarding the impact of noise from activity associated with the proposed use on the amenity of the occupiers of the flat above. However, the comings and goings and deliveries associated with the use are unlikely to be any more harmful than those of a shop use, indeed there would be an improvement insofar as the associated activity would be more likely to be restricted to specific parts of the day.

Odour impacts on living conditions and amenity

65. As submitted there were no details about odour and this was a concern for us and the Environmental Health Officers, as well as objectors.
66. Following our requests for this information, these details have been provided including a specification and Defra report.
67. The report scores the impact risk based on a range of criteria and this proposal has scored as a very high impact risk.
68. The report therefore explains that a high level of odour control is required to comply, and the proposed type is ESP (Electrostatic Precipitator) followed by UV ozone system. It provides the details of such system and also the details of a maintenance schedule.
69. The Environmental Health officers have been consulted with these details and they accept that if these units and systems are used and the correct maintenance and servicing to the equipment is undertaken then they believe that it is possible for the premises to be run as a fish and chip shop takeaway premises without an odour nuisance occurring.
70. Officers are satisfied that the proposal will have be acceptable in terms of the odour the premises creates. This is subject to conditions which secure the extraction unit and systems stated in the 'Purified Air - Specification & Defra Report' installed and

maintained in accordance with the submitted 'Purified Air – Preventative Maintenance Contract'. The extraction unit and systems will need to be installed prior to commencing use as it goes to the heart of the permission and without such mitigation the impact from odour is unlikely to be acceptable.

71. Officers note that objectors perceive both noise and odour could diminish the enjoyment of nearby residential properties including their gardens and also the adjoining shop. Officers are satisfied that the evidence is that the proposed system with the appropriate maintenance will ensure that the impact is acceptable and the issues the neighbouring properties have concerns about do not materialise as a result of the proposed development.
72. Subject to conditions, the impact (noise, odour other disturbance) of the proposal on the amenities of the area is acceptable and in accordance with the policies of the development plan which protect amenity including Core Strategy policies GSP3, HC5, Local Plan Policy LC4, LS1 and the NPPF.

Highway safety and Parking

73. The premises and those adjacent to it have no off street parking. No additional parking is proposed as part of the proposal. However there is on street public parking available which is restricted to short stay and also a nearby pay and display car park.
74. We consider that the use of the premises as a takeaway would not lead to any significant increase in parking demand than the former post office use.
75. Objection has been made on the grounds that the business would increase deliveries to the site. However, the site already has an extant A1 use and it is not considered that the proposed use would lead to a significant intensification in this regard.
76. The Highway Authority have also raised no objections to the proposals.
77. Officers therefore consider the proposal would therefore have no adverse highway impacts.

Other matters

78. Some representations have stated that the village does not need a fish and chip shop, with such provision being available elsewhere. Whilst the current applicant is proposing a fish and chip shop, the application is for a change of use to a takeaway, which would not be restricted to a fish and chip shop. Given the size of Hathersage it is not considered that such provision would exceed a scale to serve the needs of the local community and the settlements visitor capacity. And the policies of the development plan do not require demonstration of need for the proposed use.
79. Details have been provided to show how the waste from the site would be stored and this is now inside the premises and described by the applicant as being removed daily by themselves. Refuse collections would need to be accommodated outside of the building, but this applies similarly to the current A1 shop use.
80. Concerns have been raised that the proposed development would lead to littering. The possibility of the takeaway use generating litter is a material consideration, even though it is also controllable by other legislation. Given the scale of the proposed development, and in the absence of a known littering problem in the area that would be exacerbated by the development, officers do not consider this has sufficient weight to justify refusal of planning permission.

81. The development would have to comply with building regulations and other legislative regimes which would ensure the safe operation of the business.
82. No environmental management measures have been proposed, although the development would be required to comply with building regulations. Given the scale of extension proposed, this is considered sufficient for the development to comply with the Authority's climate change policies.

Conclusion

83. Releasing the existing use as a shop is acceptable and so is the principle of the proposed use. The detailed matters of the impact of the proposed use on amenity by virtue of noise, odour or other disturbance are also demonstrated to be acceptable in the submitted noise assessment, odour details and the environmental health officer's response which accepts the impact. The external elements of the proposed chimney will complement the existing built environment and heritage assets. Officers therefore consider the proposal to be in accordance with the policies of the development plan and material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan.

84. **Human Rights**

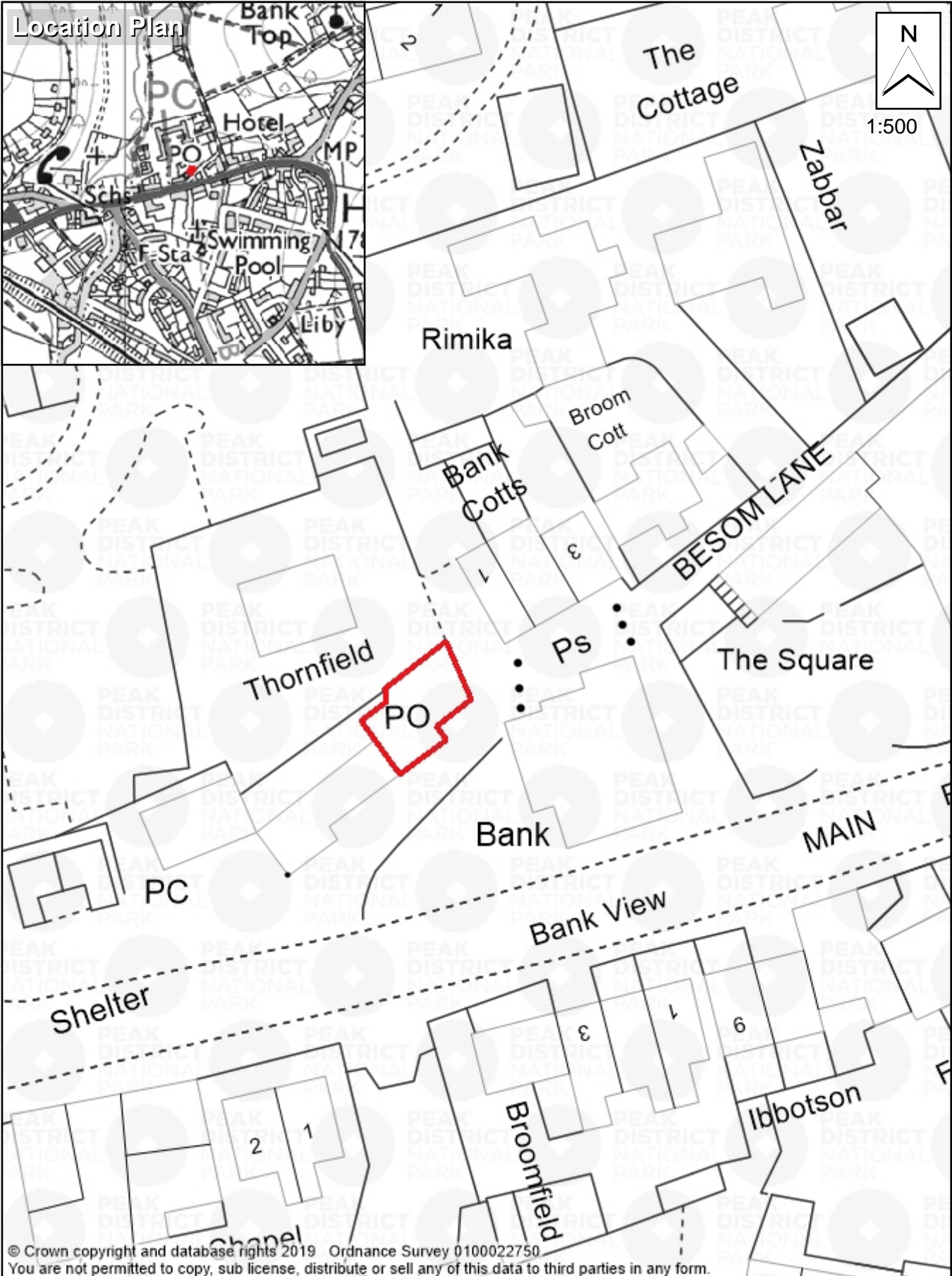
85. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


86. Nil

Report Author : Steven Wigglesworth, Planner

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Committee Date:	Friday 12th April	Title: Brook House Main Road Hathersage	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 12		
Application No:	NP/DDD/1218/1185		
Grid Reference:	423115, 381560		

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13 S.73 APPLICATION –VARIATION OF CONDITION 2 ON NP/DDD/1017/1104 AT CO-OPERATIVE FOOD STORE, NETHERSIDE, BRADWELL, (NP/DDD/0219/0173, JF).

APPLICANT: MR CHRIS EDGE

Site and Surroundings

1. The Co-Operative convenience store is located on the main street in the centre of Bradwell village in an area populated with both residential and commercial properties. The main road through Bradwell – Netherside – runs in a north-south direction past the western boundary of the site. The store is positioned fronting the pavement to the west where the public access is also located. It is a single storey building of natural stone construction, with some rendered sections. The roof is partly pitched with slate and, where it has been extended, has areas of flat roof.
2. Vehicular access to the site is off Netherside, immediately north of the store building. This access runs along the side of the building, terminating at the rear car park. The building's external plant and service access is located to the rear of the store. There is another shop facing the main road at the other side of the site's vehicular access and a large residential garden abutting the north-east and eastern boundaries. To the south is an open grassed paddock created from a former orchard when the trees were removed some years ago. To the south-east and east of this field lie a number of residential properties that are accessed off Soft Water Lane. The site bounds the village Conservation Area to the west and south.

Proposal

3. A S.73 application has been made for the variation of condition 2 which sets specifies the approved plans, on planning approval No NP/DDD/1017/1104.

RECOMMENDATION:

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

1. **The development hereby permitted shall be begun within 3 years from the date of this permission.**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with amended plans; Application Form, Transport Addendum Report, Design and Access Statement, 5731(P)103B, 5731(P)203-1C, 5731(P)203D, and 5731(P)503F, and the submitted materials schedule, subject to the following further conditions and amendments:**
3. **Notwithstanding the submitted information, all new walling (excluding the three rendered panels to the south elevation) shall be constructed of natural gritstone coloured, dressed, sized, coursed, and pointed to match the existing.**
4. **Prior to the erection of the external walls a sample panel of rendered wall of at least 1.0 metre square shall be constructed on the site and the Authority shall be informed to approve the details. The three rendered panels approved to the south elevation shall thereafter be constructed to match the approved sample panel in terms of material, colour and texture.**
5. **Notwithstanding the submitted information, all new lintels, sills, and coping stones shall be natural gritstone.**

6. The rainwater goods shall be black.
7. Notwithstanding the submitted information, prior to the cladding of the roof a sample of the proposed roofing material shall be submitted to and agreed in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved material.
8. Prior to the erection of the walls details of the design of roof copings shall be submitted to and agreed in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details.
9. Prior to any alteration of the existing wall between the development site and highway details of the proposed remodelling of the wall and bollard design shall be submitted to and agreed in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details.
10. Prior to the erection of either the boundary or plant compound fencing (including gates) details of its design and finish shall be submitted to and agreed in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details.
11. Prior to commencement of the development hereby approved a detailed scheme for landscaping, including tree and shrub planting and hard and soft ground surfacing, shall be submitted to and approved in writing by the Authority. Once approved, the planting shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following completion or occupation of the development. Any trees dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.
12. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall include for:
 - Parking of vehicles of site operatives and visitors
 - Storage of plant and materials
 - Routes for construction traffic
 - Hours of operation
 - Method of prevention of debris being carried onto highway
 - Pedestrian/ cyclist protection
 - Any proposed temporary traffic restrictions
 - Arrangements for turning vehicles)
13. The extended premises the subject of the application shall not be taken into use until the existing vehicular access onto Netherside has been modified including widening to an effective 5.5m for the first 10m from the highway boundary and provided with visibility sightlines all in accordance with the revised layout drawing no. 3337-04, the area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level. Markings shall be introduced on the access to prevent parking on this access.

- 14. The extended premises the subject of the application shall not be taken into use until off street parking (including cycle parking) and manoeuvring space has been provided in accordance with the application drawings and maintained free from any impediment to its designated use throughout the life of the development.**
- 15. The existing limestone wall to the north eastern boundary that separates the development site from the properties of Butt Mills Court shall be maintained throughout the lifetime of the development.**
- 16. The new fence to the southern boundary of the site shall be erected in its entirety prior to the commencement of any works associated with the construction of the new car park and shall be permanently so maintained. Alternatively, a temporary solid and secure fence of 2m in height and of a design to be agreed in writing by the Authority prior to its erection shall be erected prior to the commencement of any works associated with construction of the new car park and shall be maintained in position throughout works until such time that the permanent fencing is erected, which shall then be permanently maintained. The extended car park shall not be brought in to use until the new permanent southern boundary fence has been erected.**
- 17. The development shall proceed only in complete accordance with the recommended works and enhancement measures specified in the submitted bat method statement.**
- 18. The development shall proceed only in complete accordance with the recommendations of the submitted reptile report.**
- 19. The extended premises the subject of the application shall not be taken into use until a scheme providing biodiversity enhancement measures for the application site has been submitted to and approved in writing by the Authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved scheme, and the extended premises shall not be brought in to use until the enhancement measures have been implemented. The scheme should include details of:
 - Nesting sites for birds (with particular reference to house martin, swift and sparrow)**
 - Planting of habitat, which will provide habitat for wildlife (including the opportunity to incorporate local varieties of orchard trees into the landscaping scheme)****
- 20. Vegetation clearance shall be undertaken outside the nesting bird season so far as is practicable. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If any clearance works are required within the nesting season then any vegetation to be removed or disturbed shall be checked by a qualified ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them shall be delayed until the young have fledged and the nest has been abandoned naturally.**
- 21. Any excavations that remain open overnight shall be covered or fitted with mammal ramps. Any open pipework with an outside diameter of greater than 120 mm shall be covered at the end of each work day.**
- 22. Prior to the erection or installation of any external lighting a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and**

thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust document Bats and Lighting in the UK.

23. (a) No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
- I. The programme and methodology of site investigation and recording;
 - II. The programme and provision to be made for post investigation analysis and reporting;
 - III. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - IV. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - V. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a) of this condition.
- c) Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.
24. Within 12 weeks of the commencement of development the post investigation analysis and reporting for the archaeological evaluation shall have been completed in accordance with the programme set out in the approved Written Scheme of Investigation (CgMs Consulting, Archaeological Written Scheme of Investigation Co-Op, Netherside, Bradwell Derbyshire, dated 23rd February 2018, CgMs Ref: CH/MF/24152/01) and the provision made for publication and dissemination of results and archive deposition shall have been secured.
25. The development permitted by this planning permission shall be carried out only in accordance with the approved Flood Risk Assessment (FRA) Rev A02 compiled by Waterman Group August 2017 and approve plan 5731(P)503 Revision F.

Key Issues

4. The key issues are whether the proposed alterations to the approved scheme are acceptable as a material amendment.

History

2019 – Planning permission granted for the erection of a temporary convenience store

2017 – Planning permission granted for rear and side extensions to existing convenience store, alterations to shopfront, extension and reconfiguration of car park, replacement plant, plant compound and servicing facilities, together with associated landscaping.

2008 – Planning permission granted for plant equipment and compound

2008 – Advertisement consent granted for new signage

1999 – Planning permission granted for extension to store

Consultations

5. Highways – No objection subject to previously recommended conditions and no parking in the access.
6. County Council – Emergency Planning – No response received to date.
7. District Council – Flood Team – No response received to date.
8. District Council – Environmental Health – No response received to date.
9. Parish Council – Objection due to reduced parking provision.
10. Environment Agency – No objections.
11. Natural England – No response received to date.
12. PDNPA – Archaeology – No response received to date.
13. PDNPA – Ecology – No response received to date.
14. PDNPA – Conservation – No response received to date.

Representations

15. No representations have been received in relation to this application.

Main Policies

16. Relevant Core Strategy policies: GSP1, GSP3, L2, L3, HC4, HC5
17. Relevant Local Plan policies: LS1, LC4, LC5, LC10, LC21, LT10
18. Bradwell Neighbourhood Plan policy: T2
19. 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
20. 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.
21. National Planning Policy Framework
22. 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.

23. 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.'
24. Development Plan Policies.
25. 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.
26. 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.
27. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. LC17 reiterates this position, stating that development will not be permitted unless adequate information is provided about its likely impact on the special interests of a site.
28. Policy L3 addresses cultural heritage assets of archaeological, architectural, artistic or historic significance. It advises 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.
29. Policy HC4 supports the provision and improvement of community facilities within settlements, providing that they are demonstrated to be meeting a local need.
30. HC5 requires that any new shops and related activities are of an appropriate scale to serve the needs of the local community and the settlements visitor capacity.
31. Policy LS1 reiterates some of these points, adding that there must be adequate facilities for the storage and disposal of goods, waste, and delivery of stock.
32. Policy LC4 requires the detailed treatment of development to be of a high standard which respects, conserves and enhances the landscape, built environment and valued characteristics of the area, paying special attention to scale, form, mass and orientation in relation to existing buildings, the degree to which design details reflect or complement the style and traditions of local buildings, landscaping and the amenity, privacy and security of the development and nearby properties.

33. Policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the conservation area will be preserved and, where possible, enhanced.
34. Policy LC10 addresses shop fronts, requiring a design and appearance that conserves the character and appearance of a building and its locality.
35. Policy LC21 resists development that would have adverse impacts in terms of pollution or disturbance.
36. Policy LT10 addresses private non-residential parking, stating that where planning permission is required for an expansion or alteration of a business, parking must be of a very limited nature or accompanied by on-street waiting restrictions, especially in areas served by good public transport.
37. Policy T2 of the Bradwell Neighbourhood Plan states that the removal of any current car parking facilities, both public and private, will be strongly opposed.

Assessment

38. The proposal is to amend condition 2 of a permission for 'rear and side extensions to existing convenience store, alterations to shopfront, extension and reconfiguration of car park, replacement plant, plant compound and servicing facilities, together with associated landscaping'. This was approved in 2017, and the current application seeks to amend the approved plans to reduce the number of car parking spaces to serve the store.
39. The agent handling this application states that 'due to changes in the operational demands of the Bradwell Co-operative store, it is proposed that the configuration of the site layout is amended to enable the reduction in the provision of car parking spaces associated with the store. The proposed reduction in car parking spaces will reduce the amount of proposed hardstanding located within flood zone 3. It is proposed the hardstanding will be replaced with an extended area of soft landscaping'.
40. The application seeks to reduce the number of car parking spaces from 32 to 20. This would be achieved by omitting 12 car parking spaces. It is also proposed to extend a gated access road linking with neighbouring properties. No other alterations are proposed.
41. Principle
42. The principle of the development has been established as a result of approval NP/DDD/1017/1104. The key considerations are whether the proposed reduction in car parking spaces and other minor alterations are acceptable from the perspective of highway safety and parking provision.
43. Character/Landscape
44. The proposed alterations would have no further adverse impact on the character of the site and the surrounding conservation area and landscape when compared with approval NP/DDD/1017/1104. We consider that the proposed replacement of an area of hardstanding with an extended area of soft landscaping would improve the appearance of the site and the surrounding area. The main issue therefore relates to whether the parking provision would remain appropriate for the store.

Highways

- 45 Bradwell Parish Council object to the application on the basis that the expanded store will attract more customers and they surveyed the existing car park and found it already full on that afternoon.
- 46 The Parish Council state that Bradwell Neighbourhood Plan identified inadequate parking in the village as the biggest single source of concern for residents. They say that roadside parking in the vicinity is often full and they are concerned that this could lead to parking on pavements.
- 47 Derbyshire County Council are the Highway Authority and have raised no objections. They say that 'on the basis of the County Councils former parking standard, the 20 spaces are adequate for the 416 sqm of floor space. As stated previously, ad-hoc parking that occurs on the access road, impacts on the accessibility to the remainder of the car park. With the reduced parking now proposed it is imperative that this parking is prevented, along with any overspill into the service/delivery turning space – my previously recommended condition required a plan of the modified access to be submitted and this could be expanded to include measures to prevent parking in the access'.
- 48 The comments are accepted and it is considered that the suggested conditions are necessary in the interests of highway safety and parking.
- 49 As the Highway Authority does not have concerns about the reduction in parking raises no issues in principle that would justify refusal of the proposal.
- 50 Amenity
- 51 As the proposal relates to a reduction in parking on the site, it is not considered that the scheme would result in any adverse impact for neighbouring properties. The amended plans would not result in any issues in terms of overlooking, an overbearing impact or overshadowing. There have been no objections to these plans from neighbours.
- 52 Other Matters
- 53 It is not considered that the amendments to the proposed scheme would result in any significant impact in terms of environmental issues or other matters.

Conclusion

- 54 The proposed alterations to the approved scheme are acceptable. The Parish Council's objection is understood but as it is not supported by the Highway Authority it cannot be sustained as a reason for refusal.
- 55 We do not consider that the amendments to the proposed scheme would result in any significant impact. The replacement of an area of hardstanding with an extended area of soft landscaping would improve the appearance of the site and the surrounding area
- 56 . Therefore in the absence of any other material considerations the proposal is considered to be acceptable and in accordance with the development plan.

Human Rights

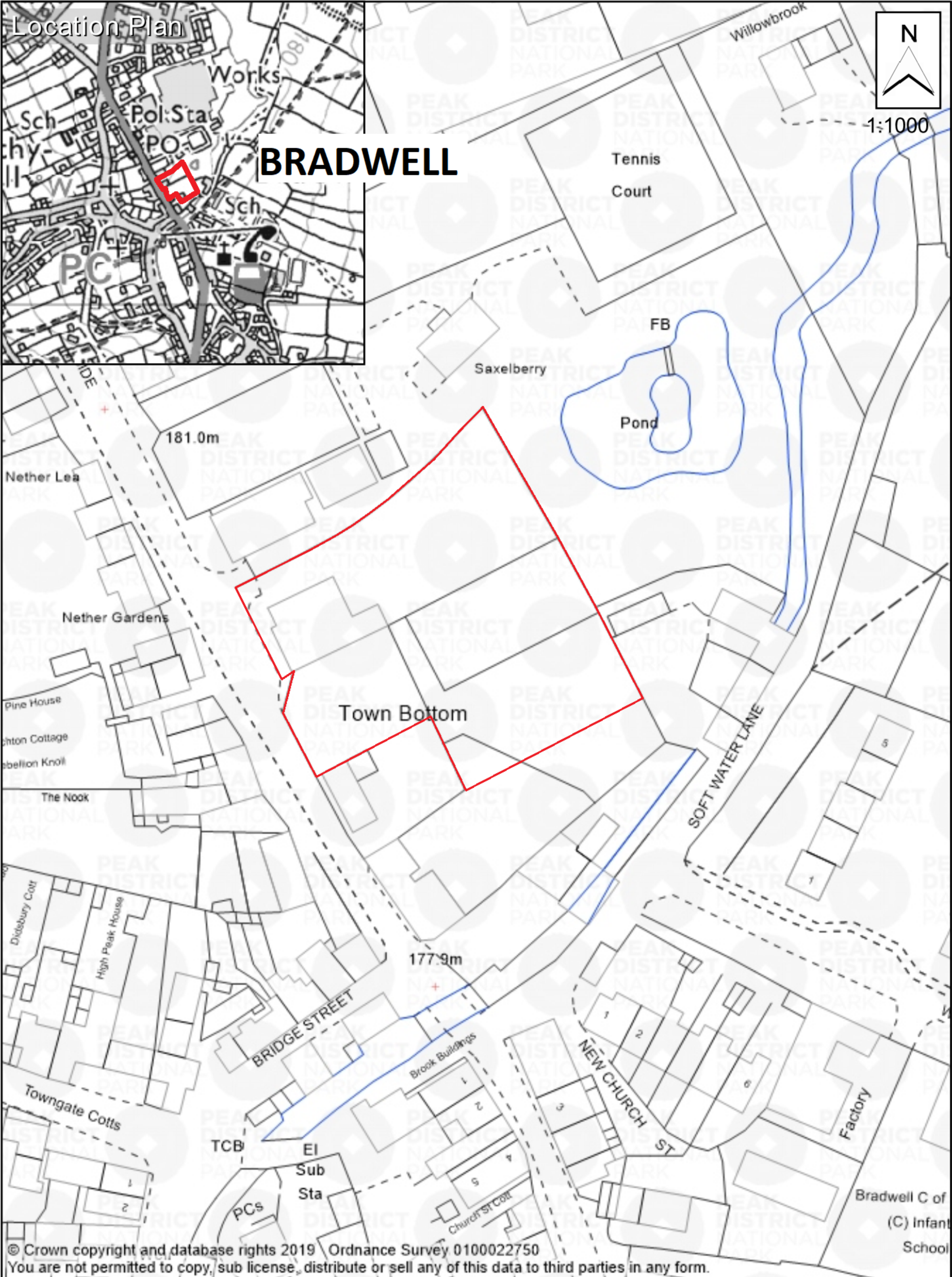
- 57 Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


Nil

Report Author – Joe Freeguard, Planner

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Committee Date:	Friday 12th April	Title: Co-operative Food Store Bradwell	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 13		
Application No:	NP/DDD/0219/0173		
Grid Reference:	417387, 381229		

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14 FULL APPLICATION – 2 STOREY DETACHED DOUBLE GARAGE AT PIPPIN DELL, THE SQUARE, EYAM, DERBYSHIRE (NP/DDD/0118/1082, JF).

APPLICANT: MR H WRIGHT

Site and Surroundings

1. The property concerned is Pippin Dell, a detached bungalow sited within a large plot located to the rear of properties fronting onto The Square in Eyam and within the Eyam Conservation Area. The property is accessed along a narrow driveway between other buildings off The Square, to the south of the property. The dwelling is of reconstituted stone construction, with a pitched concrete tiled roof and a mix of window and door styles, and materials. The property is in the process of being updated, following approval NP/DDD/0617/0606 for alterations and extensions to the main house and the erection of a new detached garage.
2. The site is situated at an elevated position, with open countryside situated to the north and east of the site, and neighbouring residential properties situated to the south and west. The Square is situated further to the south, and the boundaries to the site comprise a mix of stone walls, fences and areas of foliage.

Proposal

3. The erection of a 2 storey detached double garage.

RECOMMENDATION:

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

1. **Standard time limit**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans; Application Form, Design and Access Statement, Legal Agreement, Site Location Plan, PDE/PL02/01-A**
3. **The wall to the West elevation shall be of a natural random gritstone construction, and the walls to the North, South and West elevations shall be of a wet dash rendered construction.**
4. **The roof shall be of a blue slate construction.**
5. **The windows and doors shall be of an aluminium construction, and the garage doors shall be of a vertically boarded aluminium construction.**
6. **The windows shall have natural gritstone lintels and sills and the doors and garage doors shall have natural gritstone lintels.**
7. **The windows, doors and garage doors shall be recessed 10mm from the external walls.**
8. **The rooflights shall be of a conservation type and fitted flush with the roofline.**
9. **The windows shall be obscure glazed and non-opening.**
10. **The garage shall remain ancillary to Pippin Dell and shall not be used as a separate unit of accommodation.**

11. Footnote re legal agreement which prevents the construction of the garage consented under application No NP/DDD/0617/0606 in favour of this proposal.

Key Issues

4. The key issues are whether the development would conserve the character, appearance and amenity of the existing property, its setting, that of neighbouring properties, and the surrounding conservation area.

History

2017 - NP/DDD/0617/0606 – Alterations and extensions to main house and erection of new detached garage – Approved

2017 - NP/NMA/1117/1210 – Non-Material Amendment of NP/DDD/0617/0606 - External retaining wall to form s-shaped form and be faced in stone. Alterations to proposed external steps up to the roof terrace and main entrance – Approved

2018 - NP/NMA/0918/0824 – Non-Material Amendment on NP/DDD/0617/0606 – Approved

Consultations

Highway Authority – No objections subject to use remaining private and ancillary.

District Council – No comments

Parish Council – Objection due to proximity to other buildings, excessive height and overdevelopment.

Representations

Two representations have been received objecting to this application.

5. The representations raise concerns that the proposed development would obscure the line of sight between Thule House and an existing detached garage with a clock, that the height of the development is excessive, and that the development would result in an overbearing impact for the garden of Fern Lea.
6. In response to the concerns raised, the right to a view is not a planning consideration. We accept that there may be more favourable locations for development for neighbours, however the proposed location would not have an unacceptable impact.
7. Although the proposed garage would be situated at an elevated position, the nearest common boundary is situated approximately 4m away and the closest neighbouring property is situated a considerable distance away. We do not consider that these plans would result in any significant issues in terms of an overbearing impact or overshadowing.

Main Policies

8. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3
9. Relevant Local Plan policies: LC4, LH4, LT11, LT18

10. 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

11. 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. National Planning Policy Framework

13. 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.

14. 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.'

15. Development Plan Policies.

16. 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.

17. 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.

18. Policy DS1 indicates that extensions to existing buildings in all settlements will be acceptable in principle.

19. 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.

20. 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
21. Policy LC4 states that development must not harm the character, appearance and amenity of the existing building, its setting or that of neighbouring properties.
22. LC4 and LH4 state that all domestic development must not harm the character, appearance and amenity of the existing building, its setting or that of neighbouring properties. GSP3 also requires a high standard of design in accordance with adopted design guidance.
23. LT11 and LT18 require safe access provision and adequate parking arrangements.

Assessment

24. This is an amended application for a 2 storey detached double garage. The garage is proposed to be situated towards the south-east corner of the site, approximately 4m away from the closest boundary. The garage is proposed to be pitched roof in form, with gable ends to the side elevations and two garage doors to the front elevation.
25. The garage is proposed to be situated on a sloping site, resulting in the rear elevation being taller than the front elevation. It is proposed to measure between approximately 3m and 4.2m in height to the eaves, between approximately 5.4m and 6.2m in height to the ridge, approximately 7.5m in width and approximately 6.7m in depth.
26. The amended plans indicate that the wall to the west elevation would be of a natural random gritstone construction, and the walls to the other elevations would be of a gritstone rendered construction. The garage is proposed to have a pitched blue slate roof with two 'conservation' rooflights within the roofline to the east elevation. Two vertically boarded aluminium garage doors are proposed to the west elevation, and an aluminium door is proposed to the north elevation. A double casement window is proposed to the south elevation at first floor level.
27. Internally it is proposed to create a double garage at first floor level, with a workshop above. An internal staircase is proposed in the northern side of the structure.

28. Principle

29. It is considered that the principle of the proposed development is acceptable. A similar structure was approved on the site under application NP/DDD/0617/0606, and this application seeks to relocate that garage. There would be no real increase in development from what has already been approved. It is considered that a condition should be imposed requiring the garage to remain ancillary to Pippin Dell and not to be used as a separate unit of accommodation. The creation of a separate unit of accommodation would be contrary to policy.

Character/Landscape

30. The proposed scale, design and materials reflect adopted design guidance. The garage would be of a traditional design and is proposed to be constructed using materials that would reflect the surrounding conservation area. An entirely stone structure would be ideal, however it is not considered that the use of an appropriate render to the side and rear elevations is unacceptable. A wet dash render should be used, and this can be imposed by condition. The scale of the proposed garage is not considered to be

excessive, and the location for development would relate appropriately to the host dwelling and the surrounding conservation area.

31. The proposed detailing and fenestration is considered to be of an acceptable quality and appropriately balanced. It is considered that conditions are required detailing materials, to ensure that windows have natural gritstone lintels and sills and the doors and garage doors shall have natural gritstone lintels. Further conditions are required to ensure that all openings are suitably recessed, and for rooflights to be of a conservation type and fitted flush with the roofline. These conditions are required in the interests of the character and appearance of the development and the surrounding conservation area. There are no concerns that the amended plans would result in any adverse impact on the existing house, its setting or the surrounding conservation area.

32. Amenity

33. We do not consider that the proposed location, scale or form of the extension would result in any adverse impact on neighbouring properties. Although the proposed garage would be situated at an elevated position, the nearest common boundary is situated approximately 4m away and the closest neighbouring property is situated a considerable distance away. These plans would not result in any significant issues in terms of an overbearing impact or overshadowing. It is possible that the proposed side windows may result in some minor issues with overlooking and a condition should be imposed requiring these to be obscure glazed and non-opening.

34. Other Matters

35. Given the location of the proposed extension and its relationship to the existing property and neighbouring properties there are no concerns that the proposed development would result in any significant impact in terms of highway or environmental matters. The Highway Authority raised no objections subject to the use remaining private and ancillary.

36. Legal Agreement

37. It is considered that a legal agreement is required to accompany this application. This is because approved application NP/DDD/0617/0606 permitted the erection of a detached garage on the site, and a further consent for a garage would permit two double garages to be erected on the site in total. This is considered to be unacceptable, as it would result in the overdevelopment of the site. As such, a legal agreement has been signed by the owners stating that they will not erect a detached garage as granted under application NP/DDD/0617/0606.

Conclusion

38. The proposed amended plans are appropriate in terms of scale, form and materials, subject to the imposition of conditions. The development would conserve the character, appearance and amenity of the existing property, its setting, that of neighbouring properties, and the surrounding conservation area. In the absence of any other material considerations we consider the proposal to be acceptable and in accordance with the development plan. It is recommended for approval subject to a legal agreement and conditions to secure the amended plans and to specify detailing, materials, and ancillary use.

Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author – Joe Freegard, Planner



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Committee Date:	Friday 12th April
Item Number:	Item 14
Application No:	NP/DDD/1118/1082
Grid Reference:	421963, 376478

Title: Pippin Dell
 The Square
 Eyam



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15 MONITORING & ENFORCEMENT ANNUAL REVIEW – APRIL 2019 (A.1533/AJC)

Introduction

1. This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last year (April 2018 – March 2019) as well as information about the breaches of planning control we have resolved in the latest quarter (January – March 2019).
2. The report also includes: (a) an update on issues at Leanlow Farm, near Hartington as requested by members at the Planning Committee in January 2019 – see paragraphs 14 to 19; and (b) a response to a query raised by Members at the Planning Committee in February about the planning position in relation to horse riding arenas within the curtilage of a dwelling – see paragraphs 20 to 22.
3. Most breaches of planning control are resolved voluntarily or through negotiation without resorting to formal enforcement action. Where formal action is considered necessary, the Head of Development Management and Head of Law have joint delegated powers to authorise such action whereas authority not to take formal action is delegated to the Head of Development Management, the Monitoring & Enforcement Manager and Area Planning Managers.
4. The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so, having regard to planning policies in the development plan and any other material considerations. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. When we take formal action it must be proportionate with the breach of planning control. It must also be clear that resolving the breach would be in the public interest.
5. The National Planning Policy Framework states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. Many, but by no means all, LPAs have published a Plan. In March 2014 we published our Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to the attention of the Authority, what matters may or may not be investigated and the priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches. The Local Enforcement Plan is available on the Authority's website.
6. Team Resources – In March 2019 we appointed two new Senior Monitoring and Enforcement Officers – Andy Grayson and Joe Freegard. This is in addition to the four established posts of Team Manager, Senior Monitoring and Enforcement Officer and two Monitoring and Enforcement Officers. Andy Grayson, who is full-time for two years, is mainly working on more complex cases and particularly those where formal action is likely to be required. Joe Freegard has a permanent part-time (2.5 days per week) role working on a backlog of listed building enforcement cases. He also works part-time (2.5 days per week) in the North Area Team dealing with planning applications etc. With these additional officers, we expect to continue to improve our performance and reduce the overall caseload.

RECOMMENDATION:

That the report be noted.

Summary of Activity 2018-19

7. Notices issued

18/0062 Land at Cartledge Flat/Rushy Dike, North of Hollingdale Plantation Bradfield	Laying of crushed stone to form a track	Enforcement Notice issued 15/06/2018 Appeal lodged and decision awaited.
14/0590 Field rear of Friden Cottages Friden Buxton	Erection of a timber building and provision of hardstanding	Enforcement Notice issued 21/08/2018. No appeal so Notice came into effect 1/10/2018. Building removed but hardstanding remains
17/0153 Bamford Hall Bamford Hope Valley	Change of use from dwellinghouse to mixed use as dwellinghouse and commercial short-let holiday accommodation	Enforcement Notice issued on 18/09/2018 Appeal lodged but later withdrawn. Notice came into effect 12/02/2019 Notice complied with 12/02/2019
15/0057 Land at Mickleden Edge Midhope Moor Bradfield	Engineering operations consisting of the laying of geotextile matting and wooden log 'rafts' to form a track	Enforcement Notice issued 21/09/2018. Appeal lodged. Awaiting Planning Inspectorate start letter
15/0078 Ye Olde Cheshire Cheese PH How Lane Castleton	Installation of extraction unit and ducting system	Enforcement Notice issued 5/11/2018 No appeal so came into effect 14/12/2018 Notice complied with 30/01/2019
14/0484(A) Land at Timberfell, between Station Approach and Little Timbers, Ninelands Road, Hathersage	Erection of dwellinghouse	Enforcement Notice issued 12/02/2019 No appeal so Notice took effect 22/03/2019 Compliance date 22/10/2019
14/0484(B) Land between Station Approach and Little Timbers, Ninelands Road, Hathersage	Erection of dwellinghouse	Enforcement Notice issued 12/02/2019 No appeal so Notice took effect 22/03/2019 Compliance date 22/10/2019
17/0039	Erection of timber building	Enforcement Notice

Land off Lane Head
Road,
Little Hayfield

issued 19/02/2019
Due to come into effect
9/04/2019

8. Appeals determined

17/0054 Land north of Mortimer Road Bradfield	Creation of track and engineering operations to create a flat area for erecting marquees for weddings	8/06/2018 - Appeal allowed in part – Notice upheld with varied requirements and compliance period extended – Compliance due 8/10/2018
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9. Workload and performance

10. This section of the report summarises the Monitoring & Enforcement Team's performance over the last year. Our main performance target in the Development Management Service Plan is to resolve 120 breaches of planning control. We have resolved 151 breaches in the past year – significantly exceeding our target. The number of new breaches found has increased from 186 in 2017/18 to 199 in 2018/19. This is reflected in the increase in outstanding breaches at the end of the year - from 551 (in 2017/18) to 592. In the two most recent quarters, however, there has been a small decrease in the number of outstanding breaches – reversing an upwards trend that has persisted since the second quarter of 2015.

11. We have continued to improve our performance on dealing with enquiries over the last year. 90% of enquiries have been investigated within 30 working days against a target of 80%. This is despite a large increase in the number of enquiries received from 400 to 491. The number of enquiries outstanding at the end of the year has increased from 63 to 88; although this is still well below the figure of 116 outstanding at the end of 2016/17.

12. The table below summarises the position at year end. The figures in brackets are for the previous year (2017/18).

	Received	Investigated/Resolved	Outstanding
Enquiries	491 (400)	467 (458)	88 (63)
Breaches	199 (186)	151 (122)	551(494)

12. Enquiries from different sources but relating to the same issue are logged as separate enquiries and included in the overall figure of 491 received. Over the year there have been 51 of these 'duplicate' enquiries so if these are discounted then the number of issues on which enquiries have been raised is 440.

13. Breaches resolved in the latest quarter (January – March 2019)

18/0109
Moscar Lodge

Change of use from dwelling house to holiday
accommodation

Planning permission
granted

Heathy Lane Hollow Meadows 15/0141 The Coach House High Peak House Blackbrook Chapel-en-le-Frith	Change of use of outbuilding to a dwellinghouse	Use ceased – enforcement notice complied with
18/0119 The Croft Ible Grange Mill	Subdivision of dwelling into two dwellings	Property being used as a single dwelling – no breach
18/0141 Cobbles Tea And Coffee Shop Bank House Market Place Longnor	LISTED BUILDING – Demolition of boundary wall	Works suspended and LBC application submitted
16/0156 Hazel Barrow Farm Upper Hulme Leek	Various breaches of condition on planning permission for holiday accommodation and campsite (NP/SM/0613/0466)	No evidence of current breach
13/0074 Park Hall Manor Park Hall Estate Little Hayfield	Change of use of dwelling to short-term holiday let	Use ceased
16/0077 Woodland at Abney/Highlow Hathersage	Creation of access tracks	Not expedient to take enforcement action
18/0165 Land Between Croft House and Keeling Lane Birchover	Creation of vehicular access	No breach of planning control
13/0112 The Old Cobblers Barratts Yard North Church Street Bakewell	Breach of conditions 2, 3, 4 & 6 on NP/DDD/1011/1031	Not expedient to take enforcement action
11/0198 The Rhododendrons Glossop Road Little Hayfield	Use of residential garden for storage of skips etc	Immune from enforcement action – not expedient to take enforcement action
11/0200 Land opposite 56 Old Dam Peak Forest Buxton	Creation of hardstanding and use for parking and storage	Enforcement notice complied with

18/0017 Heathy Lea Bed And Breakfast Heathy Lea Chesterfield Road Baslow	Use of dwelling as a wedding venue	Immune from enforcement action – not expedient to take enforcement action
17/0181 Fox House Inn Hathersage Road Sheffield	Timber 'smoking shelter' and external chiller unit	'Smoking shelter' removed, planning permission granted for chiller unit
17/0183 Newburgh Engineering Works Netherside Bradwell	Non-compliance with approved plans in relation to the construction of new industrial building (NP/DDD/0815/0779)	Planning permission granted
18/0029 Smiths Island Car Park Coombs Road Bakewell	Laying of hardstandings etc in breach of condition	Works considered to be repair and maintenance – no breach of planning control
18/0172 Fruit Shop 10 Castleton Road Hope	Change of use of shop to Indian restaurant and takeaway	Planning permission granted
13/0071 Hillside Earl Sterndale Buxton	Display of flag on pole	Flag replaced with one that has deemed consent
14/0007 Manor Farm Over Haddon Bakewell	LISTED BUILDING - Removal of stone trough from within the curtilage	Not expedient to take enforcement action
15/0002 15 Pike Close Hayfield	Erection of garden shed and associated structure	Immune from enforcement action – not expedient to take enforcement action
17/0138 The Timbers Main Street Great Longstone	Use of annex as holiday let	Planning permission granted
18/0087 44 Burton Edge Bakewell	Erection of garden shed	Planning permission granted
18/0088 Barn off Blakelow Lane Brightgate Bonsall	Storage of caravan	Caravan removed

17/0132 1 Railway Cottages Buxton Road Newton Grange Ashbourne	Change of use of land to storage	Use ceased
18/0054 4 Eagle Terrace Main Road Wensley Matlock	Erection of building	Permitted development – no breach
18/0140 The Old Meeting House Church Street Youlgrave	Recladding of barn	Planning permission granted
18/0161 Thornycroft Stables Neighbour Way Kettleshulme	Breach of planning permission for replacement dwelling (NP/CEC/1215/1170). Insertion of a door with adjoining windows	Works altered to comply with approved plan
18/0162 Green Farm Sparrowpit	Erection of agricultural building	Planning permission granted
15/0078 Ye Olde Cheshire Cheese How Lane Castleton	Installation of extraction unit	Enforcement notice complied with – extraction unit removed
17/0069 Land opposite Narrowgate Farm Main Road Wardlow	Alteration to vehicular access onto classified road	Planning permission granted
14/0586 Brackenburn Riddings Lane Curbar Calver	Erection of gates and gate posts.	Combined with 16/0118
18/0144 J E Nutch Funeral Directors Hope Road Bamford	Installation of air-conditioning unit	Planning permission granted
18/0121 Beighton Lodge Coach Lane Stanton In Peak	Breach of conditions 4 (spoil disposal) and 5 (construction management plan) on planning permission for erection of garage, workshop and store (NP/DDD/0917/0944)	Conditions discharged

17/0153 Bamford Hall The Hollow Bamford	Change of use from dwellinghouse to mixed use as dwellinghouse and commercial short-let holiday accommodation	Enforcement notice complied with – use ceased
16/0088 The Old Piggery Building fronting Ashford Road The Rock Bakewell	Possible change of use to dwelling	Building cleared of domestic items – no breach of planning control
19/0001 Land adjacent to layby on Hassop Road Calver	Untidy land – waste tipping	Tipped waste removed and land secured
18/0120 Primrose Cottage Windmill Great Hucklow	Partial demolition and rebuilding of dwelling	Planning permission granted
18/0129 Land south of A623 Between Peak Forest and Sparrowpit	Engineering operations/groundworks	Operations ceased and land restored to grass
18/0188 1 Park Lane Little Hayfield Glossop	Insertion of window frames in breach of condition 2 (development in accordance with submitted plans) of planning permission for construction of outbuilding (NP/HPK/0318/0233)	Section 73 application for variation of condition 2 approved
19/0014 Church Shop Next to Hannah Buildings Edale Road Hope	Change of use from shop to cafe	Use not yet started – planning application submitted
19/0005 Bollands Hall Butterton	Felling of trees in Conservation Area	Replacement of felled sycamore agreed – other trees felled were conifers so removal acceptable
12/0067 Gauledge Farm Longnor Buxton	Breach of conditions 6 (landscaping) & 7 (removal of van body) on planning permission for agricultural building (NP/SM/0709/0614)	Condition 7 complied with – not expedient to enforce condition 6

18/0145 The Knackers Yard Main Road Flagg	Erection of building for rearing of game birds	Planning permission granted
14/0468 Land north of the Plough Inn Leadmill Hathersage	Free-standing advertisement sign	Sign removed

Leanlow Farm, Hartington - Update

14. Leanlow Farm comprises a farmhouse and group of agricultural buildings a short distance to the west of the A515 road and approximately 2.5km north-east of Hartington. The farmhouse is in separate ownership to the agricultural buildings and land. It is the agricultural buildings and land that are the subject of this update. The property is open to public view from the A515 and is also seen from the B5054 road to the south.
15. A number of enforcement issues have been raised since 2011, mainly relating to the carrying out of building and engineering operations, ostensibly in connection with the agricultural activities taking place at the site. Several retrospective (and non-retrospective) permissions have been granted for building and engineering operations in connection with those activities. There have also been issues with non-compliance with conditions, particularly relating to landscaping; general untidiness; and possible operation of a plant hire business. Concerns about plant hire activities have arisen since mid-2013, following successful enforcement action against a plant hire business being operated from a site in Heathcote, near Hartington. It has been suggested that the plant hire business has relocated to Leanlow Farm since that action was taken.
16. Plant hire business - Officers have had extensive correspondence with the occupier, and his agent, and have attended site on many occasions, particularly since 2013. Despite this, and other related investigations, we have found no evidence that a plant hire business is being operated from the site. The occupier does run a plant hire business, but he maintains that plant and machinery is moved from one job to another, thereby negating the need for a depot. The available evidence appears to support this so no further action is currently proposed in relation to this issue.
17. Landscaping conditions – Although some planting has been done, landscaping approved under planning permissions granted between 2013 and 2015 has not been carried out in full. The reason for this is that building extensions approved in 2016 and 2017 have been built on areas previously set aside for planting. A comprehensive scheme of landscaping forms part of the most recent planning permission for the erection of a livestock building that was granted in January 2019. This planning permission reviewed the previous landscaping schemes and consolidated the outstanding elements into one comprehensive scheme. Condition 2 of that permission requires that the landscaping scheme is carried out before any built development takes place. At present, ground works are taking place in readiness for building works but no built development has taken place. The operator gave a commitment to carry out the agreed landscaping by the end of 2018 but this has not yet been done. Officers will continue to monitor compliance with condition 2 of the latest permission and look to pursue formal action, if necessary, to ensure that the landscaping is carried out.

18. General Untidiness - the condition of the site has remained fairly static over the past couple of years but it is still an issue we are trying to tackle. Unfortunately the occupier has cancelled our two pre-arranged meetings with him this year so we have not yet managed to meet to speak to him directly. The occupier is aware of our concerns because we have written to stress the condition of the land still presents an issue and to arrange the site visit.
19. It has been alleged that the untidiness is caused, at least in part, by the occupier running an eBay business; whereby vehicles, plant and machinery are regularly bought and sold, and equipment that is awaiting sale being stored on the land in the meantime. We've been actively looking for an eBay account and items being advertised for sale that could lead back to the site and to the occupier, but so far we've not been able to find any evidence of this sort.

Horse-riding arenas

20. At the Planning Committee on 8 February 2019, members approved an application for a stables and store at Westfield, Pinfold Hill, Curbar. Members had visited the site on the day before the Committee and had noted an existing horse-riding arena. As referred to in the report to February Committee, this had previously been investigated by the Monitoring and Enforcement Team, who concluded that it was 'permitted development' and so was not a breach of planning control. Before constructing the horse-riding arena the owner of the property contacted the Authority to check whether planning permission would be required. The owner was informed that the proposed work would constitute permitted development under Class F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Members queried this conclusion so officers agreed to provide a more detailed explanation.
21. Part F allows for the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse. As the arena was proposed to be located in the front garden, between the house and the road, and would exceed 5 square metres in area, it was subject to a condition in Class F which requires either the hard surface to be made of porous materials or provision being made to direct run-off water from the hard surface to a permeable or porous area or surface. The construction of the arena involved a very limited 'cut and fill' operation to create a level surface and the erection of a surrounding fence. As the change in ground levels was minor (i.e. approximately half a metre), this did not alter the conclusion that the works were 'permitted development'. As the fence did not exceed a height of 2 metres, it was 'permitted development' under Class A of Part 2.
22. It is important to understand that the provisions in Class F only apply to works within the curtilage of a dwellinghouse. The construction of a horse-riding arena in other circumstances would normally require planning permission as the necessary groundworks and surfacing would be classed as 'engineering operations'. In some cases, it may also result in a material change in the use of the land which requires planning permission.

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

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0518/0435 3219940	Removal or Variation of Condition 3 on NP/DDD/0417/0403 to allow clear glazed non opening windows in the east facing gable ends of the extension at Gate Close, The Fold, Stoney Middleton	Householder	Delegated
NP/DDD/1018/0885 3223575	Single storey front and rear extensions at 19 New Road, Eyam	Householder	Delegated

2. 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/HPK/0316/0215 3201092	Alterations to listed building at Edale House, Hope Road, Edale	Hearing	Part Allowed/Part Dismissed	Delegated

The Inspector agreed with the Authority that some of the works that had already been carried out were acceptable in preserving the building and its setting and its features of special architectural/historic interest, and are in line with policy. However, there were works that were found to be unacceptable, and which conflicted with the development plan, and the public benefits of these works did not outweigh the harm identified. The Inspector amended some of the suggested conditions that the Authority had submitted. .

NP/DDD/0218/0126 3208806	Removal of Condition 3 on Planning Permission granted for Change of use of part of premises from commercial to residential at Skidmore, Queen Street, Tideswell	Written Reps	Allowed with Conditions	Delegated
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The Inspector considered that Condition 3 by the Authority to not grant permission for any alterations to the external appearance of the property were not necessary, as Condition 4 of the permission restricted external alterations to the resulting dwelling. So although the Inspector allowed the appeal it was only insofar as to rewrite a condition with the same effect, stating that “no improvement or alteration to the external appearance of the building shall be carried out without an application for planning permission having first been made to and approved in writing by the National Park Authority”.

NP/SM/0818/0742 3219634	Proposed two storey side extension to create porch, utility and summer room on the ground floor, and a new en-suite/dressing room on the first floor at Hope Farm, Hope Road, Alstonefield	Householder	Dismissed	Delegated
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The Inspector considered that there were a number of inaccuracies in the plans, and that the proposed north and east elevations and first floor plan contained conflicting detail. It was also felt that the inconsistencies created doubt as to the finished appearance of the proposal, and that it was not clear precisely as to what was proposed. The appeal was therefore dismissed.

NP/DDD/1018/0885 3223575	Proposed single storey front and rear extensions at 19 New Road, Eyam	Householder	Dismissed	Delegated
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The Inspector considered that the proposal would dominate the front of the pair of semi-detached dwellings, and would detract from their simple character. The visual harm would be readily visible from certain vantage points within the street scene and would not be in keeping with the general pattern of the surrounding development. The appeal was therefore dismissed.

NP/DDD/0918/0819 3221331	Proposed two storey rear extension, single storey side extension and detached garage at Hollins House, Dunlow Lane, Eyam	Householder	Part Dismissed/Part Allowed	Delegated
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The Inspector felt that whilst the proposed extensions to the dwelling were acceptable, the proposed garage would harm the character and appearance of its immediate, and would fail to conserve and enhance the natural beauty and valued character of the National Park. The Inspector allowed part of the appeal with imposed conditions relating to the external finish of the extension to ensure they would be visually acceptable.

3. **RECOMMENDATION:**

That the report be received.