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



Our Ref: A.1142/2126

Date: 31 October 2019



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 8 November 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 11 October 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. Major Application - Improvements and expansion of the existing car park associated with Chatsworth House, together with the creation of a new access road via a spur off the existing A619/A621 roundabout east of Baslow (NP/DDD/1018/0911, ALN) (Pages 17 - 40)**

Site Plan
- 7. Full Application - Construction of 9 residential units (use class C3), comprising 2 no. 1-bedroom flats; 2 no. 2-bedroom dwellings and 2 no. 3-bedroom dwellings for affordable rent and 3 no. 3-bedroom dwellings for shared ownership, associated car parking, creation of new access, landscaping and associated works at land off Church Lane, Rainow (NP/CEC/0919/1002, AM) (Pages 41 - 62)**

Site Plan

8. **Full Application - 2 local need affordable houses, land adjacent to Hillside Bungalow, School Lane, Taddington - ITEM WITHDRAWN (NP/DDD/0719/0744) (Pages 63 - 72)**
Site Plan
9. **Full Application - Proposed erection of 2 no. local need affordable dwellings at land adjacent to Main Road, Nether Padley, Grindleford (NP/DDD/0419/0392, SPW) (Pages 73 - 88)**
Site Plan
10. **Full Application - Proposed new menage arena and agricultural building in existing paddock field at Harvey Gate Farm, Blakelow Road, Onecote (NP/SM/0819/0843 SC) (Pages 89 - 96)**
Site Plan
11. **Full Application - Alterations and change of use of traditional rural building to form 3 holiday lets at The Homestead, Main Street, Biggin (NP/DDD/1218/1145 TS) (Pages 97 - 110)**
Site Plan
12. **Section 73 Application - Removal of condition 58 on NP/DDD/0815/0779 for demolition of existing industrial buildings, development of 55 dwellings (C3), erection of 6 industrial starter units (B1), car parking, landscaping and drainage attenuation with access from Netherside (starter units) and Bradwell Head Road (residential), at former Newburgh Engineering Co Ltd, Newburgh Works, Bradwell - ITEM WITHDRAWN (NP/DDD/0719/0825 JK) (Pages 111 - 122)**
Site Plan
13. **Full Application - Conversion of existing building within the curtilage of a dwelling house to form living accommodation for ancillary use of the main dwelling - retaining 1 stable, equipment store and tack room within the application building - Lane Farm, Bar Road, Curbar (NP/DDD/0419/0378, JF) (Pages 123 - 132)**
Site Plan
14. **Full Application - Proposed ancillary building to serve as storage (including bicycles and tools) and as a general multi-purpose room at Gabled House, South Church Street, Bakewell (NP/DDD/1218/1160 SC) (Pages 133 - 142)**
Appendix 1

Site Plan
15. **Full Application - Demolition of existing garage and erection of double garage with store at Pear Tree Cottage, Main Street, Calver, S32 3XR (NP/DDD/0519/0483, JF) (Pages 143 - 152)**
Site Plan
16. **Full Application - Listed building consent for replacement windows in the north and south elevations at Manor Farm, Oldfields Farm Lane, Grindon (NP/SM/0719/0780, TS) (Pages 153 - 160)**
Site Plan
17. **Full Application - Change of use of agricultural barn to 3 no. Letting rooms (NP/DDD/0519/0462 TS) and Section 73 Application - Variation of condition 1 on NP/DDD/1117/1128 to allow the approved stables and tack room to be used as ancillary domestic accommodation at Bleaklow Farm, Bramley Lane, Hassop (NP/DDD/0519/0460 TS) (Pages 161 - 182)**
Appendix 1

Site Plan

18. Development Management Performance (JEN) (Pages 183 - 184)

19. Head of Law Report - Planning Appeals (A.1536/AMC) (Pages 185 - 186)

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.

Public Participation and Other Representations from third parties

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

Written Representations

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

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

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MINUTES

Meeting: **Planning Committee**

Date: Friday 11 October 2019 at 10.00 am

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

Chair: Mr R Helliwell

Present: Cllr D Birkinshaw, Mr P Ancell, Cllr W Armitage, Cllr P Brady, Cllr M Chaplin, Cllr D Chapman, Cllr I Huddleston, Cllr A McCloy, Cllr Mrs K Potter, Miss L Slack, Mr K Smith and Cllr G D Wharmby

Apologies for absence: Cllr A Gregory and Cllr A Hart.

132/19 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 13 September 2019 were approved as a correct record.

133/19 CHAIRS ANNOUNCEMENT

The Chair welcomed Lydia Slack as a Member to her first Planning Committee Meeting, and to Jess Irwin who is currently doing work experience within the Development Management Service.

134/19 URGENT BUSINESS

There were no items of urgent business.

135/19 MEMBERS DECLARATIONS OF INTEREST

Item 8, 9 & 10

Mr Robert Helliwell declared a personal interest as he knew of the applicant.

Item 11

It was noted that all Members knew Cllr Gill Heath, who had given notice to speak as a Member of the Authority.

Item 12

It was noted that all Members knew Cllr Gill Heath, who had given notice to speak as a Member of the Authority

136/19 PUBLIC PARTICIPATION

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

137/19 REPORT ON OBJECTION TO TPO 90/2019 - LAND BETWEEN SMITHY LANE AND CHURCH LANE, RAINOW GRID REFERENCE SJ953762 AND PROPOSAL TO MODIFY

The Chair brought forward Item 14 for consideration.

Felicity Stout, Tree Conservation Officer ('TCO') introduced the report, which was to consider an objection to an area tree preservation order TPO 90/2019 on land at Smithy Lane and Church Lane, Rainow and determine whether it should be confirmed with or without modifications. The objection referenced current government guidance in relation to 'Area' objections. The TCO after consideration of the objection proposed to modify TPO 90/2019 to make TPO 90/2019 a 2 group order rather than an area order as set out in the Modification Schedule 1 (Appendix 2) and Modification Plan (Appendix 3).

The recommendation to confirm TPO 90/2019 as modified was moved, seconded, put to the vote and carried.

RESOLVED:

- 1. That TPO 90/2019 be confirmed in its modified form with new Modification Schedule 1 (Appendix 2) and Modification Plan (Appendix 3).**

138/19 S73 APPLICATION - REMOVAL OF CONDITION 5 AND 7 ON APPEAL T/APP/L1046/A/87/07162/P2 AT QUARTERS FARM, BUXO PLAS MANUFACTURING LTD, QUARTERS LANE, HAZLEBADGE

The Planning Officer provided a single introduction to Items 6 & 7 but reminded Members that they would have to vote on each application separately. He then went onto update Members on an amendment to two of the conditions on Item 7, Condition 10, to read "Submit a scheme within 3 months" and Condition 5 to read "The dry limestone render on the block walls shall be maintained as a rendered finish" as the Conditions in the report were re-stated from the original permission.

The following spoke under the public participation at meetings scheme:-

Ms Lizzie Marrjoram, Legal Representative on behalf of Agent/Applicant.

In response to Members queries regarding landscaping, the Planning Officer reported that there had been a positive engagement with the applicant and the agent, and they were satisfied that in the coming months a scheme could be approved.

A motion for approval was moved and seconded.

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

RESOLVED:

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

1. The use hereby permitted shall be restricted to the building and the extension hereby approved and to no other building in the Quarters Farm farmstead group.
2. There shall be no external storage of materials or goods in connection with the use hereby approved.
3. The building and its extension shall be used for the development, production and storage of extruded plastic tubing and for no other purposes. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the use shall be limited to that specified in this condition and for no other purposes.
4. Any new electricity supply cable to the building or extension hereby approved shall be provided underground.
5. The use hereby permitted shall only be conducted between 6am and 8pm on weekdays and 8am and 6pm on Saturdays and at no time at all on Sundays, Bank or Public Holidays.

139/19 S73 APPLICATION - REMOVAL OF CONDITION 10 ON NP/DDD/0613/0542 AND MODIFICATION OF S106 LEGAL AGREEMENT UNDER S106A TO REMOVE CLAUSES 2 AND 3 OF THE SECOND SCHEDULE AT QUARTERS FARM, BUXO PLAS MANUFACTURING LTD, QUARTERS LANE, HAZLEBADGE

This item was considered in conjunction with Item 6, details of which are in the minute138/19.

The speaker on Item 6 was asked if they wished to make any further comments with regard to this Item.

Ms Lizzie Marrjoram, Legal Representative on behalf of the Agent, provided an update regarding the landscaping concern that had been raised, and confirmed that further submissions were to be made in respect of landscaping, and that they had already been engaging with Officers.

The Officer recommendation to approve the application subject to amending Conditions 10 & 5 was moved, seconded, put to the vote and carried.

RESOLVED:

1. **A. That the application be APPROVED subject to the following conditions and/or modifications and,**
2. **B. That the S106 be varied to remove clauses 2 and 3 of schedule 2.**

1. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted plans and specifications numbered 1314-01 Rev A Proposed elevations; 1314-02 Rev A Proposed Block Plan; 1314-05 Existing & Proposed Floor Plan; and the amended drawings numbered Amended Site Plan and Amended Location Plan which were received by this office on 19 July 2013 subject to the following conditions and/or modifications:-
2. The building and its extension shall be used solely for purposes relating to the development, production and storage of extruded plastic tubing and for no other purposes. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the use shall be limited to that specified in this condition and for no other purposes.
3. The sheeting for the doors, walls and roof of the extension shall be factory colour-coated to BS 5252 Ref. No. 12 B 29 (dark green) and thereafter the sheets shall not be repainted or replaced other than that colour without the prior written approval of the National Park Authority.
4. All external timberwork shall be stained dark brown or black and shall be permanently so maintained.
5. The dry limestone render on the block walls shall be maintained as a rendered finish.
6. There shall be no external storage of materials or goods in connection with the development hereby permitted.
7. Notwithstanding the details shown on the approved plans a detailed scheme for landscaping (including tree planting, drystone and retaining walling and any structures which shall be faced in rubble limestone as necessary) shall be submitted to and approved in writing by the National Park Authority within 2 months of the date of this permission being granted. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following completion or occupation of the extension. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.
8. Prior to the disposal of any spoil arising from the works, precise details of the disposal shall be submitted to and approved in writing by the National Park Authority. All spoil shall then be disposed of in accordance with the approved details.
9. The use hereby permitted shall only be conducted between 6am and 8pm on weekdays and 8am and 6pm on Saturdays and at no time at all on Sundays, Bank or Public Holidays.

10. **To submit a scheme for external lighting within 3 months of the date of this permission being granted to be approved in writing by the National Park Authority. The development shall then be carried out in accordance with the approved details and permanently so maintained.**

140/19 FULL APPLICATION - TO WIDEN AN EXISTING 2.75 METRE GATEWAY TO 4.58 METRES IN ORDER TO IMPROVE ACCESS FOR FARM MACHINERY NEAR OLD HALL FARM, UNNAMED ROAD FROM ROAD LEADING TO TUNSTEAD TO GLEBE FARM, WORMHILL

The Chair brought forward Item 13, for consideration as the speakers had not arrived for the next item.

The Head of Development Management introduced the item and confirmed that the existing gate posts would be re-set and that no trees would be removed to create the new access.

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

RESOLVED:

To APPROVE the application subject to the following conditions:

1. **3 year implementation period.**
2. **Development to be carried out in accordance with specified plans.**
3. **Original stone gate posts to be retained and reused for the improved access.**
4. **No removal of trees**
5. **Surface within the highway to stay as existing**
6. **Advisory footnote re; Contact with Highway Authority regarding coordinating works adjacent to the highway.**

141/19 HEAD OF LAW REPORT - PLANNING APPEALS

The Chair brought forward Item 16 as the speakers had not arrived for the next Item.

The Head of Development Management updated Members on the appeals that had been lodged, withdrawn and decided upon over the last month. She also informed Members that a letter had been received from the Ministry of Housing, Communities and Local Government to confirm that the Authority would not be designated as a poorly performing Planning Authority, and that she would be bringing a performance report to the Planning Committee in November.

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

RESOLVED:-

That the report be received.

**142/19 MONITORING & ENFORCEMENT QUARTERLY REVIEW - OCTOBER 2019
(A.1533/AJC)**

The Chair brought forward Item 15 as the speakers had not arrived for the next Item.

The Monitoring and Enforcement Team Manager, introduced the report and updated Members on the current enforcement cases as well as breaches that had been investigated and actioned over the last quarter. He reported that the targets set were on track and in some cases would be exceeded.

The Head of Development Management explained that additional resources had been allocated to the Monitoring & Enforcement Team over the last year; a two-year fixed term, full time post at senior level which had helped to resolve some of the bigger enforcement cases, and a permanent part time senior post, which had helped to resolve some of the back log of breaches relating to listed building enforcement issues.

The Monitoring and Enforcement Team Manager then showed a number of photographs, including case ref: 16/0022 (Land North of Main Road, Taddington) where an enforcement notice had been issued, several 'before and after' photographs of completed cases and some cases where a decision had been taken not to pursue enforcement action.

Members welcomed the report and congratulated the Monitoring and Enforcement Team on the performance figures

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

RESOLVED:

That the report be noted.

**143/19 FULL APPLICATION - RESIDENTIAL CONVERSION OF STONE BARN AT
ASHBOURNE ROAD, WETTON**

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

The Planning Officer introduced the report, and confirmed that the parking/garden area for the proposed house, would be contained within the curtilage of the building, and would be masked by trees and would not have any visual impact.

The following spoke under the public participation at meetings scheme:-

Mr Ben Garstang, Applicant and Mr Rory Bradford, Agent shared the speaking allocation

Members considered that the proposal would conserve the character of the heritage asset but asked whether the hardstanding area was needed. The Planning Officer confirmed that officers had received amended plans and the hardstanding had now been removed..

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

RESOLVED:

To APPROVE the application subject to the following conditions:

1. 3 year implementation time limit
2. Adopt amended plans
3. Barn to be converted within its shell with no rebuilding.
4. Remove permitted development rights for alterations, extensions, outbuildings, gates, fences, walls, satellite dishes and solar panels.
5. Restrict domestic curtilage to the enclosed area immediately to the west of the barn only.
6. Written Scheme of Investigation for a Level 2 building recording scheme to be submitted, agreed and implemented.
7. Full details of windows and doors including final finish to be submitted and agreed.
8. Hard and soft landscaping scheme to be submitted and agreed including details of any changes to levels within the domestic curtilage and details of screen wall to oil tank.
9. No external lighting to the east elevation of the barn. A scheme of lighting to be submitted and agreed.
10. Details of bin store area to be submitted and agreed.
11. Rainwater goods to be cast iron and painted black.
12. Flue pipe to be painted back at the time of erection and permanently so maintained.
13. Windows and doors to be recessed by 100mm (approx. 4inches) from the front face of the wall.
14. New openings to be provided with natural limestone lintels and cills to match those on the adjacent windows.
15. Doorways to east elevation (to hallway and study) to be fixed closed in the manner shown on the approved plans prior to occupation and shall remain fixed closed in perpetuity.
16. Recommendations in section 5 of the submitted 'Bat and Barn Owl Survey and Report' (dated 11/08/2019) to be fully adhered to.

17. **The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material between carriageway edge and site boundary in accordance with the approved plans.**
18. **Visibility splays to be provided and maintained.**
19. **Parking and turning areas to be provided and maintained.**
20. **Submit and agree Scheme of Environmental Management Measures**
21. **Submit and agreed details of sewage treatment arrangements.**

The meeting adjourned for a break at 11.15 and reconvened at 11:22.

144/19 FULL APPLICATION - CONVERSION OF TRADITIONAL STONE BARN TO SHORT TERM HOLIDAY ACCOMMODATION, FIELD BARN, ASHBOURNE ROAD, WETTON

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

The Planning Officer introduced the report and informed Members that although the external alterations proposed were sensitive using the existing openings, insufficient information to properly assess the internal character of the building had been received.

The following spoke under the public participation at meetings scheme:-

Mr Rory Bradford, Agent

Members considered that although the barn is a heritage asset at risk of deterioration, the proposed conversion would harm the qualities of the barn and the landscape due to its isolated position outside the village.

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

RESOLVED:

To REFUSE the application for the following reasons:

1. **The development would result in domestication of the landscape in this location, harming its agricultural character, contrary to policies L1 and DMC3, and to paragraph 172 of the NPPF.**
2. **Insufficient information has been provided to demonstrate the significance of the building and how any identified features of value will be conserved and where possible enhanced, contrary to policy DMC5 and the guidance within the NPPF.**

145/19 FULL APPLICATION - CONVERSION OF BARN TO ONE OPEN MARKET DWELLINGHOUSE AND ONE AFFORDABLE DWELLINGHOUSE - BARN AT CARR LANE, WETTON

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

The following spoke under the public participation at meetings scheme:-

Mr Rory Bradford, Agent

The Planning Officer introduced the report.

Although Members agreed that affordable housing was needed to keep villages sustainable, there was concern that the proposal would impact on the landscape and the character of the medieval field strip system.

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

RESOLVED:

To REFUSE the application for the following reasons:

- 1. The development would result in alterations to the building and domestication of the building's setting that would harm its historic agricultural character, contrary to policies L3, DMC3 and DMC10. This harm is judged to outweigh the public benefits of the development, meaning that it is also contrary to policy DMC5 and to paragraphs 172 and 197 of the NPPF.**
- 2. The development would result in harm to the historic agricultural character to the Wetton Conservation Area contrary to policies L3, DMC3 and DMC8. This harm is judged to outweigh the public benefits of the development, meaning that it is also contrary to policy DMC5 and to paragraph 172 and 196 of the NPPF.**
- 3. The development would result in domestication of the landscape in this location, harming its agricultural character, contrary to policies L1 and DMC3, and to paragraph 172 of the NPPF.**

146/19 FULL APPLICATION - CONVERSION OF BARN TO ONE OPEN MARKET DWELLINGHOUSE AND ONE AFFORDABLE DWELLINGHOUSE AT ROCHE GRANGE FARM, MEERBROOK

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

The Planning Officer introduced the report and informed Members that although the proposal would conserve and enhance the building, there was however a concern that the introduction of 2 new houses, which would be totally separate from the wider farm, would not be compatible with agricultural activities at the site, and that the farming activities could lead to conflict between residential use and the agricultural use of the farm.

The following spoke under the public participation at meetings scheme:-

Cllr Gill Heath, Supporter
Ms Valerie Hulme, Applicants Daughter

Members considered that there was a way forward, and that the application should be deferred to allow for more discussions with the applicant.

A motion to defer the application to allow for further discussions with the applicant regarding details on parking, the layout and form of the frontage of the property, green measures, sub division of the parcel of land at the rear, replacement of the barn and a Section 106 agreement to secure the property as affordable housing was moved and seconded, put to the vote and carried.

RESOLVED:

To DEFER the application to allow the Officers more discussion with the applicant regarding details on parking, the layout and form of the frontage of the property, green measures, sub division of the parcel of land at the rear, the replacement of the barn and a Section 106 agreement to secure the property as affordable housing.

147/19 FULL APPLICATION - CONSTRUCTION OF AGRICULTURAL WORKERS DWELLING AT MANIFOLD FARM, BUXTON ROAD, WETTON

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

The Planning Officer introduced the report, and informed Members that although there was agreement that there was a need for an agricultural dwelling, as the worker currently lived in rented accommodation in the village, and there is doubt about this accommodation remaining available, there was concern that the development would have an impact on the landscape. The Planning Officer informed Members that other locations had been explored with the applicant, but that no suitable location had been found.

The following spoke under the public participation at meetings scheme:-

Cllr Gill Heath, Supporter
Mr Craig Barks, Agent

Members asked whether further excavation and placing the building at a lower level with additional tree planting, could address the landscape impact concerns The Planning Officer reported that tree planting with mature trees would take time to become established and that the building would add development into an undeveloped landscape.

The Committee voted to agree to continue the meeting beyond 3 hours in accordance with Standing Order 1:10

A motion to defer the application to allow the Authority further information to be provided by the applicant regarding siting and lowering of the dwelling, alternative locations, relocation of slurry store and purchasing adjacent land was moved and seconded, put to the vote and carried.

RESOLVED:

To DEFER the application to allow the Authority further information to be provided by the applicant regarding siting and lowering of the dwelling, alternative locations, relocation of slurry store, purchasing adjacent land and landscaping.

Cllr Ian Huddleston left the meeting at 12:45 and returned at 12:50.

The meeting ended at 1.20 pm

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6. MAJOR APPLICATION: IMPROVEMENTS AND EXPANSION OF THE EXISTING CAR PARK ASSOCIATED WITH CHATSWORTH HOUSE, TOGETHER WITH THE CREATION OF A NEW ACCESS ROAD VIA A SPUR OFF THE EXISTING A619/A621 ROUNDABOUT EAST OF BASLOW (NP/DDD/1018/0911, ALN)

APPLICANT: MR STEVE PORTER – CHATSWORTH HOUSE TRUST

Summary

1. The application seeks to reconfigure and extend the main visitor car park at Chatsworth and create a new arm and link road to the roundabout to the north of the Estate. In the planning balance, subject to conditions, including that there be no public parking below the Bastion Wall over and above the 3 major 'events,' the public benefits of the scheme would outweigh the harm, such that this major development is recommended for approval.

Site and Surroundings

2. Chatsworth House is a stately home situated on the eastern edge of the National Park, approximately 4km north east of Bakewell. It is a grade I listed building and the 765 hectare park and garden in which it sits is included on the Historic England register of parks and gardens at grade I. The Estate is a major tourist destination within the National Park, attracting around 640,000 paying visitors each year.
3. The main access to Chatsworth House is via Paines Bridge on an unclassified road that links to the B6012 to the south east. Access can also be gained via the Golden Gates from the A619 to the north.
4. The application site edged red encompasses two locations: an area that includes the existing main visitor car park to the north of Chatsworth house; and an area on the south side of the 'Golden Gate' roundabout on the northern boundary of the parkland. The two sites are linked by an existing private parkland drive known as the 'North Drive'
5. There are a number of other listed buildings in close proximity to the car park. These include the Stables (grade I), North Lodges (grade I), game larder (grade II), James Paine's three arched bridge (grade I), and the terrace walls to the west of the house (known as the Bastion Walls)(Grade II). To the south of the roundabout are the Golden Gates and Lodges (Grade II).
6. The existing car park has developed and expanded incrementally over a number of years and currently can accommodate approximately 675 vehicles.

Proposal

7. This is a major planning application which seeks planning permission for two areas of development as follows:
8. To reconfigure and extend the main visitor car park to increase capacity by 30% from approximately 675 spaces to 895 spaces (plus 13 coach bays). The main elements of the scheme are as follows:
9. Re-configuration and resurfacing of the existing car park area to provide more formalised parking bays (including 40 disabled spaces).
10. Expansion of the car park to the north, west and east of the existing footprint to increase capacity.

11. Creation of a more level surface by 'cutting' material from the southern area and 'filling' within the northern area.
12. Creation/retention of a green 'picnic area' around the veteran trees in the centre of the site.
13. Relocation of ticket kiosks to the entrance to the northern zone of the car park, with a one-way system into and out of the car park.
14. Bollards, kiosks and temporary fences removed from the North Lodge car park and area of hardstanding reduced.
15. Removal of row of car parking spaces directly in front of the principle (west) elevation of the Stables.
16. Relocation of coach parking bays to the northern edge of the car park.
17. Creation of dedicated footpath links from the car park to the house/stables.
18. Widening of the access road to the west of the car park.
19. Dedicated bus stop and 15 secure cycle racks.

20. The create a fourth arm to the southern side of the roundabout to the east of Baslow. The main elements of the scheme are as follows:
 21. New arm of the south side of the roundabout including realignment of the existing arms.
 22. New access road from the roundabout through the woodland to the south and across an area of parkland to link with the existing access track to the south of the Golden Gates.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. 3 years implementation period**
- 2. Adopt amended plans**
- 3. Once the new park is first brought into use, no public overflow parking shall take place between the Bastion Wall and the River Derwent (in the area marked green on the attached plan) over and above the operational days of the three major events – RHS flower show (5 days per year), Country Fair (3 days per year) and Horse Trials (3 days per year)**
- 4. The proposed access off A619 shall not be taken into use until the modifications to the roundabout have been fully completed, generally in accordance with the application drawing, but fully in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority.**
- 5. The proposed turning area demonstrated on the application drawings for the northern access road shall remain available for use at all times.**
- 6. In association with Condition 4 an 'Access and Signage Strategy' shall be submitted prior to the new access being taken into use, detailing the proposed operation of the new access and restrictions to the existing 'Golden Gates' access for approval. Once approved the proposed access shall be operated in accordance with the proposed Strategy unless otherwise agreed in writing.**
- 7. Recommendations at section 6 of submitted Arboricultural Assessment by the 'Tree and Woodland Company' and advice in the Arboricultural Advice note (July 2019) by Anderson Tree Care to be fully adhered to.**

- 8 **Hard and soft landscaping scheme (including details of all surfacing and new railings to top of earthwork feature) to be submitted agreed and thereafter implemented.**
- 9 **Management plan for the ongoing management of Heath Lea Wood to be submitted and agreed and thereafter implemented.**
- 10 **Proposed works to create an improved environment for the ancient trees in the centre of site to be completed before the extended part of the new car park is first brought into use.**
- 11 **Lighting scheme to be submitted and agreed.**
- 12 **Removal of car parking in front of the stable block and works and improvements to the northern forecourt to be carried out in full accordance with the approved plans before the extended part of the new car park is first brought into use.**
- 13 **Surface water drainage scheme to be submitted and agreed.**
- 14 **Archaeological scheme of works to be submitted, agreed and implemented for works to create the new access road and the car park.**
- 15 **Travel Plan to be submitted and agree and thereafter implemented.**
- 16 **Recommendation at section 4 of the submitted bat survey by Peak Ecology to be fully adhered to. Location of proposed bat boxes to be submitted and agreed.**
- 17 **Recommendations in section 4 of the submitted badger survey by Peak ecology to be fully adhered to including that works to the western access road shall be carried out between 1 July to 31st November.**
- 18 **Full details of signage to be submitted and agreed including number, location, design and finish. Thereafter scheme to be implemented.**
- 19 **Full details of all service routes including ducting, power and water supply to be submitted and agreed.**
- 20 **Details of any CCTV installations to be submitted and agreed.**

Key Issues

- Need for the proposed development.
- Impact on the setting of heritage assets and landscape character
- Ecological impacts
- Impact on arboricultural interest
- Archaeological impacts
- Flood Risk and Drainage issues
- Traffic impacts
- Overflow parking and broader sustainability principles.

History

There is a detailed and extensive planning history for development on the Estate but in relation to the specific application site:

October 2017 – pre-application enquiry submitted with regard to the current proposals.

April 2018 – (Enq ref 32709) formal EIA screening request submitted for the current proposals. The Authority came to the view that the development does not constitute EIA development

Consultations

23. **Highway Authority** – *‘Whilst the introduction of the additional arm to the roundabout is generally supported in principle the Highway Authority would prefer to see the use of this arm become a more regular access to the premises. Without an expectation of emerging vehicles, drivers on the roundabout could potentially start to ignore the arm, on the assumption that it is never used. Use of the existing Golden Gate access could be downgraded and limited to pedestrians/cyclists only with all vehicles using the new access, It is noted that following discussion with the Highway Authority a turning area has been demonstrated in front of the new gates the remove the need to vehicles to reverse onto the roundabout – whilst demarked as ‘extant of highway works’ this area would remain private. The proposals include the provision of a significantly increased number of parking spaces which would not suggest a sustainable development. Whilst there may be planning policy issues in relation to the provision of more parking with no associated development, it is assumed that with the inefficient use of unmarked parking area, that some of this parking already occurs, albeit in a more ad-hoc overspill arrangement.’* Recommends conditions that the access is not brought into use until after the modifications to the roundabout have been implemented; the turning area to remain available at all times; Access Strategy to be submitted and agreed and the new parking areas to remain ancillary to and in association with Chatsworth House.

24. **District Council** – no response

25. **Baslow Parish Council** – *‘The Parish Council support the application as long as it removes traffic from Baslow and to enable this, the new access should remain open all the time and not just during events. No traffic from Bakewell or Manchester direction should be re-routed through Baslow but continue to use the existing main entrance. Is the roundabout layout the best for traffic flow or should the exits be more evenly spaced?’*

26. **Historic England** - *‘The new submission includes a revised design and access statement and a transport strategy. We welcome an holistic approach to the management of vehicles across the Estate but remain concerned that the sustainable limits of visitor parking and events in the Park have not been tackled more robustly. Whilst it evidently desirable that the public enjoy this exceptional place, its ability to absorb this much interest without being itself consumed is necessarily finite. The overall carrying capacity of the estate and the attritional effect of parking upon the significance of the Grade I Park and associated listed buildings remains of concern. In addition to the intrusion of parking in key views and upon the appreciation of the House in its designed setting we are particularly concerned at the impact of parking on earthwork and buried archaeological remains which contribute to the significance of the Grade I registered park and other assets.*

27. *As set out in the submitted additional information the scheme now offers a clear reduction in non-event days on which parking will occur on the grass below the Bastion Wall (i.e. in the principal view of the House). What is now offered is a limit of ten days per a year in addition to those days upon which 'events' occur. This limit is a benefit to the conservation and experience of the House in its parkland setting and can be set alongside the reduction in parking impact upon the Grade I Listed former stables by virtue of the parking being set back from the existing line and the benefits offered to veteran trees. These heritage benefits should however be weighed against the impacts of the new parking and access works themselves, including the archaeological impacts of the new roadway at the northern end of the Park.*

28. *Were that your authority were minded to grant consent for the scheme as now proposed it should secure the benefits offered by the use of robust conditions to planning consent addressing the following issues:-*

A) That the applicant be restricted to X number of days per a calendar year in which vehicles may be parked or events held on the ground below the Bastion Wall so as to give certainty as to the overall impact upon the significance of the Grade I Listed House and Registered Park permitted. (where X is calculated by the Local Planning Authority from the data submitted in the applicant's Design and Access Statement.)

B) That the applicant shall not permit vehicles to be parked in Chatsworth Park in conditions or in a manner likely to result in damage to archaeological earthworks or buried remains, so that the significance of the Grade I Park and the setting of the Listed Buildings may be preserved.

29. *With regard to the sufficient assessment of the likely impact of construction works upon archaeological remains and the mitigation of archaeological impacts more broadly we refer you to the advice of the National Park Senior Conservation Archaeologist.'*

30. **Gardens Trust** – *'It is clear from the documents submitted with this application that the current parking arrangements are insufficient and unsatisfactory, leading to the unwelcome build up of traffic, congestion in Baslow, possible damage to the Grade I Three Arch Bridge, as well as occasional overflow parking to the west of the house. The GT welcomes the careful consideration given to overcoming these problems. We feel that the new entrance off the A619, the removal of pay kiosks from the north front, the resulting improvements in traffic flow and the increase of pay kiosks at the northern end of the car park extension will outweigh the less than substantial harm caused to the setting and significance of the Grade I RPG.'*

31. **Environment Agency** – no comments to make.

32. **Lead Local Flood Authority** – *'After review of the submitted FRA the LLFA would require some clarification on the proposed Car Park aspect of the development. In terms of the proposed run-off rate the applicant has indicated that a 30% betterment on the existing situation will be provided. The LLFA would expect a discharge rate close as reasonably practical to the greenfield run – off rate, this would be in line with S3 of DEFRA's Non-statutory technical standards for sustainable drainage systems. Currently this appears not to be the case. The applicant is proposing to discharge surface water to 2 existing culverts, however it is unclear if there is sufficient capacity to accept additional flows and what the current condition of the culverts are. It is noted that attenuation storage shall be provided by geo-cellular storage, however it appears the applicant has not fully considered a range of SuDs features. The LLFA would expect full consideration for a whole range of SuDs features.'*

33. Natural England – no objections

34. **Authority’s Ecologist** – (in summary) following completion of activity surveys during the course of the application, no objections with regard to potential impacts on bats. Any lighting scheme will need to be designed to be minimal and low level to ensure minimal impact on bat foraging use across the site, dark space and tree habitats. Still raises concerns with regard to the impacts of works to the car park on veteran trees, and that the proposed enhancements to the veteran trees resource would not outweigh the removal of trees, and severance of woodland. No objections with regard to impact on fungi. With regard to badgers, requires clarity on the location of the road widening to ensure that works are not within a 30m buffer zone of an identified sett. Following receipt of further information, is satisfied that the proposals would be unlikely to affect great crested newt. The new access road off the roundabout will result in severance of semi-natural broadleaved woodland. Notes that the surrounding woodland plantation will receive additional management to improve its structure and diversity through selective thinning and understorey planting. Requests that this be secured by means of a condition.

35. **Authority’s Archaeologist** – (in summary) the groundworks required to create the car park and the access road will result in direct and irreversible harm to features of archaeological interest, where they survive, and cause harm to the archaeological interest of the site as a whole. Taking into account the nature and significance of these features is confident that should this aspect of the development be deemed to be acceptable, the impacts can be appropriately mitigated by a conditioned scheme of archaeological work. Has concerns with regard to the long term sustainability of the proposed parking strategy because of the cumulative impact of parking within the parkland in areas with extant archaeological earthworks. Parking over earthworks, particularly when the ground is wet/saturated, could result in harm to the earthwork remains. Concerns about the level of public benefit the development would achieve without the removal of car parking below the Bastion Wall. If areas of archaeological earthworks are used to ease pressure on the use of the Bastion Wall, then the harm will be displaced elsewhere rather than removed. If the application is deemed to be acceptable, recommends conditions for:

- Restricting the number of days that events can be held or cars can be parked below the Bastion Walls.
- Ensuring that there is no parking in the parkland within areas of archaeological works.
- An archaeological scheme of work for the new access road and car park.

36. **Authority’s Landscape Architect** – no landscape visual objections to the proposed alterations to the car park. Welcomes the arboriculture report it is *‘very clear and gives good recommendations for tree protection and management of existing and proposed trees.’* Raises some detailed queries with regard to some detailed elements of the car park design.

37. **Authority’s Conservation Officer** - A full car parking strategy which removes overflow car parking in front of the Bastion Wall, as requested by the Authority and Historic England at the pre-application stage, has not been provided. Car parking in this location has a negative impact on the setting of the Grade I listed Chatsworth House, Grade II listed Bastion Wall and other associated designated heritage assets, causing less than substantial harm to their significance. Parking on the grass in front of the Bastion Wall also risks long-term harm to the fabric of the Grade I Registered Park and Garden in this exceptionally sensitive location. As noted by Historic England, without a full car parking strategy which addresses, and resolves this issue, I would not support approval of the proposed improvements and expansion of the car parking.

38. Authority's Tree Conservation Officer – no objections. The 'betterment works' provide exceptional reasons, which is to improve the root environment of the existing veteran trees and would not result in the loss or deterioration of irreplaceable habitats.

Representations

39. 3 letters of objection from Friends of the Peak District/CPRE have been received over the course of the application. In summary the letter raise objections to the proposed car park extension, to any parking below the Bastion Wall and to the proposed new access road. They support the improvement to the existing car park. Points raised include:

- Measures to encourage sustainable travel are insufficient. The submitted Travel Plan continues to meet demand for car parking – instead Chatsworth should use current parking capacity as a demand management tool to reduce car dependant trips and increase incentives to use bus, car share and cycle.
- Since the application was submitted climate change has development to an existential threat and emergency – it is imperative that traffic reduction should be implemented urgently and Chatsworth should play its part.
- New access track would lead to loss of boundary mixed woodland, 6 trees and a strip of medieval and post medieval field system and tracking, the impact of which is considered permanent and irreversible by the PDNPA.
- With the North Drive in place traffic impacts would occur regularly on two routes. This would spread the cumulative impacts of moving traffic across a wider area detracting from the landscape, visual enjoyment and cultural heritage. The benefits have not been adequately demonstrated.
- Concerns about impacts of overflow parking.

40. Seven individuals have written in to object (one individual wrote three letters). The letters raise the following points (in summary):

- Application narrowly focuses on, without question, on meeting and increasing demand for car-based visitor travel. Instead the proposals should manage demand. Increasing supply will worsen problems in years to come.
- Climate change and localised pollution impacts are ignored.
- The applicant wishes event parking to set aside as a separate issue but it is not.
- Use of the north drive as a main access would ruin the peaceful aspect of the parkland, it is currently only used for events.
- If the north access is used regularly by vehicles, it would not be useable by families with small children, wheelchair users etc.
- The applicant needs to look at the bigger picture – proposals offer short term solution by increasing car park capacity. The problem will then need to re-visited again before long.
- Chatsworth should look at off-site parking and ride and real incentives to use public transport.
- Application does not uphold Chatsworth's so called 'green credentials'.
- New spur to roundabout will create gridlock in Baslow as those leaving the Estate will have priority over those leaving Baslow.
- No account taken of existing car parks at Calton Lees, the garden centre and the farmshop. A shuttle bus operates from Calton Lees over the Xmas period but this is not mentioned. Use of Calton Lees could ease pressure on areas near the house.
- No analysis of the impact of additional traffic when approaching the Estate from the A6 through Rowsley.
- Applicant makes much of the benefit of moving car parking way from the stables but then the whole area in front of the stables is used for a market over the Xmas period.

- Applicant has provided much detail with regard to its carbon footprint in recent applications for solar panels but fails to do so on this major application.
41. One letter of support has been received from ‘Marketing Peak District and Derbyshire’ on the grounds that the proposals would improve accessibility to the Estate by private and public transport; would encourage visitors to stay longer and increased their spending; and the road would improve traffic flows, reduce congestion and benefit the wider economy.

Main Policies

42. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, RT1, CC1, T1, T2, T3, T7
43. Relevant Local Plan policies: DMC3, DMC5, DMC7, DMC9, DMC11, DMC12, DMC13, DMT3, DMT2, DMT7
44. 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.

National Planning Policy Framework

45. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government’s intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
46. Para 172 of the NPPF states the 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. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
47. National policies with regard to promoting sustainable transport are set out in chapter 9 of the NPPF. Para 102 states that transport issues should be considered at an early stage so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised ; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

48. Para 108 states that in assessing applications for development, appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
49. Para 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
50. With regard to the historic environment para 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 195 states 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 total loss is necessary to achieve substantial public benefits that outweigh that harm.

Development Plan

51. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Core Strategy

52. Policy GSP1 E states that in securing national park purposes major development should not take place within the Peak District National Park other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of the criteria in national policy. GSP2 states that opportunities should be taken to enhance the valued characteristics of the National Park. This is expanded in policy L1 which relates directly to enhancement of landscape character, L2 to sites of biodiversity and geodiversity importance and policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.
53. Core Strategy policy T1 seeks to encourage sustainable transport and reduce the need to travel through giving priority to conservation and enhancement; encouraging modal shift to sustainable transport and minimizing traffic impacts within environmentally sensitive locations.
54. Core Strategy policy T2 C states that no new road schemes will be permitted unless they provide access to new businesses or housing development or there are exceptional circumstances. Those road schemes (including improvements) that fall outside of the Planning Authority's direct jurisdiction will be strongly resisted except in exceptional circumstances.

55. T3 seeks to achieve high quality design in transport infrastructure. T7 states that non-residential parking will be restricted in order to discourage car use and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity. New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere and wherever possible it will be made available for public use.
56. 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.
57. 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. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.

Development Management Policies

58. Policy DMC3 expects a high standard of design that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape.
59. Development Management policy DMC5 states that applications affecting a heritage asset should clearly demonstrate its significance including how any identified features will be preserved and where possible enhanced and why the proposed works are desirable or necessary. Development of a heritage asset will not be permitted if it would result in harm to, or loss of significance character and appearance unless the harm would be outweighed by public benefit. DMC8 states that planning applications involving a Registered Park and Garden and/or its setting will be determined in accordance with policy DMC5.
60. DMC7 aims to ensure that development preserves the character and significance of listed buildings.
61. DMC11 seeks to achieve net gains to biodiversity or geodiversity as a result of development. DMC12 aims to safeguard sites, features or species of biodiversity interest.
62. DMC13 states, amongst other things that trees and hedgerows, including ancient woodland and ancient and veteran trees, which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity or biodiversity of the location will be protected. Other than in exceptional circumstances development involving loss of these features will not be permitted.

63. DMT3 states, amongst other things that where new transport related infrastructure is developed, it should be to the highest standards of environmental design and materials and in keeping with the valued characteristics of the National Park. Development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.
64. DMT7 states that new or enlarged visitor car parks will not be permitted unless a clear, demonstrable need, delivering local benefit, can be shown. Where new or additional off-street visitor parking is permitted, an equivalent removal of on-street parking will usually be required. In considering proposals for new or enlarged car parks in the Natural Zone and in Conservation Areas, the developer is expected to have assessed alternative sites located in a less environmentally sensitive location, capable of being linked to the original visitor destination either by a Park & Ride system or right of way.
65. DMT2 seeks to achieve any local road improvements in a way that does not cause harm to the landscape. Schemes with the sole purpose of increasing capacity of the network will not be permitted.

Assessment

Whether the proposals represent major development

66. In terms of the Town and Country Planning (Development Management Procedure) Order 2010 the current proposals represent 'major development' as the application site edged red extends to more than 1 hectare (in fact it extends to 5.6 hectares). In planning policy – both national and local – the term major development is also referenced. Specifically paragraph 172 of the NPPF and Core Strategy policy GSP1 seek to resist 'major development' in National Parks in all but exceptional circumstances and where it can be demonstrated that they are in the public interest.
67. Para 131 of the Authority's Development Management policy document provides clarity on the issue. It points out that 'Footnote 55 of the NPPF (2019) states, *'whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'* In making this assessment close regard should therefore be had to the impact of a scheme on the special qualities of the National Park utilising the Landscape Strategy and other tools advocated by this document.'
68. In this case the application site is located within the Chatsworth Parkland which is a highly sensitive landscape in that it is a grade I Registered Park and Garden and there are numerous listed buildings and undesignated heritage assets within the vicinity of the site. In addition, Chatsworth is an extremely popular tourist destination, with the park and gardens holding a central place in the history of English landscape design. Taking into account this sensitive setting and the significant operational development that is proposed, the view is taken that the proposals do indeed constitute major development within the National Park. Planning permission should therefore only be granted if it is considered that exceptional circumstances exist and that the proposals would be in the public interest. The public interest benefits that would arise are discussed further in the relevant section of the report below.

Whether the principle of the proposed development is acceptable.

69. With regard to the proposed car park extensions, Core Strategy policy T7 and Development Management policies DMT7 together make it clear that new or enlarged visitor car parks will not be permitted unless a clear, demonstrable need, delivering local benefit, can be shown. Furthermore policies T2 and DMT2 seek to resist new local road schemes unless there are exceptional circumstances and provided they do not cause harm to the landscape.
70. Furthermore consideration with regard to the impact of the proposals on the significance of the identified cultural heritage assets; on archaeology; and on ecology interests including trees are crucial to the determination of this application.
71. The acceptability of the principle of the development in this instance therefore rests upon a balanced view being taken as to whether or not any harmful impacts from the introduction of a major form of development would be outweighed by public benefits. This analysis will take into account the 3 criteria that para 172 of the NPPF refer to with regard to assessing major development in National Parks i.e.
- The need for the development, including in terms of any national considerations, and the impact of permitted it, or refusing it, upon the local economy;
 - The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.
72. The report will look at need, then the physical impacts of the development and finally the broader issues of overflow parking and sustainable development and will seek to provide a 'planning balance' between them.

Issue 1: Need for the proposed development

73. Car park re-configuration/extension

74. The application is accompanied by a Design, Planning and Access Statement, a Transport Assessment and a Transport Statement. These documents explain that the main car park at Chatsworth House is used to park general visitors to the property, numbering on average 24,700 to 26,000 cars per month during the open season between April and December. When the House and Gardens are closed numbers per month average between 6000 and 6,500. In addition the car park is used by staff, volunteers and contractors, together with coaches.
75. The information provided demonstrates that the main car park (675 spaces) is frequently unable to meet regular demand for parking spaces leading to overflow car parking on grassed areas within the parkland. The locations used vary depending on weather and ground conditions but the most frequently used are the 'Helipad' (south east of the house) and 'below the Bastion Wall' (in front of the principal elevation of the house). These provide 250 and 350 extra spaces respectively. In 2017 there were also 32 days (excluding the 3 major 'events') upon which parking demand exceeded the 1275 parking spaces provided by all these areas and on those days further overflow parking takes place on areas of parkland the north of the house.
76. In addition to what the Estate describes as these 'general operational days' (which include the Christmas period) Chatsworth also runs three large scale events, which attract very high demand for parking. It is stated that each event has an individual plan for parking associated with it. The events include The Horse Trials (3 days in May), the

RHS Flower show (5 days in June) and the Country Fair (3 days in September). The Horse Trials attract approximately 8000 vehicles, the RHS 23,000 vehicles and the Country Fair 16,000 vehicles.

77. It is stated that Chatsworth has undertaken an exercise to consider various options, including moving parking further away from the House to a new location. The Estate considers that whilst the benefits to heritage assets would be clear, a completely new car park with capacity to hold 700 cars would need to be created with service links to the House and the potential impacts on the parkland and potentially on local villages would be significant. It is stated that a Park and Ride scheme at Barbrook (on the north side of the site of the old walled garden at Home Farm just south of Baslow) was considered but this was discounted for a number of reasons including the planning policy issues of constructing a large new car park, the prominence and harm of a car park in this location, build and operational costs and lack of enthusiasm by visitors to use Park and Ride (as evidenced by visitor comments when a shuttle bus was operated during the Christmas markets).
78. Consequently the Estate has decided to focus on improving/expanding the existing car park and the application seeks to create an extra 220 parking spaces to meet demand, by a combination of the reconfiguration of the existing car park and by extension into the adjacent parkland. It states that there are a number of issues relating to the existing parking arrangements as follows:
- There are no defined parking bays leading to inefficient use of the space and sometimes resulting in parking on grass.
 - Parking surfaces are poor and badly eroded due to lack of effective drainage systems.
 - The sloping ground and loose surfacing compromises safe access and leads to negative customer feedback.
 - The car park arrangements impact on the health of veteran trees as well as the setting of the House.
 - There is no formal traffic flow and limited signage creates conflict between vehicles entering and exiting as well as conflict between vehicles and pedestrians.
 - Public bus stop facilities are basic and there are poor pedestrian links to the visitor entrances.
79. Our view is that the issues with the layout, surfacing and traffic flow with regard to the existing car park are recognised and in principle (subject to consideration of impact on heritage assets, ecology, archaeology etc.) the rationalisation and improvement of this area is welcomed. However, the expansion of the car park is less clearly supported by policy. With regard to potential alternative schemes/sites, there have been no detailed pre-application discussions with regard to these and so it is difficult to come to a view on their acceptability. It is consequently difficult to conclude that the scheme genuinely results in the highest possible standards of carbon reductions as required by policy CC1. If the current scheme were deemed to be unacceptable in the planning balance then Chatsworth could be asked to investigate alternative proposals but the applicant has made it clear that they do not consider alternatives to be feasible and consequently the current application must be considered on its own merits.
80. New access road link
81. The Design and Access Statement states that the proposals for the new north access have been brought about by a number of issues. As there is a weight limit on Paines Bridge, (on the main access to the south of the house), delivery vehicles and heavy traffic particularly during events are directed through the Golden Gates on the northern boundary of the parkland. The gates (Grade II listed) have recently been refurbished and there have been issues with damage to the gates by delivery vehicles/HGVs etc. The

existing junction between the driveway and the A619 east of Baslow has limited visibility to the west which raises safety issues. When this drive is used at times of high traffic demand, temporary traffic lights have to be deployed on the A619, leading to tailbacks into Baslow village. It is stated that the new arm off the roundabout will negate the need for traffic lights and will enable traffic to flow more freely on entering/exiting Chatsworth. The new access road, which by-passes the Golden Gates will reduce any potential direct impact on their significance.

82. Whilst new road schemes are usually resisted, in this case, only the new arm onto an existing roundabout (within the highway verge) would become part of the public highway. Beyond the highway boundary to the south the new road would be a private access road only and consequently, subject to an assessment of the impacts on traffic flows within the local area and physical impacts such as impacts on landscape character, heritage assets, ecology and archaeology it is considered in principle that the proposals can be compliant with T2 and DMT2.

Issue 2: Impact on the setting of heritage assets and landscape character

83. Car park re-configuration/extension

84. There would no impact upon the fabric of any of the heritage assets at Chatsworth as the proposals relate only to groundworks and operational development in and around the car park. However, there is clearly potential for the proposals' to impact upon the setting of the various assets including grade I listed buildings which are of exceptional national importance.
85. There would be some heritage benefits to the scheme. At present there is a row of parking spaces placed directly to the west of the grade I listed stable block. When looking along the formal approach to the stables from the west, the parked vehicles intrude into the view of the northern corner of the building, causing harm to its setting. The submitted plans show that this row of parking spaces would be removed and the area returned to grass. Because of the levelling works that would be carried out within the car park a 'ha ha' embankment feature would be created to define the edge of the car park at this point. Subject to agreement of any fencing to be erected on top of the embankment it is considered that the feature would be a natural looking feature that would also help to screen the cars to the north.
86. At present there is a clutter of pay kiosks, temporary fencing and general activity of vehicles manoeuvring directly in front (to the north of) the grade I listed North Lodges and the grade I listed House. By moving the pay kiosks to the north side of the car park this will reduce the clutter and the movement of vehicles in this area and parts of the currently wide expanse of hardstanding would be returned to grass in a style more reflective of the historic layout.
87. Removing coach parking from along the access road to the south of the car park would also enhance the setting of the House, Stables and Game Larder.
88. There is potential impact by virtue of the proposed 'levelling' works which seek to create a more level surface by 'cutting' material from the southern half of the existing car park and using that material to 'fill' in the newly extended northern area. The existing car park is situated on land that slopes quite steeply upwards from west to east as well as upwards from north to south. This respects the surrounding topography in that Chatsworth is set into the valley side to the north of the river Derwent and has itself been constructed on a raised platform. An overly engineered, level surface would appear at odds with these natural surroundings. Sections have been provided during the course of the application which demonstrate that there would still be an 11m fall across the 170 width of the car

park from east to west and 15m fall across the 250m length from south to north. Consequently whilst the overall surface would be more even, the car park as regraded would still on the whole be sympathetic with the prevailing levels in the area.

89. The existing surface to the car park is a poor and un-bound light coloured gravel material that causes harm to the setting of the listed building. It is proposed to use a bitumen surface with a decorative gravel top dressing in a manner used elsewhere on the Estate. Subject to agreeing a sample the proposed this would be an enhancement.
90. In terms of wider landscape impact the loss of a total of 62 trees including 16 mature oak trees in addition to the engineering and surfacing works that will take place means that in the short to medium term the car park is likely to be more prominent and therefore more harmful in views across the parkland from the south and the west until the additional replacement tree planting proposed (101 trees in total) is mature enough to provide an effective screen.
91. The main area where harm would be caused would be by the loss of approx. 0.24 ha of the grade I registered parkland to car parking, mainly to the north and east of the existing car park. To the east the area in question is part of a grassed embankment that separates the car park from the 'Farmyard' area and to the north it is an area of parkland grass and mature trees. A significant number of mature trees (16 in total) would be felled (the impact of this is assessed later in the report) and the areas in question would be levelled and hard surfaced. Officers concur with the submitted Landscape Impact Assessment that the proposals would cause less than substantial harm to the significance of the grade I Registered Park and Garden. The NPPF makes it clear that great weight should be given to conserving heritage assets and that any harm should require clear and convincing justification.

New Road Link

92. There would no physical impact on the fabric of any listed buildings. However the proposals have the potential to impact upon the historic parkland and the setting of the Grade II listed Golden Gates Lodges. At the north entrance to the estate a belt of woodland trees known as Heath Lea Wood defines the northern boundary of the designed landscape and provides an effective screen from the public highway. The loss of a 22m wide strip of this woodland, to create the new access road would cause some harm (although the plantation would still be an effective boundary). In addition there would some loss of parkland grassland and individual trees which would represent a permanent change to the surface along the line of the new driveway and the fact that there would be two exit/entry drives at this location rather than one as historically designed. This would result in less than substantial harm to the significance of the grade I Registered Park and Garden and to the setting of the grade II Lodges by the addition of a second driveway close to it.

Issue 3: Ecological Impacts

93. An ecological appraisal and fungi survey were submitted with the application and during the course of the application a badger survey and bat surveys have been submitted.
94. The submitted surveys identified two trees with bat roosting potential which were to be felled as part of the proposed development. As a result the Authority requested that activity/emergence surveys were undertaken. These have now been completed and the Authority's ecologist is satisfied that there would be no adverse impacts on bats subject to the recommendations of the reports being adhered to and any lighting scheme to be agreed in order to ensure minimal impact on bat foraging use across the site, dark space and tree habitats.

95. There are no objections with regard to impact on fungi or great crested newt. A badger survey was submitted during the course of the application and we are satisfied that the proposals would not adversely affect local badger populations.
96. The new access road off the roundabout will result in severance of semi - natural broadleaved woodland. The Authority's ecologist notes that the surrounding woodland plantation will receive additional management to improve its structure and diversity through selective thinning and understorey planting as mitigation and requests that this is secured by means of a condition.
97. Subject to conditions it is considered that the proposals would not adversely affect the ecological interests listed above in accordance with Core Strategy policy L2.

Issue 4: Arboricultural Considerations

98. Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists
99. An arboricultural Impact Assessment has been submitted with the application. This explains that there are large number of trees within the application site, with a total of 88 trees and 9 groups of trees in the visitor car park and 21 trees, 5 groups of trees and one area of woodland within the site for the new access routes. A high number of these are categorised as high and moderate quality and represent a significant asset to the landscape.
100. The proposals would have a significant impact on trees. A total of 35 trees would be felled at the visitor car park, consisting of 20 Category B trees (mature trees of moderate quality) and 15 Category C trees (trees of low quality). At the north access a corridor of woodland 22m wide (0.14ha in area) would be removed together with 11 individual trees (4 category B and 7 category C).
101. The Arboricultural Assessment concludes that the loss of trees (in particular the 16 Category B oaks at the car park would have a detrimental impact on the landscape value and associated tree benefits in the immediate vicinity of the site but concludes that the impact would not be significant given that other existing mature tree cover will be retained.
102. As an enhancement measure the scheme proposes to retain, protect and enhance the 21 Category A veteran trees at the car park. Of those trees there is a group of 3 ancient trees within a central grassed picnic area and two veteran oak pollards located within the car park near the picnic area that have been heavily compromised by surfacing and parking within their entire root zone.
103. It is proposed to increase the green buffer zone around these trees by restoring the compacted ground to grassland and where surfacing is to be retained, the existing compacted surface would be removed, the tree roots protected with webbing and the new permeable surface installed.
104. During the course of the application the Authority's ecologist raised concerns with regard to the impacts of parking space within the extended car park on the eastern boundary. Two ancient trees sit on the grass banking above the car park and to date there has been no incursion into their root zones. As submitted the plans showed the introduction of parking space within the root protection zones which would cause harm to the trees

contrary to the NPPF. As a result, and following negotiations, amended plans have now been received showing the parking spaces within these root zones removed and replaced with parking spaces on the road spur up to the farmyard instead.

105. The proposed north-south access road in this area would also have impacted on the root zones and so this has been shifted slightly to the west. Whilst this brings the road closer to veteran trees to the west than previously proposed, the new roadway would still be further away from the trees than exists at present so there would still be an overall enhancement.
106. As amended the Authority's Tree Conservation Officer is satisfied that the proposals would enhance the environment for the veteran trees. Nonetheless the proposals would result in the loss of a significant number of trees overall, which weighs against the proposals in the planning balance.

Issue 5: Archaeological Considerations

107. Both the site of the car park remodelling and extension and the proposed northern access road are sites of archaeological and historic interest and contain extant earthwork features and predicted below ground archaeological remains.
108. The Authority's senior archaeologist concludes that both the proposed northern access and the works to the car park will result in permanent and irreversible harm to archaeological features but that this harm can be appropriately mitigated by a scheme of archaeological survey and monitoring secured by condition.
109. She does express concerns however about the cumulative impact of overflow parking in the parkland, on archaeological features and this is discussed later in the report.

Issue 6: Flood Risk and Drainage Issues

110. A flood risk assessment has been submitted with the application. This confirms that both sites are within flood risk zone 1 (low risk of flooding) and therefore the Sequential Test is deemed to have been addressed and the Exception Test need not be applied.
111. The report states that disposal of surface water from the refurbished car park via infiltration (the preferred option within the Planning Policy Guidance) is not practicable due to underlying ground conditions and also the steeply sloping nature of the site. Surface water attenuation storage will be provided via below ground geo-cellular crates, which will include petrol, oil and grit separators in the interest of pollution control. At present there is no interception of surface water run-off and so the proposals would represent a betterment on the existing situation with regard to the potential for pollution of the water environment.
112. A number of comments were made by the Local Lead Flood Authority on the proposals and the engineers who compiled the flood risk assessment have responded. We are satisfied that subject to a condition to submit and agree full details of the drainage scheme, the proposals accord with Development Management policy DMC14 in respect of pollution and disturbance and addresses the requirements of CC1 with regard to flooding.

Issue 7: Traffic Impacts

113. A transport assessment has been submitted with the application which analyses the impacts of the proposed development on the local highway network.

114. The report explains that the main vehicular access to the estate is from the B6012 from where visitors enter and exit the main car park via Paine's Bridge. A secondary vehicular access is provided to the north of the Estate via a junction located 110m to the west of the A619/A621 three-arm roundabout. This lead to the Golden Gates which are open and used by general traffic only during large events.
115. The assessment states that the proposed new arm to the roundabout and the new access road will be used at peak times and during large events (i.e. not every day). The intention is that traffic from the Estate can exit without travelling through the village of Baslow and without the need for temporary traffic lights as at present. Through modelling of existing and predicted traffic growth the report concludes that all four arms of the roundabout would operate within capacity during a future year 2023.
116. Consequently the report concludes that the residual traffic impacts of the proposed development are not considered to be severe within the context of the NPPF and therefore the highway impacts are acceptable.
117. We concur with these findings overall. Some objectors have expressed concerns that vehicles exiting the Estate on the new arm of the roundabout would have priority over those leaving Baslow and therefore congestion could occur within the village. Whilst this point is noted, it is also true that the Estate could open the Golden Gates and allow traffic to use the substandard existing access at any time without any control from the Authority. The new arrangement would negate the requirement for temporary traffic lights and overall the proposals are likely to result in more free flowing traffic through the village than at present during large events.
118. The Highway Authority has expressed a desire to see the new arm open and available for use at all times so that drivers using the roundabout do not start to ignore the new junction if it used infrequently. They have stopped short however of requesting this as a condition. Whilst the Highway Authority's reasons for taking this view are noted as are the views of the Parish Council that year round permanent use would result in less traffic through the village, there are arguments against this scenario. Some local objectors have referred to the tranquil and peaceful character of the northern end of the parkland and its value for pedestrians to walk into and out of the Estate from Baslow. If the new northern access were to become a permanent vehicular access point into the Parkland then the constant movement of traffic along the north drive would be detrimental to the quiet enjoyment of the National Park in this area, contrary to Core Strategy RT1 (which states that development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park).
119. Officers' view is that the use of the new access at the busiest times and during events would be the most appropriate use in order to secure the character of the northern parkland and to ensure that the historic main approach to the house via Paines Bridge is maintained. A condition to submit and agree an Access and Signage Strategy to agree the operation of the new access and any restrictions to access to Golden Gates as suggested by the Highway Authority is considered to be sufficient to overcome the concerns.

Issue 8: Overflow Parking and wider sustainability issues

120. One of the main concerns raised by consultees (including Historic England and the Authority's archaeologist and conservation officer) and by objectors is the wider sustainability credentials of the proposals and in particular the continued proposals to

make use of the wider parkland for overflow car parking, despite the proposed increase in capacity of the car park by 220 spaces.

121. For clarity, the Authority has never come to the view that the events (other than the RHS which is run by an outside organisation) or the use of the parkland for overflow parking constitutes 'development' because it can be considered to be ancillary and incidental to the main use of Chatsworth House as a stately home and major visitor attraction.
122. Core Strategy policy T1 states that conserving and enhancing the National Park's valued characteristics will be the primary criterion in the planning and design of transport and its management but also states that modal shift to sustainable transport will be encouraged. In this case a submitted Travel Framework does outline measures that the Estate takes and will continue to take to reduce car use and promote public transport. These include, amongst other things securing bike racks; continuation of partnership with local bus operators and £2 reduction (to increase to £4) of entry fee to those arriving by bus; better drop off and pick up location for bus passengers; discounts for coach/group visitors; cycle to work scheme for staff; and examination of potential for park and ride from outside of the parkland including Bakewell Show Ground, Peak Village Shopping Centre and Chesterfield Football Ground. Notwithstanding these measures, the Estate proposes that the main mode of transport to the Estate will continue to be by car and their overall approach is to continue to try to meet demand. Objectors feel that the Travel Plan measures do not go far enough and that the Estate should instead use current capacity as a demand management tool.
123. Our view is that the whilst the Estate is making concerted efforts to promote a shift to public transport, the approach taken with the current application, to focus on the expansion the car parking facilities does conflict with the thrust of the Authority's policies with regard to sustainable transport. The proposals are for major development within the National Park and should only be accepted in exceptional circumstances if there are definite and meaningful public benefits that clearly outweigh any harm. One of the main ways in which this can be achieved is by addressing the impacts of overflow parking.
124. As stated above, as well as the main car park, at busy times the Estate uses the 'Helipad' (which can accommodate 250 vehicles) and the area in front of the Bastion Wall (which can accommodate 350 vehicles). Information provided suggests that cars were parked below the Bastion Wall on 53 days (outside of the main 3 events) On 32 days of the year demand outstrips these areas too and further overflow parking takes place in areas to the north of the House. The Design and Access Statement states that the proposed increase in capacity of the existing car park by 220 spaces will lead to a reduction in the need to utilise the grass below the Bastion wall on 'operational days', which is welcomed. However the proposals are still to retain some overflow parking in this area, but to reduce the number of days to 10 in any one calendar year.
125. The impacts of overflow parking has been identified issue at Chatsworth for some time and at the pre-application stage the need to try to address the issue, particularly with regard to parking in the most harmful area below the Bastion Wall was emphasised. As stated by Historic England parking in this area is intrusive and harmful to key views and upon the appreciation of the House in its designed setting and also harmful to earthwork and buried archaeological remains which contribute to the significance of the Grade I registered park and other assets. Indeed the Estate's own Parkland Management Plan (2013) acknowledges that parking in this areas has a *'high visual, landscape and archaeological impact so an alternative solution must be found'*. We therefore consider that continued use of this area for parking, on top of the events that already take place in and have an impacts on the area is not acceptable. Development Management policy DMT7 makes it clear that where visitor parking is permitted, an equivalent removal of on-street parking will usually be required. As this is not feasible in this location, an equivalent

removal of harmful overflow parking in this area is considered to be a reasonable alternative.

126. To be clear, initially the application requested the use of the Bastion Wall for 28 days a year over and above the three main events. This was reduced to 10 days during the course of the application. The RHS show (which was granted planning permission in 2016) is open to the public for three days in June. However the information submitted with that planning application stated that there is a substantial 'setting up and taking down' period so that the total time that there is activity and visual intrusion in front of the House's principle elevation is 45 days in total. The Horse Trials (3 days) and Country Fair (3 days) are mainly located to the west of Paine's Bridge but car parking can take place in front of the Bastion Wall. It is considered that a further 10 days on top of this already substantial figure would be excessive, very difficult to enforce and harmful to the significance of the Registered Park and Garden and Grade I listed House. A condition that limited parking to 10 days would be so difficult to enforce that it would not meet the tests for planning conditions set out in the National Planning Policy Guidance. The benefits of removing parking from this area (other than during the major events) are clear, a condition that requires no public parking in this area over and above the 3 events is considered to be reasonable, enforceable, related to the development and otherwise in accordance with the tests. The Estate has made it clear that it does not agree to such a condition as 10 days is the minimum that they feel is required operationally. However we consider that the condition is necessary in order to demonstrate the exceptional circumstances required for major development, to ensure compliance with policies T7, L3 and DMT7 and to ensure that the public benefits clearly outweigh the harm that has been identified.
127. The Authority's archaeologist and Historic England have also expressed concerns about the impacts of overflow parking on archaeological remains in other areas of the parkland, as well as below the Bastion Wall. These concerns are acknowledged, and this is a wider issue for the Estate to address. However on balance, given that overflow parking can take place without permission at present, it is considered that the proposed restriction of parking below the Bastion Wall only, is the limit to which the Authority can reasonably restrict overflow parking such that the public benefits on the whole outweigh the harm brought about by this particular planning application.

Conclusion

128. In conclusion, there are a number of public benefits associated with this application. They include the removal of parking from the west of the stables; improvement to the layout and appearance of the north forecourt; improvements to the environments of ancient trees; improvements to the visitor experience of those visiting Chatsworth and the surrounding parkland and potential improvements to traffic congestion issues in an around Baslow. On the other hand there are areas where harm has been identified. These include the loss of parts of the grade I park and garden, the loss of 35 trees (including 16 mature oak trees) and an area of woodland and impacts on archaeological features. On balance we consider that the benefits would only outweigh the harm if the wider impacts of overflow parking are partly addressed by removing the most harmful parking from beneath the Bastion Wall in order to ensure that visitors can continue to enjoy the important grade I heritage asset within its designed landscape. We are satisfied that subject to such a condition the proposals would be in the public interest and would meet the tests for major development set out in the NPPF and adopted development plan policies. Consequently the application is recommended for approval.

Human Rights

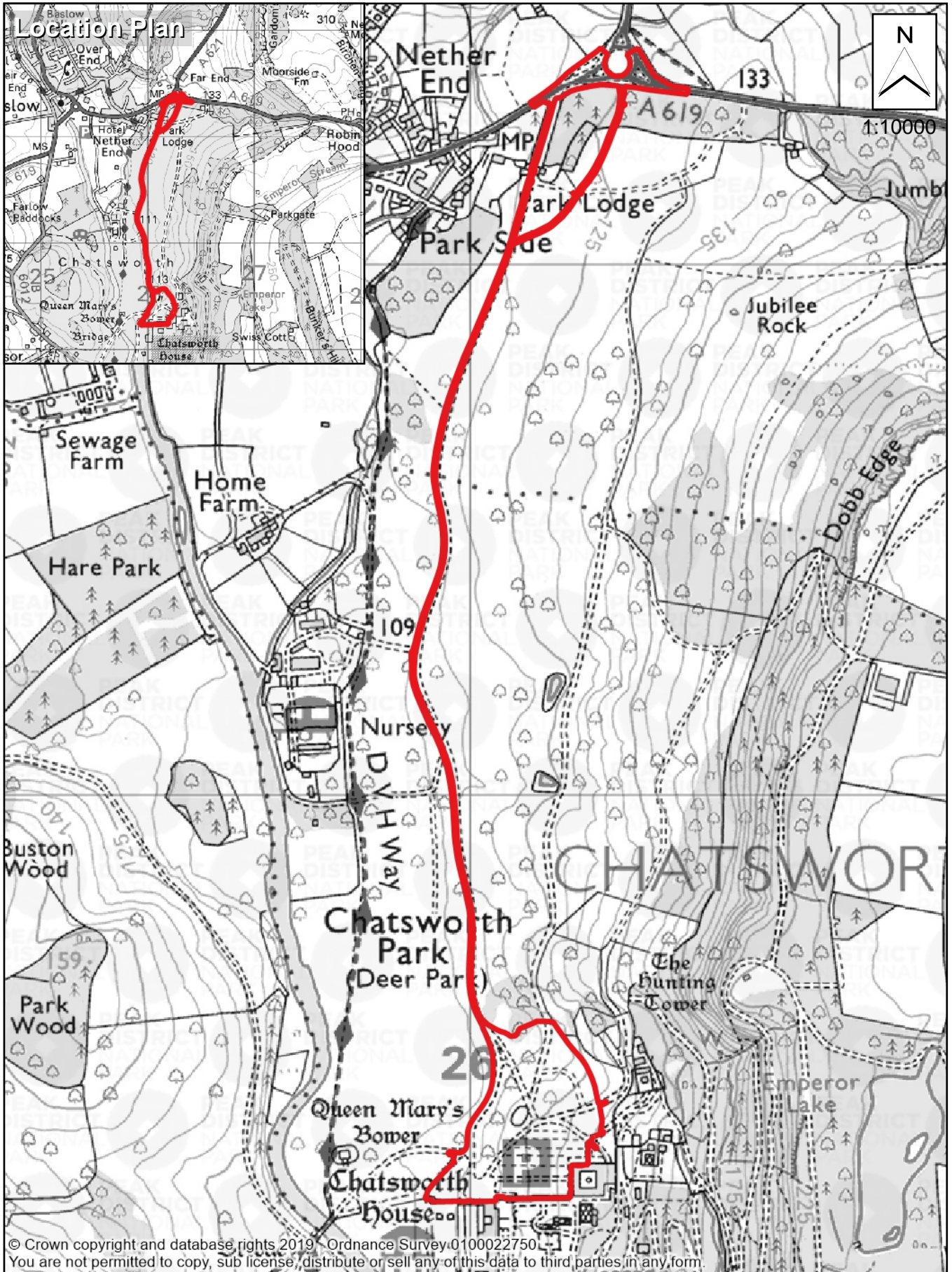
129. Any human rights issues have been considered and addressed in the preparation of this report.


130. List of Background Papers (not previously published)

131. Nil

Report Author: Andrea Needham, Senior Planner

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Committee Date:	Friday 8TH November 2019	Title: Chatsworth House- access road	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6		
Application No:	NP/DDD/1018/0911		
Grid Reference:	425011, 370207		

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7. FULL APPLICATION – CONSTRUCTION OF 9 RESIDENTIAL UNITS (USE CLASS C3), COMPRISING 2 NO. 1-BEDROOM FLATS; 2 NO. 2-BEDROOM DWELLINGS AND 2 NO. 3-BEDROOM DWELLINGS FOR AFFORDABLE RENT AND 3 NO. 3-BEDROOM DWELLINGS FOR SHARED OWNERSHIP, ASSOCIATED CAR PARKING, CREATION OF NEW ACCESS, LANDSCAPING AND ASSOCIATED WORKS AT LAND OFF CHURCH LANE, RAINOW (NP/CEC/0919/1002, AM)

APPLICANT: EQUITY HOUSING GROUP

Summary

- The application is for the erection of nine affordable houses on the site along with a new access, landscaping and associated works.
- We have assessed the application against our development management policies and having taken into account all issues raised in consultation responses and representations.
- We conclude that the principle of affordable housing on this site has not been established and that the development would harm the National Park and recommend refusal of the application for those reasons.

Site and Surroundings

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

Proposal

6. The erection of 9 residential dwellings on the site along with creation of new access off Church Lane, landscaping and associated works. The proposed dwellings are intended to be affordable to meet eligible local need with 6 of the proposed dwellings for affordable

rent and 3 for shared ownership. The development would be managed by the applicant Equity Housing Group Ltd which is a registered provider of social housing.

7. The proposed development would occupy the majority of the existing field and would comprise.
8. 2 one bedroom flats for rent with floor spaces of 50m² and 56m² respectively.
9. 2 two bedroom dwellings for rent each with a floor space of 72m².
10. 2 three bedroom dwellings for rent each with a floor space of 86m².
11. 3 three bedroom dwellings for shared ownership each with a floor space of 86m²
12. The flats and two bedroom dwellings would front onto Church Lane with the new access created to the south. The three bedroom dwellings would be to the rear of the site but with the principal elevations facing towards Smithy Lane.
13. A total of 18 off-street parking spaces would be provided. Bin and cycle storage would be within timber clad flat roof outbuildings within the curtilage of each dwelling.
14. In general terms the proposed dwellings would have gable forms with pitched roofs. The external surfaces of the buildings would be clad with natural stone and fibre cement roof slate with reconstituted window heads and cills and cream coloured uPVC windows and doors.
15. The access road would be surfaced in tarmac with grey block paving to the parking areas and buff concrete paving to footpaths. The gardens of the properties would be bounded by 1.8m high close boarded timber fencing.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The submitted application does not demonstrate that the development would meet eligible local needs for affordable housing and therefore fails to demonstrate exceptional circumstances to allow new build housing within the National Park contrary to Core Strategy policy HC1, 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, Development Management Policies DMC1, DMC3, DMC5, DMC8 and DMC13 and the National Planning Policy Framework.**
- 3. Insufficient information has been submitted to demonstrate that the development can be carried in a manner which avoids or mitigates the impact upon trees on site and local biodiversity The proposal development is therefore contrary to Core Strategy policy GSP1 and L2, development management policies DMC11 and DMC13 and the National Planning Policy Framework.**

- 4. Insufficient information has been submitted with the application to demonstrate that the development would achieve the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy Policy CC1 the Authority's adopted Supplementary Planning Document 'Climate Change and Sustainable Building' and the National Planning Policy Framework.**

Key Issues

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

History

2018: NP/CEC/1118/1125: Planning permission refused for the erection of 9 affordable dwellings. We refused planning permission for a similar development on this site for four reasons:

- The application did not demonstrate that the development would meet eligible local needs for affordable housing.
- The development did not 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.
- Insufficient evidence had been submitted to demonstrate safe access could be achieved.
- Insufficient evidence had been submitted to demonstrate required standards of carbon reductions and water efficiency.

2017: ENQ 29936: Pre-application advice in regard to the erection of 4 dwellings on the site.

The response from the officer set out the policy principle for new housing that policies allow in principle for new housing to meet eligible local need but that there is no provision for new build market dwellings. Therefore an application for new building market housing would not be supported.

The site could potentially be developed for affordable housing and we provided information in regard to the relevant policies and the Affordable Housing Supplementary Planning Guidance. Also advised that the development would need to come forward by or on behalf of a registered social landlord and be based upon an up-to-date housing need survey.

Consultations

19. Officer note: the public consultation period does not finish until after the deadline for finalising this report. The meeting will be updated about any additional consultation responses or representations that have been received.
20. Highway Authority: Request further information in regard to the access and turning area.

The Highway Authority say that the submitted plans do not appear to be accurate or take into account the gradient of Church Lane and that the refuse vehicle turning area is too tight and provides no room for driver error. Amended plans have been submitted by the

applicant and we have re-consulted the Highway Authority. The meeting will be updated about any further response from the Highway Authority.

21. Cheshire East Council (Contaminated Land): No response to date.

No objections were made on the previous application subject to conditions requiring ground investigations and risk assessment to be carried out along with remediation and strategy and verification report if necessary.

22. Cheshire East Council (Rights of Way): No objection subject to condition.

Recommends a planning condition to require the developer to provide new residents with information about local walking and cycling routes with key routes signposted.

Also recommends that a footnote is added to any planning permission ensure that the developer is aware of their obligation in regard to the footpath adjacent to the site.

23. Parish Council: The Parish Council say that they are disappointed that their previous concerns have not been addressed and make the following comments.

- Concern that there are too many properties on the site and that their proximity to neighbouring properties will lead to a lack of privacy for existing residents. Also concerned regarding the amenity space for properties 1 and 2.
- Concern that there is insufficient parking and will result in potential for parking to overspill onto the main road leading to safety implications. Pressure for parking spaces may be further exacerbated as residents are likely to be working in rural activities requiring off road / specialist vehicles in addition to a private car.
- Concern about visibility and safety of the proposed access onto the main road. Request the developer provide appropriate safety measures on the main road such as warning signs to reinforce the 30mph speed restriction.
- Concern about future development on land forming part of the public house which is covered by the Community Asset registration.
- Request sensitive screening be provided and maintained between the development and the public house.
- Request assurance that the proposed arboricultural plan will be adhered to and the existing trees on the property boundary, particularly along Smithy Lane will not be reduced or removed.
- Request that planning conditions ensure that the homes remain affordable in perpetuity for local people. The Parish Council requests sight of, and the ability to input to, the proposed eligibility criteria.
- Request assurance that all services will be adequate in particular sewerage and drainage.
- Materials should be sympathetic to the area and appropriate for a National Park and conservation area.

24. Environment Agency: Makes no formal comment.

25. Historic England: Makes no formal comment.

26. PDNPA Archaeology: Advise that no sources indicate that the site has anything other than low archaeological interest and potential, therefore no comment on the application.
27. PDNPA Conservation Officer: Raises serious concerns about the proposed development:
28. *“The proposed site is not included within the Rainow Conservation Area (CA) but is adjacent to it on two sides. The CA was designated at a time when CA boundaries were drawn very tightly: as and when this CA is reviewed by the Authority, there will be a strong argument for the inclusion of this site within the CA. Any development on this site will have the potential to impact on the historic character and appearance of the CA and on its setting, and will be visible in views into the CA from the north-east, views out of the CA from Chapel Brow/Church Lane and views within/across this end of the CA. The application provides no consideration of these impacts, nor of any potential harm to the significance of the CA (which is a designated heritage asset) which could result. This assessment is required in order to inform any consideration of the proposals. Inadequate information has been provided, therefore.*
29. *The proposals represent an over-development of this site, with the layout and form of development not in keeping with the historic character of the built form within the CA. On entering the site, and potentially visible from the north-east/south-east, the rear elevations of the properties, with fully glazed triple doors and non-traditional raised timber decking face onto the public domain. The form of these rear elevations is non-traditional and out-of-keeping with the local vernacular. If the 1.8m stone boundary walls are sufficiently high to obscure the rear elevations (as appears to be the shown in Proposed Section A-A on the Proposed Context Elevations drawing) then these will be the dominant feature, presenting a largely blank face to the public domain: this is not in keeping with the traditional form of the CA, where properties historically face the road – meaning that their active frontages are visible from the public domain.*
30. *The design and detailing to the proposed houses is not in keeping with the traditional vernacular of the CA and the area more widely:*
31. *As stated in the Authority’s Design Guide (paras 2.9, 2.10), traditional buildings within the National Park are characterised by their robustness, simplicity and horizontal emphasis. The horizontal form harmonises with the landscape and detailing is simple, with a minimum of decoration. Particular note should be taken of Section 3 of the Design Guide (New development – designing in sympathy) when considering new developments in the Park. As this section states, “In the countryside or on the edge of settlements, buildings should sit comfortably in the landscape. This is best achieved by emulating the horizontal, ground-hugging form of traditional buildings with their strong eaves and ridge lines and simple, low silhouettes parallel with the contours...buildings with a vertical emphasis seem to shoot up from the ground and rarely fit harmoniously into the landscape”.*
32. *Apartments 3 and 4 are non-traditional in form, with a strong vertical emphasis to the north-west and southeast elevations and non-traditional, wide gabled elevations with triple doors to one, a central door and over fenestration to another. A number of the houses also have a strong vertical emphasis and over-wide gables. Fully glazed, triple doors to the rear of each property are also non-traditional, inverting the traditional solid to void ratio in some cases. Bargeboards and timber fascias are non-traditional features and not part of the local vernacular – these should be avoided. Porches and canopies have been added to some non-listed buildings within the CA, but these are also non-*

traditional features, which undermine the robust simplicity of the local vernacular and are details which should not be replicated in the new development.

33. *1.8m high timber fencing is proposed as a boundary treatment between the properties. This is non-traditional within the CA, the wider area and the National Park as a whole. In this prominent location on the edge of the countryside, 1.8m timber fences will be alien features which would have a negative impact on the historic character and appearance of the CA.*
34. PDNPA Ecology: No response has been received to date.
35. Our ecologist objected to the previous application on the grounds that whilst the ecological appraisal has carried out a survey, there is no assessment and mitigation/compensation for loss. Loss without providing compensatory planting would be contrary to policy. This information is required before the application can be positively determined.
36. We are awaiting a response on the current application and this will be updated in time for the meeting.
37. PDNPA Tree Officer: Objects on the grounds of insufficient information.
38. The current information submitted in relation to trees is not sufficient to assess the impact on the trees on site and adjacent to the site. These trees are protected by an area Tree Preservation Order (TPO).
39. Tree related information for a development such as this should at this stage include information detailed in annex B, table B.1 of BS5837:2012 (Trees in relation to design, demolition and construction).
40. The submitted information does not clearly identify the individual root protection areas of trees and the arboricultural impact assessment is ambiguous in relation to which trees in which construction will be occurring within the root protection areas. Existing and proposed finished levels are also not clearly identifiable and more information is required on replacement and new tree planting.
41. PDNPA Landscape: Objects to the proposed development for the following reasons:
42. There is insufficient information to understand the potential landscape and visual effects of the scheme. A Landscape & Visual Impact Assessment is required to be submitted with the application. This should consider effects on landscape character, the setting of the conservation area and the setting of the village and potential views of the scheme.
43. The scheme constitutes significant over development 9 units on a 0.21 ha site equates to approx. 43 units / ha.
44. There would be a loss of woodland on site and managing and enhancing woodlands is a priority for this Landscape Character Type.
45. There would be potential conflict with landscape character and the setting of the village.
46. The relationship of the proposed housing to the street is poor. Combined bin / cycle store looks to be inadequate.
47. PDNPA Policy: No response to date.

48. PDNPA Transport: Makes the following comment.
49. The size of the development does not warrant the production of a Green Travel Plan, however we would welcome a commitment from the applicant to provide each tenant with an up-to-date sustainable travel pack, highlighting local public transport provision and any routes for walking and cycling in the local area.
50. It is important that a safe direct route is available to access village services. Alternative walking routes to and from the site must be maintained and remain attractive to use once the development is completed.
51. The number and size of proposed car parking spaces is in accordance with our parking standards.
52. We support the provision of bespoke cycle parking for each property.
53. The levels of peak-hour traffic generation are unlikely to negatively impact on the surrounding highway network.

Representations

54. We have received a total of 4 letters of representation at the date this report was written. All the letters object to the proposed development. The material planning reasons given in objection to the application are summarised below:
 - The proposed dwellings are not sympathetic in design to the surrounding architecture. The majority of Rainow's most notable properties are sited along the main road and it is this existing architecture that creates the character of the village.
 - The proposed materials are inappropriate and should be replaced with local stone for the walls and roofs with timber windows and doors.
 - The application must be clearer about what type of stone walling is proposed. This should be drystone walling designed to reduce visibility of the development.
 - This site is located straight after entering the National Park and is inappropriate.
 - The proposed housing density is too high for the site.
 - The development will harm Smithy Lane by introducing a modern development elevated above the level of the lane. The development will be prominent especially in the winter months where there will be no screening.
 - The proposed dwellings situated nearer the roadside to both Church Lane and Smithy Lane at the front and the rear of the plot will directly overlook Years Low Cottage, Church Lane and Byways on Smithy Lane.
 - The application refers to the 2019 Rainow Housing Needs Survey and states that none of the sites are considered to be suitable. The parish includes land with planning permission for 24 apartments and 18 town houses and this should meet some of the need highlighted in the survey.
 - It is not appropriate to use figures from the 2019 Rainow Housing Needs Survey as a large portion of Rainow is not in the Peak District National Park.

- No information provided on environmental impact and how the development will achieve the highest possible standards of carbon reductions and water efficiency.
- The access is around a blind bend and there is a danger of serious injury from large vehicles travelling south not being able to stop in time if a vehicle (or several vehicles) are stationary waiting to turn into the site.
- Vehicles often travel over the 30mph limit heading south into the village. A speed survey should be carried out to determine the actual speed of traffic at this point.
- The proposed access is too narrow for the volume of cars and trips the development would generate. This would lead to people parking on the main road to avoid the issue and increased congestion.
- The ecological survey does not fully appreciate what animal and plant species may return in the long term should the land left to re-establish.
- Light and noise pollution on Smithy Lane is likely to have a negative impact upon local bat populations and nearby neighbouring properties.
- The development may have a detrimental impact upon tourism and harm local businesses such as the Robin Hood pub.
- The proposed footpath to Smithy Lane would encourage further parking on Smithy Lane and would encourage construction companies to park plant and vehicles during construction.
- Lack of information provided about sewage and surface water.
- Inaccuracies in submitted drawings and supporting information.

Main Policies

55. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, L3, CC1, HC1 and T1
56. Relevant Development Management policies: DMC1, DMC3, DMC4, DMC5, DMC8, DMC11, DMC12, DMC13, DMC15, DMH1, DMH2, DMH3, DMH11, DMT3, DMT5 and DMT8

National Planning Policy Framework

57. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
58. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

59. 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.’
60. 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.
61. 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.
62. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
63. Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
64. Paragraph 193 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
65. Paragraph 194 of the NPPF says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
66. Paragraph 195 of the NPPF says where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
67. Paragraph 196 of the NPPF says where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Core Strategy Policies

68. 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.
69. Policies GSP3 sets out development management principles and says 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.
70. 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.
71. 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.
72. The approach to housing and conservation in the NPPF is consistent with the Authority's development strategy (Policy DS1) which says new residential development within the National Park should normally be sited within named settlements, and Policy HC1. C which sets out very similar criteria to the NPPF in terms of the exceptional circumstances in which new housing can be granted planning permission in the National Park.
73. Policy HC1. A says that new housing can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
74. 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.

75. Policy L3 states that development must conserve and where appropriate enhance or reveal the significance heritage assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest.
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.

Development Management Policies

77. Policy DMH1 says that new affordable housing will be permitted in or on the edge of a Core Strategy policy DS1 settlement provided that there is a proven need for the dwellings and any new build housing is within established size thresholds. Policies DMH2 and DMH3 set out detailed requirements for first occupants to satisfy a local connection and arrangements for second and subsequent occupants and the occupancy cascade. DMH11 states the requirements for planning obligations to secure affordable housing in perpetuity.
78. Paragraph 6.42 of the supporting text to policy DMH1 says that when a settlement is split by the National Park boundary, the identification of the most appropriate exception site will be a matter for the Authority, the community, the constituent authority concerned and the developer. Where the majority of residents are outside the National Park but the larger geographical area of the Parish lies inside the National Park it will not necessarily mean there is greater scope for development in the National Park. However, if an appropriate site has been identified inside or on the edge of the National Park part of a cross boundary village, there is no objection in principle to a development of housing inside the National Park. This applies even if most of the population live outside the National Park, provided that all alternatives have been assessed.
79. Policies DMC1, DMC3 and DMC5 require development to conserve and enhance the landscape and cultural heritage of the National Park and provide detailed criteria to assess development proposals including the requirement for landscape assessment and heritage assessment where appropriate. Policy DMC8 provides detailed policy where development is within or would affect the setting of a conservation area. Design and landscaping must be of a high standard and in accordance with adopted design guidance.
80. Policies DMC11 and DMC12 require development to conserve or enhance nature conservation interests including sites, features or species of wildlife, geological or geomorphological importance and require adequate information to be submitted to allow an assessment of impacts. DMC13 requires development to conserve or enhance trees and woodland and tree surveys and mitigation where appropriate. DMC15 requires assessment and mitigation for contaminated and / or unstable land where appropriate.
81. Policies DMT3, DMT5 and DMT8 set out detailed requirements for access criteria, for development affecting public rights of way and residential off-street parking.

Assessment

Principle of proposed development

82. The Authority's housing policy maintains the long established principle that it is not appropriate to build new housing within the National Park solely to meet the market demand to live within its sought after environment.
83. 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. 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.
84. Therefore, there is no conflict between policies in the NPPF and our policies which state that new housing will not be permitted unless there are exceptional circumstances such as where new build housing would be located within a named settlement and would address eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity in accordance with policies HC1, DMH1, DMH2, DMH3 and DMH11.
85. The parish of Rainow is located on the edge of the National Park and is split by the National Park boundary. The supporting text to policy DMH1 at para 6.42 is therefore relevant. This says that the identification of the most appropriate site will be a matter for the Authority, the community, the constituent authority concerned and the developer.
86. The supporting text goes on to say that where the majority of residents are outside the National Park but the larger geographical area of the Parish lies inside the National Park it will not necessarily mean there is greater scope for development in the National Park. However, if an appropriate site has been identified inside or on the edge of the National Park part of a cross boundary village, there is no objection in principle to a development of housing inside the National Park. This applies even if most of the population live outside the National Park, provided that all alternatives have been assessed.
87. By area the majority of the land within the Rainow Parish is located within the National park but the majority of the population live outside of the National Park primarily within the housing on the west side of Church Lane.
88. A housing need survey for Rainow has been carried out by Cheshire East Council with the report published in July 2019. The survey identifies that there are a total of 38 potential new households in need of affordable housing in the parish. The report does not break down the size and types of dwellings required or tenures but does state that the majority of need is for houses.
89. The housing need survey does not identify whether the respondents to the survey live in or outside of the National Park and therefore it is not possible to conclude how many of the 38 households identified originate from within the National Park or not.
90. The application proposes a total of 9 units. No evidence has been submitted with the application to demonstrate that the proposed development would only be meeting need arising within the National Park. Given that the majority of residents within the parish live outside of the National Park it is reasonable to conclude that the majority of the households identified by the housing need survey are outside of the National Park.

91. Where a settlement such as Rainow is split by the National Park boundary the supporting text to development plan policy DMH1 allows, in principle, for sites within the National Park to meet need arising from the part of the settlement outside of the National Park. However, in these circumstances the emerging policy expects the Authority, the community, the constituent authority and the developer to go through a process of identifying the most appropriate exception site (within or outside of the National Park). This is to ensure that the site within the National Park is only chosen if there is no suitable site outside.
92. Officers have recommended that the applicant undergo this process as part of pre-application discussions but unfortunately this has not taken place. It is acknowledged that consultation has been carried out by the applicant with the local community with some consideration of sites in the settlement as a whole. However, there has not been any collaborative process to identify and objectively assess appropriate sites. There is therefore no convincing evidence that the proposed site is the most suitable to provide affordable housing for Rainow.
93. Notwithstanding the issue of the principle of the proposed development a number of issues are raised by the Parish Council and in representations. Even if the principle of development on this site is accepted it is necessary to consider the impact of the development upon the valued characteristics of the National Park and whether the development is acceptable in all other respects.

Design, landscape and visual impact

94. Significant concerns have been raised by our Conservation, Landscape and Tree Officer along with the Parish Council and representations in regard to the impact of the proposed development. A number of concerns are in regard to the number of proposed dwellings, layout and design and the impact upon landscape character, trees and the Conservation Area.
95. The site is located within the South-west Peak and the Slopes & valleys with woodland landscape character type. This is a pastoral landscape with a varied undulating topography of steel slopes, low ridges and incised valleys. Blocks of woodland are a characteristics feature of this landscape, together with patches of acid grassland and bracken on steeper slopes and higher ground. This is an area of traditional dispersed settlement with probable ancient origins. Views to lower ground are framed by woodlands and valley sides.
96. The site is located outside of but adjacent to the designated Rainow Conservation Area which is linear in form following the main road from the Rising Sun pub up past the site and including the converted chapel, the burial ground and chapel house. The site is prominent from within the Conservation Area when passing on Church Lane and is also seen in the context the Conservation Area from a number of viewpoints including from Smithy Lane, from the pub garden and from the public footpaths to the north east and south of the site.
97. It is clear that development on this site has the potential to impact upon the setting of the Conservation Area and upon the landscape character of the area. Our Conservation and Landscape Officers advise that insufficient information has been submitted with the application to enable the Authority to properly assess the impact of the development upon the setting of the Conservation Area and upon landscape character.
98. The application is not supported by a landscape and visual impact assessment nor a heritage statement to assess these impacts. Nevertheless, on the basis of an

assessment of the submitted plans and the site and surroundings we have significant concerns about the density, scale and design of the proposed dwellings.

99. The built development within Rainow historically developed along the main road with single properties, short terraces or in small groups of buildings either facing or gable on to the road. Most development is located close to the edge of the road with the land behind largely undeveloped. There are few places within the Conservation Area with development on both sides of the road. The exception to this settlement pattern is the large amount of modern development within the housing estates on the west side of the main road outside of the National Park. The density and layout of these properties do not make a positive contribution to the historic settlement pattern and are not included within the Conservation Area.
100. The area of the application site is 0.21 Ha and therefore the proposed 9 dwellings would represent a development density of 42.9 dwellings per hectare. This density is significantly greater than the historic development along the main road and is more similar to that within the suburban housing estates on the west side of the village.
101. The number of proposed dwellings and layout would also not be reflective of the historic settlement pattern. The proposal is not for an individual or small group of properties and only three of the proposed dwellings would face onto the main road with the majority facing towards Smithy Lane albeit from a set-back and elevated position behind the existing mature trees.
102. These dwellings would not have any clear visual or functional relationship with Smithy Lane and would be prominent in local views especially during the winter months. Within the site all of the proposed dwellings would present their rear elevations onto the access road and the proposed 1.8m stone walls would create a blank and oppressive character.
103. The proposed development would therefore not reflect or respect the historic pattern of development within the National Park which is valued within the landscape and forms an essential part of the Conservation Area which is a designated heritage asset. The scale and density of the proposed development and the layout of houses would more closely reflect that of the housing estates on the west side of the village and would appear as an incongruous addition from and in the context of the Conservation Area and in the wider landscape.
104. The design and detailing of the proposed dwellings also does not reflect or respect the traditional vernacular within the Conservation Area and is not in accordance with the Authority's design guide.
105. The majority of the proposed dwellings are non-traditional in form and have a strong vertical emphasis with over wide gables and a significant number of window and door openings and glazed triple windows to the rear. The apartment block's main roof is ridged the opposite way to the local tradition with the ridge running along the shorter dimension of the plan. Furthermore, the south-west facing gable of apartment 1 is treated as a principle elevation with central door and five surrounding windows which resulting in an overtly suburban appearance which would be alien in the context of surrounding buildings and a prominent feature. A number of the proposed houses also have a strong vertical emphasis and wide gables.
106. The detailed design and materials of the proposed dwellings is also inappropriate with concrete roof slates proposed along with cream coloured uPVC windows and doors, rainwater goods, fascias, soffits and barge boards. These proposed materials and detailing are not reflective of buildings within the Conservation Area which is characterised by the use of natural stone and slate with timber windows and doors and

simple gutters on brackets. The proposed 1.8m close boarded timber fencing would also not reflect stone boundary walls in the area and the proposed flat roofed timber bin and cycle store would not be an appropriate design.

107. The proposed detailed design and materials of the development would compound the fact that development would have a suburban appearance and would appear incongruous in scale, form and materials to surrounding built development.
108. Concern is raised in regard to the impact of the proposed development upon trees on the site and that the proposed development would result in the loss of woodland which would have a harmful impact upon landscape character. A tree survey has been carried out and submitted with the application.
109. The Slopes & valleys with woodland landscape character type is a pastoral landscape with a varied undulating topography of steel slopes, low ridges and incised valleys. The Authority's adopted landscape character assessment identifies that blocks of woodland are a characteristics feature of this landscape.
110. Around the boundary of the site there are a number of mature and young mature trees. The trees along Smithy Lane and within and adjacent to the adjacent former church car park are subject to a tree protection order (TPO). There were a number of tree groups in the northern half of the site but these were removed by the land owner last year after the previous planning application was submitted.
111. Concern has been raised by our Landscape Officer and in representations that the impact of the proposed development upon trees on site would have a harmful impact upon landscape character as the development would remove an establishing block of woodland on the site which makes a positive contribution to the landscape character of the area and this edge of the settlement.
112. This block of woodland was removed before this application was submitted. However, there would be an opportunity to re-instate an area of woodland on this part of the site as part of any development and this could achieve enhancements in accordance with our conservation policies. This would not be possible as part of the proposed development because the whole area would be developed. This adds to conclusions that the scale of the proposed development has too great an impact upon the character of the local area and the wider landscape.
113. In regard to the remaining trees on site and adjacent to the site which are now subject to a TPO our Tree Officer has raised concerns about the level of information submitted in regard to tree protection and mitigation. The information provided is not sufficient to allow an assessment of potential impacts upon the TPO trees and therefore the application is contrary to development management policy DMC13.
114. We have previously discussed the concerns raised in regard to scale, character and design with the agent and have advised that if the principle of developing this site can be established then a smaller scheme which reflects the built character of Rainow and restores / reinforces and manages the woodland within the northern part of the site would be likely to be more acceptable.
115. Due to the scale, density, layout and design of the proposed development we conclude that the proposed development would have an adverse impact upon the character of the area, the setting of the Conservation Area and landscape character and insufficient information has been submitted in regard to trees contrary to Core Strategy policies GSP1, GSP3, L1 and L3, development management policies DMC1, DMC3, DMC5 and

DMC13, our adopted design guide Supplementary Planning Guidance and the National Planning Policy Framework.

Impact upon ecology

116. A draft ecological report has been submitted with the application following a phase 1 walkover survey carried out in September 2018. The survey included inspection for bats, birds, reptiles and badgers along with habitat. There are no designated sites within 1km of the site and therefore Officers conclude that given the nature of the development and distance to designated sites that the proposal would not result in any significant adverse effect upon designated sites.
117. The vegetation survey identified improved grass land, tall ruderal, scattered trees and woodland habitat types on the site. The bat survey included inspection of trees on site and concludes that these trees are of negligible roost potential for bats and low potential for foraging and commuting bats. The site is considered to have negligible potential to support reptiles and moderate potential for nesting and breeding birds which are likely to utilise the woodland and grassland on site as nesting and breeding habitat. No badger setts were found on the site.
118. Overall the report concludes that the site is of low to moderate ecological value with the habitats present of negligible / site ecological value. The development of the site could result in loss of nesting habitat and disturbance of bird nests if vegetation clearance works are undertaken during the bird-nesting season and loss of badger foraging habitat. The report refers to potential impact to roosting habitat however it is not clear if this reference is relevant because the report refers to an existing building on the site, which is not the case.
119. The report makes various recommendations including to minimise lighting levels, to ensure that vegetation clearance takes place outside of the bird nesting season (March – October), installation of bat boxes, hedgehog homes, protection of hedgerows and trees to be retained and appropriate native planting.
120. Our ecologist has been consulted and we are awaiting a response. The previous application was supported by the same ecological report and at that time our ecologist raised concerns that there had been no assessment of the impact of the woodland as habitat or proposals for mitigation or compensation for the loss. There were also concerns that the report does identify that the woodland provides moderate potential as habitat for nesting and breeding birds and acknowledges that the development could result in the loss of this habitat.
121. The report proposes that any landscape planting aims for a majority of native species as an enhancement. There is however also no assessment of what additional planting would be feasible given the number of proposed properties and layout and whether this would compensate for the woodland that would be lost.
122. Within the National Park great weight must be given to the conservation of biodiversity and policy L2 says that development must conserve and enhance any features of biodiversity importance. Similarly paragraph 170 of the NPPF says that planning decisions should enhance the natural environment by protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF says that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for, then planning permission should be refused.

123. The woodland on the site has been removed and therefore the development would not have a direct impact upon this. Since the woodland was felled the land has recovered somewhat and there is still therefore potential for nesting and breeding birds to use the site. There are concerns about the impact of the development and it could be possible to avoid this impact with a reduced scheme which retained and restored part of the site as woodland.

Highway Safety

124. A number of concerns are raised in regard to parking and highway safety. A transport statement has been submitted with the application. There are local facilities in a close walking distance including the local school, pub and church and the development would be located close to local bus stops which link to Macclesfield. We accept that the site is on the edge of the village and agree that the site is in a sustainable location in terms of transport in the context of Rainow.
125. The access to the site would be onto Church Lane which at this point has a 30mph speed limit. The transport statement demonstrates that appropriate visibility splays can be achieved in both directions and that refuse and delivery vehicles will be able to access and leave the site in a forward gear.
126. Concern has been raised in representations in regard vehicles waiting on the highway to turn right into the site. In this circumstance the vehicle would approach from the east and the concern is that following vehicles would have limited visibility of the waiting vehicle due to the road geometry which bends away and where visibility is limited by walling and the access to the converted Chapel.
127. Photographs submitted with representations indicate that visibility would be limited by these factors for vehicles approaching from the east and it is not clear how much visibility drivers of following vehicles would have to react to and safely stop behind a vehicle waiting to turn right into the site.
128. We have consulted the Highway Authority who raise concerns about this issue and requested amended plans to take into account the gradient of the road (that drops down into Rainow from the east) and plans to accurately show the roadside wall that affects visibility for approaching vehicles.
129. Having visited the site we do have concerns that following vehicles may not have sufficient visibility to safely stop in this circumstance. This is due to the geometry of the road and also due to the fact that the road is dropping down into Rainow at this point from the point where the speed limit drops from 50 mph to 30 mph. Vehicles therefore may not have sufficient visibility to safely react and stop, especially heavier vehicles or vehicles less able to brake on a bend safely such as motorcycles.
130. It is noted that there are no recorded accidents on the highway here as evidenced by the transport statement, however there is no existing access here into the site and therefore the fact that has not been any recorded accidents does not rule out the possibility that the proposed access could create a new safety issue.
131. At the time of writing the agent has submitted amended plans in response to the Highway Authority. We are awaiting a further response from the Highway Authority which is expected in time for the meeting and members will be updated. As submitted it has not been demonstrated that the proposed development would be served by safe access and it is considered that the proposals could result in a highway safety issue in the circumstance of vehicles waiting to turn right into the site due to the lack of visibility. The

proposal is therefore considered to be contrary to development management policy DMT3.

132. The proposed development would meet minimum standards for the provision of off-street parking for the dwellings in accordance with the National Park parking standards. Officers consider that the level of proposed parking is sufficient and that the development would be unlikely to result in additional on-street parking.

Other issues

133. Concerns have been raised that the development would harm the privacy and residential amenity of neighbouring properties. Given the position of proposed dwellings on the site the closest neighbouring properties would be Byways on Smithy Lane and Years Low Cottage and The Old Chapel on Church Lane.
134. The Old Chapel is orientated away from the site and in an elevated position approximately 23m from the corner of the closest proposed dwelling. Given the distance and orientation of the existing property and the proposed nearest dwelling Officers are satisfied that the occupants of the Old Chapel would not suffer any significant loss of privacy or amenity.
135. Years Low Cottage would be located, broadly speaking, on the same level as the proposed dwelling and approximately 15m from the nearest proposed dwelling. Years Low Cottage is however located further south than the site and therefore the two properties would not face directly towards each other, rather at an angle greater than 45 degrees. Given this and the intervening highway it is not considered that occupants of either dwelling would suffer any significant loss of privacy or amenity.
136. Finally, Byways is located lower than the application site on the far side of Smithy Lane, approximately 25m from the nearest proposed dwelling. The front windows of the proposed dwellings would face north west rather than west towards Byways and given this relationship, the distance between the properties and intervening mature trees which are subject to TPO and are to be retained it is not considered that occupants of either dwelling would suffer any significant loss of privacy or amenity.
137. We are therefore satisfied that the proposal would not harm the amenity of neighbouring properties in accordance with the development plan and the Authority's detailed design guidance insofar as it relates to amenity. The proposal would not directly impact upon the adjacent footpaths or require their closure or alteration.
138. The proposed development would share its south eastern boundary with the pub and concern has been raised that noise from the pub could lead to complaints which could potentially curtail the activities of the pub and its long term viability. Officers consider that there is sufficient distance that noise would not be a significant impact and could be adequately mitigated by appropriate boundary treatment and planting.
139. The site is within Flood Zone 1 and therefore subject to agreement of satisfactory drainage there are no concerns that the proposal would be at risk of flooding or increase the risk of flooding elsewhere. The development would connect to mains sewage which is appropriate.
140. The Environmental Protection Officer has not responded to consultation on this application but did respond to the previous scheme and said that the proposed residential use is vulnerable to ground contamination and while the Borough Council's records indicate no former contaminative use, given the sensitivity of the end use a precautionary approach is appropriate and that a risk assessment and ground

investigation needs to be carried out with remediation (if required). Therefore, if permission was granted planning conditions would be recommended to secure this.

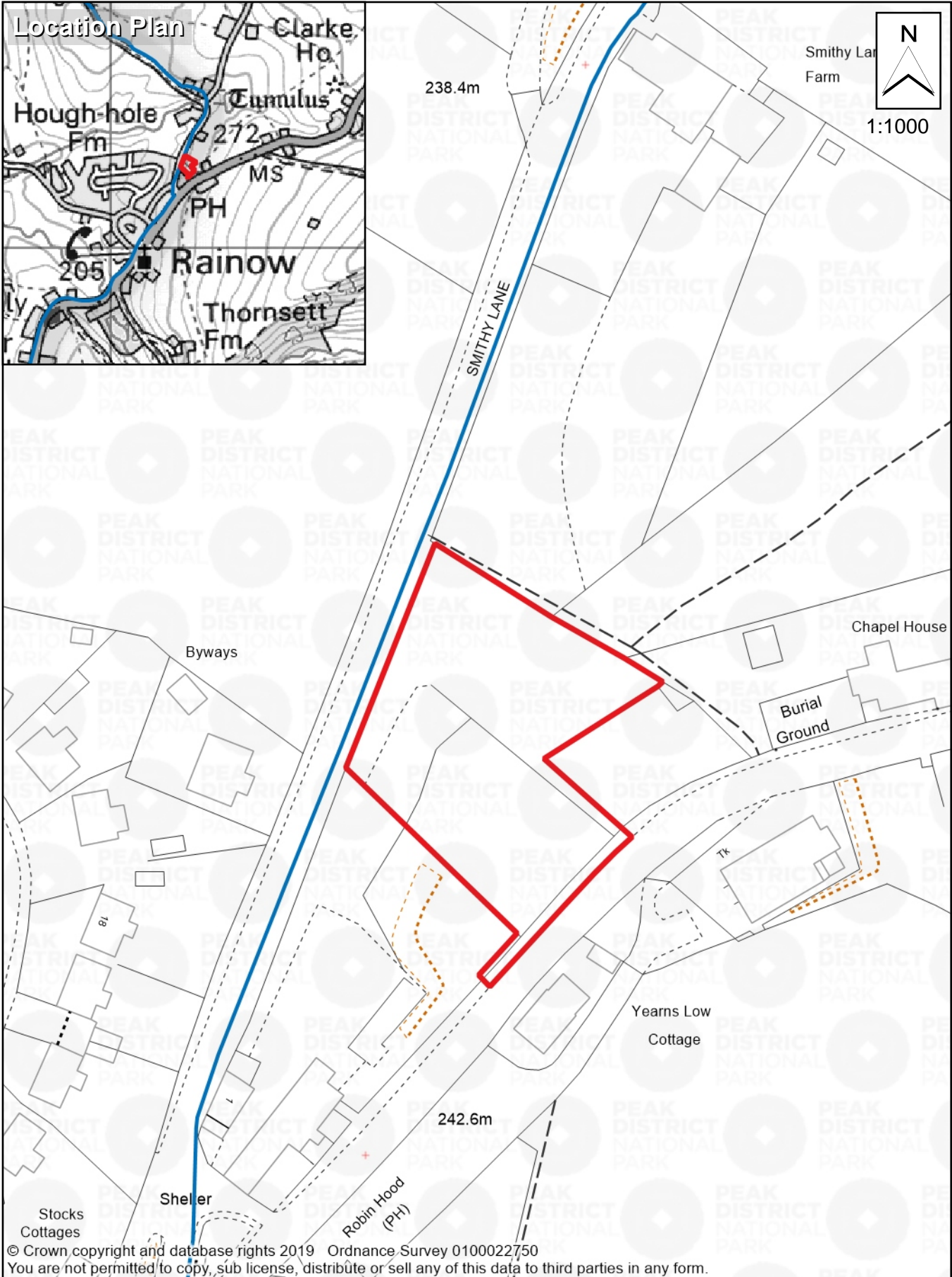
141. Our Senior Archaeologist advises that the site does not have any known archaeological interest and is likely to have low archaeological significance and therefore there are no concerns that the development would be harmful in this regard.
142. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources. The development again does not propose any energy or water saving measures as part of the design. The incorporation of such elements is a policy requirement as part of local efforts to mitigate the impact of climate change in accordance with the adopted policy.
143. Therefore, the failure of the scheme to address these issues is disappointing and the scheme does not comply with the policy in this regard.

Conclusion


144. We have several concerns about the principle of the proposed development on this site and the scale, density, layout and design of the proposed development, impact upon landscape character and the setting of the Conservation Area, biodiversity, trees on site and highway safety.
145. 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, development management policy DMH1 and the National Planning Policy Framework.
146. 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, development management policies DMC1, DMC3, DMC5, DMC8 and DMC13 and the National Planning Policy Framework.
147. Insufficient information has been submitted to demonstrate that the development can be carried in a manner which avoids or mitigates the impact upon trees on site and local biodiversity. The proposed development is therefore contrary to Core Strategy policy GSP1 and L2, development management policies DMC11 and DMC13 and the National Planning Policy Framework.
148. 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 development management policy DMT3 and the National Planning Policy Framework.
149. We have taken into account all material considerations raised and therefore conclude that the proposed development is contrary to the Development Plan and that there are no material considerations that indicate a different decision should be taken.
150. Accordingly, the application is recommended for refusal.

Human Rights

151. Any human rights issues have been considered and addressed in the preparation of this report.
152. List of Background Papers (not previously published)
153. Nil
154. Report Author – Adam Maxwell, Senior Planner



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Committee Date:	Friday 8th November 2019	Title: Land off Church Lane Rainow	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 7		
Application No:	NP/CEC/0919/1002		
Grid Reference:	395291, 376248		

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8. FULL APPLICATION – 2 LOCAL NEED AFFORDABLE HOUSES, LAND ADJACENT TO HILLSIDE BUNGALOW, SCHOOL LANE, TADDINGTON (NP/DDD/0719/0744)

APPLICANT: Mr Allen: DH & MA Developments

Summary

1. The application is for the erection of 2 new affordable dwellings to meet local needs. The site is considered to be a suitable one for a development of this size and a scheme of affordable housing here would be acceptable in principle if an identified local need for the new houses can be demonstrated. However, the proposed occupiers of the new houses do not meet our definition of being in housing need. The opportunities for finding new sites for affordable housing in Taddington are very limited and it is essential that any suitable sites go to providing housing for local people who are in genuine need and that the housing is of a type that meets the identified need. The applicant has been invited to do further work to try and demonstrate whether or not there is need for two new houses of the type and size proposed. However, the applicant has declined to do this and has asked for the application to be determined as submitted. The application fails to show that there is an identified need for the new houses and that the houses are suitable to meet the need if one does exist. It must therefore be recommended for refusal.

Site and Surroundings

2. The application site is a part of a field that lies to the southern side of School Lane at the western end of Taddington Village. The field is laid to grass and is enclosed by drystone boundary walls. The land level rises from north to south. There is an existing detached dwelling to the west and the grounds of Taddington and Priestcliffe primary school lies to the east. The junction of School Lane and the A6 lies a short distance to the north. The site is outside of Taddington Conservation Area and this end of the village is characterised by predominantly 20th century housing.

Proposal

3. Planning permission is being sought for the erection of two new affordable local needs houses.
4. The proposed houses are a pair of semi-detached dwellings. Each would have three bedrooms, garden and parking to the front and private gardens to the rear.
5. The submitted information sets out that the new houses would be sold to local families who have local connections and who are currently in rented housing.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The application has failed to demonstrate that there is an identified local need for two new affordable houses in Taddington. If such a need does exist, it has also not been demonstrated that the proposed houses are of a type and size that would be suitable to meet the identified need. The application is therefore contrary to policies HC1, DMH1 and DMH2.**
2. **The application does not demonstrate that the development will make the most efficient and sustainable use of land, buildings and natural resources contrary to policy CC1.**

Key Issues

- The need for new affordable housing in the village.
- The suitability of the site for new housing.
- The impact on the landscape character and special qualities of the National Park.
- Amenity Impacts.
- Highways Impacts.
- Ecology Impacts.

History

6. There is no planning history for the site. The applicant did not engage in pre-application discussions prior to the submission of the application.

Consultations

7. Highway Authority – No objections subject to conditions for the provision of access, parking and turning areas and measures to control surface water drainage.
8. Parish Council - *‘Members of Taddington and Priestcliffe Parish Council have been consulted on Planning Application DDD/0719/0744 - Land adj to Hillside Bungalow - and support the application in principle because it provides two affordable houses for owner occupation by local people and is on a site which has previously been considered acceptable in principle for housing.*

The Council notes that the site may be capable of taking one or more additional affordable houses in the future and suggests that care be taken to ensure that the layout would not inhibit further development should the need arise, given the difficulty of finding sites for affordable housing.

9. PDNPA Archaeology – No objections

Representations

10. Four letters of support have been received. Two of these are from the intended first occupiers of the dwellings and one is from the applicant. One is from a local resident. The letters set out that the development would provide housing for local people and would encourage young people and families to set up home and stay in the village.
11. One letter of objection has been received from a neighbouring occupier. The grounds for objection are summarised as follows:
 - Lack of detailed plans.
 - No need for the housing and existing housing in the area is available.
 - Impact on biodiversity and protected species.
 - There are more suitable sites within the village.
 - Flooding and drainage problems.
 - The meadow should be protected.
 - Impact on neighbouring properties and possible conflict with a neighbouring small holding.
 - The development is speculative – no guarantee that the houses won't be sold for profit.
 - Highways impact and parking problems.

National Planning Policy Framework (NPPF)

12. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
13. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
14. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

15. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
16. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
17. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Taddington is a named settlement.
18. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
19. HC1 – *New Housing*. Sets out that provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted including where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
20. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

21. DMC3 - *Siting, Design, layout and landscaping*. Reiterates that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
22. DMC11 - *Safeguarding, recording and enhancing nature conservation interests*. Sets out that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development and that details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan. For all sites, feature and species development proposals must consider amongst other things, the setting of the development in relation to other features of importance, historical and cultural.
23. DMH1 – *New affordable housing*. Sets out that Affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that:
- (i) there is a proven need for the dwelling(s); and
 - (ii) any new build housing is within the stipulated size thresholds:

Self-building and custom building housing will be permitted on rural exception sites provided the proven need can be demonstrated and the size thresholds are met.

24. DMH2 – *First occupation of new affordable housing* states that:
- In all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:
- (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
 - (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
 - (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.
25. DMT3 - *Access and design criteria*. Requires that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it. Whilst DMT8 - *Residential off street parking* sets out that off-street parking for residential development should be provided and the design and numbers of parking spaces associated with the residential development respects the valued characteristics of the area.
26. The Authority has adopted three separate supplementary planning documents (SPD's) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions.

Assessment

Principle of Development

27. Policy HC1 makes it clear that provision will not be made in the National Park for new housing to meet general demand. However, on an exceptional basis, new housing may be permitted if it is to meet an eligible local need for houses that will remain affordable in perpetuity.
28. The application is for two new houses that fall within our size guidelines for five person houses, with both being at the maximum size of 97 square metres. The submitted information sets out that both houses will be occupied by people who have lived in Taddington for 10 out of the last 20 years but *“moved away to find affordable rental accommodation but now look to return to set up a family home of their own for the first time.”* This sentence is contradictory – if the families are already living in rented accommodation then they have already set up home for the first time.
29. Policies DMH1 and DMH2 make it clear that new affordable housing can only be permitted when there is a proven need for the new housing. To be ‘in need’ a person must be in accommodation which is overcrowded or otherwise unsatisfactory.
30. The supporting text to policy DMH1 states that:

“In this area, accommodation is considered unsatisfactory when it is in poor condition or lacking in basic facilities. It is also common that accommodation is unsatisfactory because it is too small for the size of the household and is too expensive for the household to sustain.” Overcrowding would also amount to a housing need. The supporting text also sets out that people forming a household for the first time can amount to housing need.
31. We know that the proposed first occupiers are not forming household for the first time. No information has been provided to demonstrate that the intended first occupiers are in accommodation that is lacking in basic facilities, is too small, or that it is overcrowded.
32. The applicant has stated that “Both families currently live in rented accommodation that they consider too expensive to sustain”. Again, this contradicts the earlier statement that they *“moved away to find affordable rental accommodation”*. No details or evidence has been put forward to substantiate the claim that the existing rental accommodation is too expensive to sustain, or how buying one of the proposed dwellings would be any more affordable. In fact, one of the letters in support of the application from one of the intended first occupiers says that they are currently living in social rented accommodation. This would appear to contradict the applicant’s statement that the existing rented accommodation is too expensive to sustain.
33. It is essential to note that the wish to move from rented accommodation to owning a house does not in itself comprise a housing need. This is an aspiration rather than an essential need. The Authority is tenure neutral, meaning that we are only concerned with whether accommodation is fit to address the housing need and not whether it is rented or owned. Our policies do not categorise a wish to change tenure as an essential need to be met.
34. We could only consider the identified first occupiers to be in housing need if it had been demonstrated that the existing rented accommodation is overcrowded or otherwise unsatisfactory. That has not been demonstrated by this application. The application is therefore clearly contrary to policies HC1, DMH1 and DMH2 and cannot be supported.

35. As is discussed further below, the site may be a suitable one for the provision of affordable housing if a need for it can be demonstrated. Suitable sites for affordable housing in the National Park, and particularly in Taddington are scarce. It is essential that the sites that are suitable, provide housing for those who are truly in housing need.
36. Paragraph 6.25 of the DMP states that:
- “Where an individual is proposing to build homes for wider housing need (more than one), and the scheme is otherwise acceptable in terms of impact on the built environment, the individual also needs to establish the housing need through a Parish-wide Housing Need Survey and/or other credible evidence from choice based lettings registers such as Home Options. If there is credible evidence of a wider community need for housing, the applicant may be permitted to build more than one house.”*
37. We have encouraged the applicant to work with the Housing Authority to try and demonstrate whether or not there is a need for the proposed houses. However, the applicant has requested that the application is determined as submitted.
38. There is an existing housing needs survey for Taddington and the adjoining parishes (excluding Tideswell). This was done in 2016 and sets out an identifiable need for four houses for rent. Four affordable local needs houses have been approved at the eastern end of the village and are under construction. These are to be managed by the Peak District Rural Housing Association and will be made available rent. Based on the 2016 survey, the previously identified need has been met.
39. There is a separate housing survey for the neighbouring parish of Tideswell. This again identifies a need for rented affordable homes.
40. As such, based on the information available to us, it cannot be said that there is an identified need for the two houses. If such a need does exist, there is no evidence to show that 5 person three bedroom houses for sale would meet the need.
41. It must therefore be concluded that the principle of development is not acceptable.

Design and Appearance

42. As set out above, the proposed dwellings are a pair of semi-detached houses that are at the upper limit of our size guidelines for affordable dwellings. They are of traditional appearance with horizontal form, reasonably narrow gables and would sit under a pitched roof. They would sit comfortably at this end of the village which is characterised predominantly by 20th century housing of varying scale and types. The development would not impact on the character of the Conservation Area due to the intervening distance and other buildings. Subject to appropriate detailing, the appearance of the houses is broadly acceptable. The application accords with policy DMC3 in this respect.

Landscape Impacts

43. The site lies in-between existing buildings in the form of the school to the east and an existing dwelling to the west. As such, the proposed dwellings would form an in-fill plot. Unlike gaps within the more historically significant area of the village (i.e. within and close to the Conservation Area) the field is not identified as being important open space. The scale of the development is broadly acceptable and it is considered that it would not have any significantly detrimental impact on the landscape character or special qualities of this part of the National Park. The application accords with policy DMC3 in this respect.

Amenity Impact

44. The nearest neighbouring residential property is sited to the west of the application site is Hillside Bungalow. The proposed dwellings would have their main openings to the north and south facing elevations and there would be no unacceptable levels of overlooking between the proposed houses and this neighbouring dwelling. The position of the proposed houses would not lead to unacceptable overshadowing or oppressive impacts to Hillside Bungalow. It is considered that the development would not have an unacceptable impact on the amenity of occupiers of this neighbouring dwelling.
45. A letter of objection has raised concerns about possible conflict between residential development at the site and the operation of a small-holding business at the neighbouring property. Given that the site is within the village and adjacent to the school, there is already an amount of activity in close proximity to that property. It would be difficult to substantiate how the introduction of two residential properties would conflict with the neighbouring small-holding in this established village setting. The objection has raised concerns about pets causing problems for livestock. This would be a civil matter entirely outside of the control of the Local Planning Authority and would not be a material planning consideration. This concern does however also relate to appropriate boundary treatments between the site and neighbouring land which could be addressed by condition.
46. To the east of the site is the primary school. The school itself is set some 60m away but the playing field is next to the application site. The introduction of two new houses at the site would not result in any amenity conflicts between the school and a new residential use.
47. The position of the proposed development would not result in harm to the amenity of occupiers or users of any other properties in the locality.
48. Overall, it is considered that new housing could be an appropriate use of the site that would not cause harm to the amenity of any neighbouring users and residents and would not conflict with any established land uses in the locality. The application accords with policy DMC3 in this respect.

Highway Impact

49. The proposed houses would be accessed from School Lane with parking and turning areas provided to the front of each dwelling. The Highway Authority has confirmed that there are no objections, subject to conditions. The scheme accords with policies DMT3 and DMT8.

Ecology Impact

50. A letter of objection has raised concern about the harm to the ecology value of the field and potential harm to bats. There are no existing buildings or trees that would need to be removed to facilitate the development. The proposal would take up only a small proportion of the existing field and it is considered that it is unlikely to have a significantly detrimental impact on the ecology value of the surrounding area or on protected species. There is a need to achieve biodiversity net gain. Had the scheme been acceptable in principle we would have sought specialist advice on the ecological value of the site and how net gain could be achieved through the development. However, as the principle of the development has clearly not been established in this application, this work has not been advanced. This should however be addressed in any future applications at the site.

Environmental Management

51. An Environmental Management and Mitigation statement has not been provided and no information has been provided to set out how the application would address policy CC1. The application should be refused for this reason. Had the application been acceptable in principle we would have invited the applicant to try and correct this shortcoming of the application.

Conclusion

52. The application fails to demonstrate that there is an identifiable need for the two proposed houses. The identified first occupiers are not in housing need and no evidence has been put forward to show that there is a demonstrable need. The application fails to demonstrate that exceptional circumstances exist that would justify the building of new homes within the National Park. The application is clearly contrary to policies HC1, DMH1 and DMH2 and is recommended for refusal.

Human Rights

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

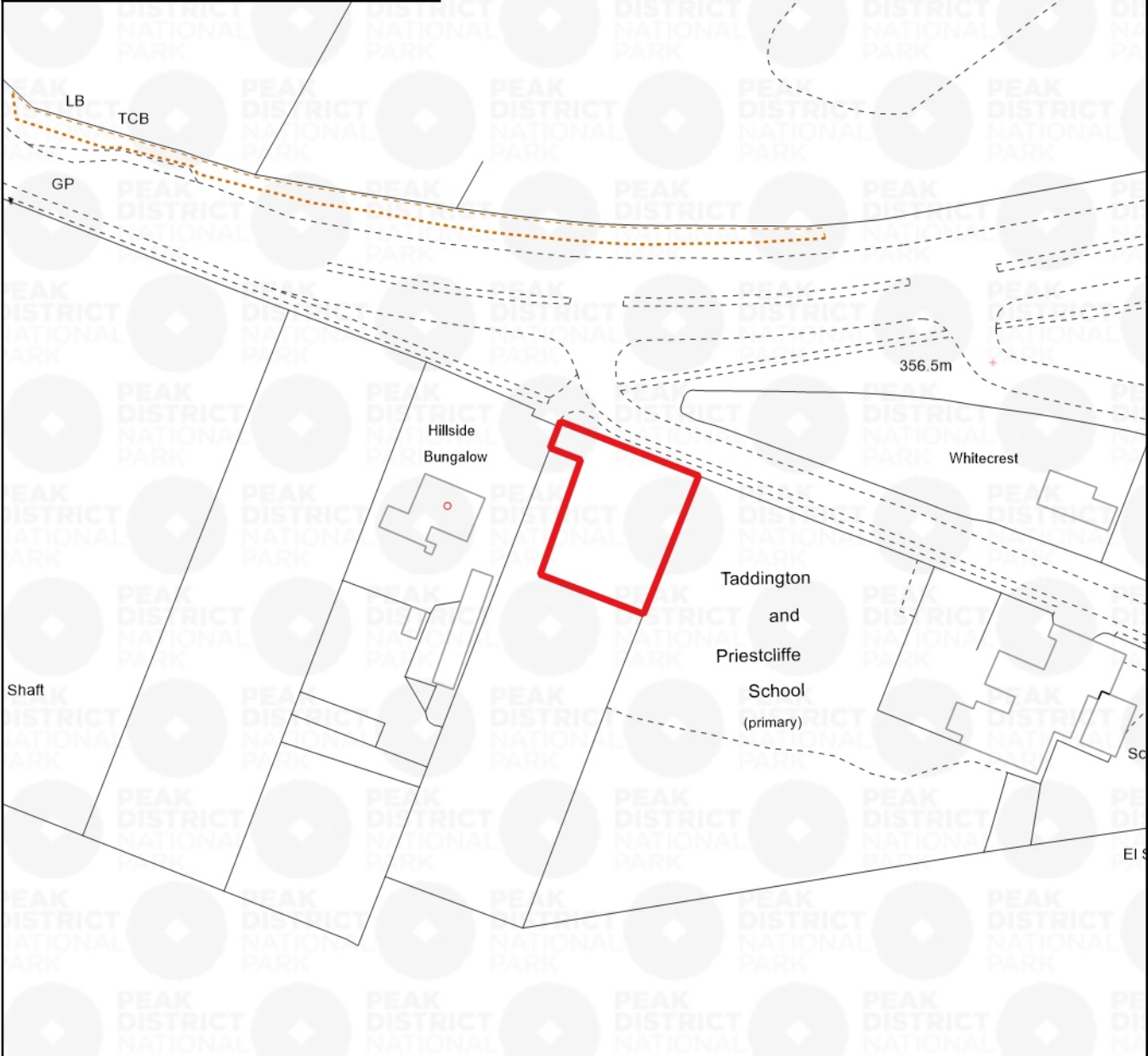
54. List of Background Papers (not previously published)

55. Nil


Report author: Tom Shiels, Area Team Manager



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<p>Committee Date: Friday 8th November 2019 Item Number: Item 8 Application No: NP/DDD/0719/0744 Grid Reference: 413652, 371255</p>	<p>Title: Land Adjacent to Hillside Bungalow Taddington</p>	 <p>PEAK DISTRICT NATIONAL PARK</p>
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9. FULL APPLICATION – PROPOSED ERECTION OF 2 NO. LOCAL NEED AFFORDABLE DWELLINGS AT LAND ADJACENT TO MAIN ROAD, NETHER PADLEY, GRINDLEFORD (NP/DDD/0419/0392, SPW)

APPLICANT: MR FINCH AND MRS HUNT

Summary

1. The proposal is for the erection of two local needs affordable dwellings proposed on the basis of an essential need to care for a resident of the National Park.

Site and Surroundings

2. The site is located in Nether Padley, it is presently an undeveloped open meadow with a few trees on its boundaries. The site is not within a conservation area and there are no listed buildings at the site. The site is adjacent to the B6521.
3. To the south of the site there is a large detached dwelling, Bempton House, beyond this a supported living (care) development and then another dwelling known as Brenva (approximately 80m from the site). Brenva is the residence of the infirm person that the applicants would be providing care for. There are other dwellings to the east and west of the site.

Proposal

4. The proposal is for the erection of two local needs affordable dwellings. These are link detached, each have 3 bedrooms and a single garage.
5. The dwellings would be accessed off the private road, which leads off Main Road.
6. Amended plans have been submitted 03C, 04D, 05C which show the amended proposal with changes to the layout and relationship between the properties.
7. It is proposed that the walls would be constructed of coursed natural gritstone, with a natural blue slate roof and the windows and doors would be of timber construction with a painted finish.
8. The amended plans show a spur on the proposed access which enables access to the rest of the site should there be a future development of local needs affordable housing on the remainder of the land.
9. The internal area of the properties are approximately 95sqm each.

RECOMMENDATION:

10. **That the application be REFUSED for the following reasons**

1. **The proposal is for two Local Needs Affordable dwellings on an undeveloped 'rural exception' site. No Parish Needs Survey has been provided for Grindleford Parish so the level, size and type of housing cannot be proven to be meeting an eligible or essential need for local needs affordable housing for the community. The proposal is therefore contrary to Core Strategy policy HC1 and Development Management Policy DMH1 and the NPPF (para 77).**

2. **There is no evidence that there is an essential need to provide care that can only be provided through the development of two new local needs affordable homes. Care could feasibly be delivered in a different way and it is not considered that there is an essential need demonstrated for two people (carers) to live close to the infirm family member. The proposed occupants do not meet the occupancy criteria for the proposed 2 new dwellings and therefore the proposal is contrary to DMH2 and the NPPF.**
3. **The applicants/proposed occupants of the 2 proposed Local Needs Affordable Homes already live relatively close to the infirm relative so the essential need to provide care from the site proposed is not demonstrated. The applicants are not considered to be in need or meet the first occupancy criteria for new Local Needs Affordable Housing. The proposal is therefore contrary to DMH2 and the NPPF.**

Key Issues

11. Whether there is justification for the proposed local needs affordable housing and whether the proposed housing is in accordance with HC1 and DMH1?
12. Whether the proposed occupants meet the local occupancy criteria?
13. Whether the proposed dwellings are of a size and type which would be likely to remain affordable in perpetuity?
14. Design, siting and landscape impact

History

15. 2017 Pre application advice (30964) in relation to the conversion of a workshop building at Brenva to an ancillary relatives dwelling to enable care to be provided for the infirm occupant of 'Brenva'. The Authority advised that this would be acceptable.
16. Since 6/11/2017 the Applicant Andrew Finch has been registered on Part 1 of the self-build/custom build register. The basis of the registration was as person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from age or infirmity.
17. 2018 Pre application advice in relation to the erection of 2 affordable dwellings to provide care for their infirm relative who resides in the nearby dwelling 'Brenva'. Links to the Emerging Development Management Policies were provided. Advised the site itself seems appropriate for Local Needs Affordable Housing. Likely to be able to achieve 4 or more on the site. At that stage little was known about the needs case, but they were advised that they would need to provide sufficient evidence to support their case. Provided that the two dwellings could be justified in policy terms then officers would have no objections in principle.

Consultations

18. Highway Authority – No objections subject to conditions to secure parking, garaging, circulation and standing of vehicles is provided prior to occupation and maintained free from any impediment.
19. District Council – No response to date.

20. Grindleford Parish Council - The decision was made unanimously not to support this application. The overall reason was that the arguments put forward that the development is needed for the care for an elderly relative were not sufficiently substantive.

Specifically, there were concerns that the building design is intrusive on Bempton House behind the plot, leading to loss of light and privacy; that it is not in keeping with the surrounding houses; that the additional traffic generated would create potential for accidents at an already busy and difficult part of the main road, especially as the shared drive is also used by a care home; and finally that the application constitutes infill along the ribbon development. There was particular concern that there would be precedent for further infill in the remaining spaces.

Grindleford Council wished to make it clear than they were not opposed to the idea of affordable housing in the village more generally.

Representations

21. Twenty six number of representations have been received. One is in support twenty five are in objection.

22. The grounds made in support of the application are as follows –

- A. There is an established need for affordable housing in rural settings.
- B. The people involved have a long family history of living in the village.
- C. Close to the amenities and activities of the village.
- D. There are no public rights of way over the site.
- E. The nearest house 'Bempton House' faces away from the site.
- F. Materials and style of dwelling are appropriate.
- G. No new access required.

23. The grounds made in objection to the application are as follows –

- A. Adverse impact on Bempton house by way of being overbearing, overlooking, loss of light, and light, noise and particulate pollution.
- B. There are a number of existing 'affordable' properties on the market for Mr Finch to purchase.
- C. Valuable green space would be lost.
- D. Concern about flooding.
- E. Grindleford and Nether Padley consists predominantly of 2 and 3 bedroom semi-detached houses. Therefore this proposal is not itself bringing "affordable housing". The existing ones are not affordable.
- F. We are not convinced that a move to care for an elderly parent necessitates building 2 new 3 bedroom houses to enable this care to occur.
- G. There are objections made, which state there to be a 2nd house within the grounds of Brenva that care could be provided from. *Officers comment - This is a workshop, not a dwelling at present. Pre application advice has agreed it could be converted to ancillary accommodation, to enable care to be provided.*
- H. No protected species survey was submitted with the application, and there are mature trees on the site which will be affected, so one is needed. Concerns are raised about, Nesting birds, bat roosts, ground nesting birds, great crested newts and protected wild flowers. Flocks of Bramblings arrive on the site from January until spring in addition siskins nest on the surrounding trees. Other frequent returning birds are coal tits,

great spotted woodpeckers, nut hatch and tree creepers. These birds return on a yearly basis and it is vital their natural habitat is preserved. *Officers comment – a protected species survey has since been submitted.*

- I. The suggestion that affordable housing on this plan is necessary is contrived.
- J. Local Needs affordable housing is for people setting up home for the first time to enable them to buy their own home, have an investment in their surrounding and local community and to enable them to have a secure future. *Officers comment - That DMH2 sets out the criteria for first time occupants and there is wider provision than for people setting up home for the first time.*
- K. The value will exceed £160,000 by a long way, the valuations are unrealistic and therefore the proposal doesn't represent affordable housing.
- L. Concern that the loss of the break in development land will harm the character of the village. Losing the break between Grindleford Bridge and Nether Padley is significant.
- M. The homes would be a longterm project to deal with an immediate issue. Rental, or staying in a space room at their mothers home could provide a timely solution.
- N. The design and positioning of the proposed housing is not in keeping with the area and other houses in the vicinity. Furthermore the positioning of the houses would suggest that further development on the site is planned.
- O. The site has not previously been built on and, if planning was granted this would have implications for other 'green field' sites around the village.
- P. Creation of a dangerous road junction with the village of Grindleford.
- Q. Significant increase in traffic and road side parking within the village.
- R. The density of the development is inconsistent with the rest of Nether Padley, and therefore inappropriate.
- S. The proposed solution of nearby affordable housing would not be relevant to the infirm family members care needs. As they will require a full time care setting rather than an on call level of provision.
- T. Given the infirm persons need for 'round the clock care' they are likely to need a residential care setting soon, which means in practice the reported need to live nearby may be short term.
- U. The applicants live approximately 10 mins from the family member in need of care.
- V. There is a restrictive covenant on the land which prevents building on this site.
- W. Developing the greenfield site will represent a loss of visual amenity for the area.
- X. This proposal would contradict the 'special' wildlife 'Conservation and enhancement purpose' of the National Park and therefore should be rejected.
- Y. The proposed dwellings are of modern proportions and not the least bit traditional.
- Z. There is no supporting evidence from the applicants to show that a thorough search has been made of the parish and surrounding parishes for suitable rental accommodation to live in. They rent at the moment so why can they not rent while they look after their mother.
- AA. Can 2 people caring for an infirm relative truly warrant the construction of 2x 3 bedroomed houses and destruction of a high amenity value meadow and subversion of the cultural heritage of the area to facilitate this size of house.
- BB. Another 'valued characteristic' from both a 'natural beauty' and 'heritage' perspective, of Nether Padley is the 'language' or vernacular of its well-designed late Victorian/early Edwardian architecture interspersed with equally well designed older farmhouses. The impact that this incongruous development would have on neighbouring historical properties and the architectural 'language' of the village is significant. The application site forms an important definition to both the historic core and form of the area and to the historical agricultural setting of the buildings around it. This harm to the setting is not outweighed by any public benefit and as such there is conflict with the national planning policy framework wherein specific policies relating to National Parks and assets of heritage value indicate that development should be restricted.
- CC. Don't believe the design of the houses is sympathetic to the area, the modern style doors and other elements would not fit well with the village.

- DD. If she is still in their family home, then I would imagine there is room in the house for Mr Finch and Mrs Hunt to stay and that would provide better care.
- EE. It would be better for the council and Park Authority to tackle empty housing in the areas, as well as supporting the development of brown field sites and the conversion of existing dwellings, rather than allowing building on one of the few green areas left along the main stretch of the village road. These green areas are vital to the feel of the village.
- FF. Without green areas the road down into the village becomes ribbon development.

24. **Main Policies**

25. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, HC1, L1.

26. Relevant Development Management policies: DMC3, DMC4, DMC13, DMH1, DMH2, DMH3, DMH11, DMT3, DMT8, DMU2.

27. **National Planning Policy Framework**

28. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect, the revised version was published in 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 the Development Management Policies 2019. 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 Government guidance in the NPPF.

29. 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.'

30. Para 77 In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

31. NPPF defines rural exceptions site as the following, **Rural exception sites:** Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

32. **Peak District National Park Core Strategy**

33. The most relevant policies of the core strategy to the principle of the proposal are and DS1, HC1.

34. Policy DS1 set out the Development Strategy for the National Park. Part D explains that in named settlements which includes ‘Grindleford and Nether Padley’ there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements amongst other things new building development for affordable housing is acceptable.
35. HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DH1, DH2 and DH3 of the Development Management Policies, which gives more detailed criteria to assess an application for a newly-built housing, which is intended to be affordable and meet local need and occupancy criteria.
36. Other relevant policies include -

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.

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.

37. GSP4: Planning conditions and legal agreements

- A. To aid the achievement of its spatial outcomes, 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.

38. Development Management Policies

39. The most relevant development management policies to the principle of the proposal are DMH1, and DMH2. DMH11 is also particularly relevant as it relates to the need for S106 agreements if the scheme were permitted. These policies are set out in full below, including some pre text. Other relevant policies are referenced in the relevant sections of this report.
40. Under the heading of ‘When is new affordable housing justified’ para 6.23 explains the following-
- A. *6.23 In determining applications for new affordable housing, need will be judged by reference to an up to date housing needs survey prepared by, or in consultation with, the Housing Authority and preferably involving the Parish Council. Evidence should be less than five years old, however other evidence may be acceptable provided the Housing Authority has maintained its intelligence on housing needs over the intervening period, and this intelligence justifies a scheme of the size and type proposed.*

41. Para 6.25 explains where an individual is proposing to build homes for wider housing need (more than one), and the scheme is otherwise acceptable in terms of impact on the built environment, the individual also needs to establish the housing need through a Parish-wide Housing Need Survey and/or other credible evidence from choice based lettings registers such as Home Options. If there is credible evidence of a wider community need for housing, the applicant may be permitted to build more than one house.

42. DMH1 – New Affordable Housing

Affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that:

- (i) there is a proven need for the dwelling(s); and
- (ii) any new build housing is within the following size thresholds:

Number of bed spaces and Maximum Gross Internal Floor Area (m²)

One person 39

Two persons 58

Three persons 70

Four persons 84

Five persons 97

B. Starter Homes will be permitted as part of a development of housing to enhance a previously developed site.

C. Self-Build and Custom Build housing will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.

43. DMH2 First occupation of new affordable housing

In all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:

(i) a person (and his or her dependants) 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

(ii) a person (and his or her dependants) 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

(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.

44. DMH11 Section 106 Agreements

Section 106 Agreements will be applied to housing developments as follows -

Affordable housing

A. In all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 Agreement, that will:

- (i) restrict the occupancy of all affordable properties in perpetuity in line with policies DMH1, DMH2 and DMH3; and

- (ii) prevent any subsequent development of the site and/or all affordable property(ies) where that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity.

45. The Development Management policies define rural exceptions sites as Development on previously undeveloped land, and as an exception to the otherwise restrictive policies that limit development in the National Park. In the context of this plan, exception sites are generally developed for affordable housing in perpetuity to address local housing need.

Assessment

Whether there is justification for the proposed local needs affordable housing and whether the proposed housing is in accordance with HC1 and DMH1?

46. This proposal is for rural exceptions housing on undeveloped/greenfield land. Our policies are designed to meet the wider needs of the community of the National Park as a whole, while conserving and enhancing the National Park. Policy is not designed to meet the needs of individuals where that need is not aligned with the need of the wider community and the National Park. Opportunities for the provision of new housing in the National Park are extremely limited and this is why our policies must be robust to deliver the right outcomes for the National Park and its communities in those limited opportunities that exist. The robust application of policy is needed to maintain public confidence in the delivery of housing in the opportunities that exist.
47. To that extent our Development Management Policies document at para 6.25 explains that where an individual is proposing more than one home the individual also needs to establish the housing need through a up to date parish-wide housing need survey and/or other credible evidence from choice based letting registers such as 'Home Options'. If there is credible evidence of a wider community need for housing, the applicant may be permitted to build more than one house.
48. The applicants are not proposing to provide housing to address a need that arises within the Parish or other locality as set out in parts i and ii of policy DMH2, and are instead relying on part iii of that policy, which does not require the occupant of the proposed property(ies) to demonstrate a local connection, but instead requires the individual being cared for has the local connection. It is understandable that the applicants did not think a local needs survey would be relevant to their proposal, however, the Development Management Policy Document does not express an exception for proposals made under DMH2 iii, perhaps on the basis that an essential need to care for an individual was not foreseen to be likely to justify more than one property.
49. In this application two new local needs affordable dwellings are proposed, but without reference to an up to date housing needs survey for this parish. Reference has been made to the properties available in the area and via the 'Home Options' website this is not the same as providing credible evidence of a wider community need for housing. Following discussions with the agent some reference has been made to the adjacent parish's housing needs survey for Hathersage however this does not reflect the specific needs of Grindleford parish. Understanding the specific needs of Grindleford Parish is a policy requirement.
50. Following the last round of correspondence with the applicant's agent, some recent evidence of liaising with 'Peak District Rural Housing Association' (PDRHA) has been submitted. The applicants have received a letter which explains that PDRHA would be keen to explore the possibility of developing further homes on the site. Before they could

commit to this fully they would require clear evidence of housing need in the parish. Whilst it is very likely that there is a need in Grindleford, they would ask Derbyshire Dales District Council to carry out a housing need survey of the parish. This would determine the level of need and the size and type of homes required.

51. Far from supporting the applicants case, the PDRHA letter makes it clear that to understand the level of need and the size and type of home required in Grindleford, a housing need survey of the parish would need to be undertaken. The Development Management Policies document para 6.25 makes it clear this is a requirement to establish need when more than one house is proposed.
52. As submitted the proposal for 2 local needs affordable dwellings is contrary to core Strategy HC1 and Development management Policy DMH1 and the NPPF (para 77) because it is without reference to an up to date Parish Housing needs Survey for Grindleford and therefore the proposed housing cannot be proven to be meeting an eligible or essential need for local needs affordable housing for this community. Without the Parish Housing needs survey having been undertaken the level and size and type of properties required to serve the wider needs of the community remains unknown.

Whether the proposed occupants meet the local occupancy criteria for first occupation of new affordable housing?

53. The applicants have made their case via the occupancy criteria under DMH2(iii) in which there is a provision for first occupants where they meet the following criteria.
 - A. *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.*
54. Officers have been provided evidence that the occupant of the nearby (90m to the south) dwelling 'Brenva' is infirm and requiring 24hr care 7 days a week. Medical information has been provided and we are satisfied that the occupant is very unwell and of an extremely advanced age. Their need for care is not disputed.
55. Currently that care is provided via a professional service, by individuals on a shift pattern 'living in' at the premises where the care is needed (Brenva). The submitted design and access statement explains that this is expensive and thus not a feasible solution in the long term for this family.
56. Instead the applicant and another family member wish to provide care for their relative (the infirm occupant of Brenva). And to do this they explain that they would need 2 new Local Needs Affordable Homes (one each) to allow for themselves and their own individual households/families to live close to the infirm occupant of the nearby dwelling.
57. Officers are extremely sympathetic to the difficult (but far from unique) position that the family are in and their admirable desire to care for their relative. The choice to provide the care via these two family members instead of a professional service is understood, it is nevertheless a personal choice, and one which does not automatically justify two new local needs affordable homes.
58. The existing care demonstrates that the care is capable of being provided by an individual 'living in' at the dwelling where the care is needed. This is further possible as there are two individuals proposing to provide care, allowing time to arrive at the care recipient's property and share that responsibility from a more remote location. It is not considered that there is an essential need demonstrated for two households to live close to the infirm family member. The proposed occupants therefore cannot both meet the occupancy criteria for

the proposed 2 new dwellings and therefore the proposal for 2 such dwellings is contrary to DMH2 and the NPPF. Officers consider this would also undermine their case for the need for a single dwelling if such an application were made.

59. It should also be noted that both proposed occupants are already housed in relative proximity. That is that one currently lives on the edge of Sheffield 5.3miles away from the site by road, with a travel time of approximately 9mins from the care recipient.
60. The other proposed occupant lives at a farm also on the edge of Sheffield which is approximately 12 miles away with a travel time of approximately 27mins.
61. The proximity of their existing housing also brings into question whether there is an essential need for the proposed occupants to occupy the proposed two Local Needs Affordable Homes. Officers having considered all the facts and their reasoning and consider that the case put forward does not prove an essential need for these occupants to occupy the proposed two new local needs affordable houses.
62. The main reasoning put forward in the submitted design and access statement is that their routes to the infirm family member's property can be disrupted by snowfall. While this may be plausible, given the nature of the continual care required, that is 24/7, there will always be someone providing care on site. So in the event of snowfall preventing one party from journeying to the site to handover the duty of care, the other party would still be on site, so in the event of a disrupted journey due to snowfall the infirm occupant would not be left without care.
63. The proposed occupants are not considered to meet the occupancy criteria and their need to live close to the infirm relative is not essential as they are already in relatively close proximity. The proposed occupants therefore would not comply with DMH2 and the NPPF. Officers consider that for the same reasons the need for a single dwelling, if such an application were made, are similarly not compliant with policy.

Whether the proposed dwellings are of a size and type which would be likely to remain affordable in perpetuity?

64. The internal floor area of the dwellings (not including the garage) are around 96m² and within the size guidelines for a five person home which the maximum is 97m².
65. The submitted design and access statement explains that they would enter into the S106 legal agreement as required by policy DMH11. This would ensure it remains available for local needs and therefore more affordable than an unrestricted open market dwelling by virtue of the restricted market.
66. The dwellings proposed are link detached, with just the garages abutting one another. The design of the property is not optimised to increase their affordability, and to ensure affordability was maximised for the future. Semi-detached dwellings rather than link detached would be preferable for this purpose. It is noted that the submitted valuation from 'Bagshaws' suggests with the occupancy restriction the proposed dwellings should be £160,000. Whilst this valuation would suggest they would be affordable, the valuation seems very low compared to the open market in Grindleford, and without any evidence base to back it up, unreliable. The valuation suggests they are semi-detached dwellings, which they are not.
67. Another factor which would improve the long term affordability of the properties is the size of their gardens. A smaller garden could reduce the value whilst still providing adequate amenity space for the dwellings.

68. This issue of affordability in perpetuity relates back to the lack of a parish housing needs survey (reason for refusal 1). Such a survey could establish what Grindleford Parish's housing needs are, and understand what those in housing needs in that community require or could afford. Without that it may be that these proposed dwellings would simply not meet those needs perhaps by virtue of being too expensive or of the wrong type (including tenure) to meet the requirements of those in need.
69. The dwellings proposed meet the floor space size thresholds but are, notwithstanding that, not considered to be proven to be of a size and type which will ensure they remain affordable in perpetuity. The proposal is therefore contrary to HC1 and the NPPF.

Design, siting and landscape impact.

70. The site is considered to be suitable for affordable housing, being within the settlement of Grindleford/Nether Padley. Which is identified in DS1 as suitable for new Local Needs Affordable Housing.
71. The general design, appearance, use of materials and landscape impact of the proposal is acceptable. Amended plans have been submitted which improve the scheme by off-setting the garages. Planning conditions could secure the amended plans and the materials.
72. Without a parish housing needs survey it's not known if the size and type of these proposed dwellings meet the community housing needs of Grindleford Parish. That issue is dealt with earlier in this report.
73. A scheme with a detached garage would better reflect the advice in the design guide and may reduce the desire to convert the garage to additional living accommodation. If the garage were converted into additional living accommodation this would take the properties beyond size thresholds for local needs affordable homes. However, a planning condition could require the garage space remains available for parking a car throughout the life of the development.
74. A detached garage may also facilitate providing true semi-detached dwellings and reducing the width of the plots, which could open up more of the site for further Local Needs Affordable Housing if indeed any such forthcoming housing survey proved there to be a need in Grindleford Parish. And the alternative of true Semi-detached dwellings would significantly improve the affordability and long term access to these properties in perpetuity for a wider range of local persons in need.
75. The design has also ensured that the rest of the site could be accessed if it were to come forward for further Local Needs Affordable Housing. And PDRHA have shown interest in the site subject to amongst other things establishing Grindleford Parishes housing need via a parish housing needs survey.
76. It is noted that solar panels are proposed on the south facing roof of the dwelling. This is welcomed in principle but would only be acceptable if provided in solar slates. The agent has confirmed that solar slates would be acceptable. This detail could be secured by planning condition if approved.

Amenity

77. The proposed dwellings sit well on the site and will not overlook one another, nor be overbearing on one another, they have generous gardens to the front and rear and will have ample amenity space.
78. The proposals impact on its surrounds is also considered to be acceptable. It is noted that

there have been objections raised from neighbouring properties. These will be looked at in more detail below.

79. The occupant of Bempton House has submitted an objection. They are concerned amongst other things that the proposal would have an overbearing presence due to its proximity to their common boundary. They are also concerned about overlooking and loss of light and light pollution in the evening and traffic noise.
80. With regard to the concern about the dwelling being overbearing they are approximately 18m to the north of the dwelling and offset to the west of the house. On this basis the scheme would not be overbearing on the house or its gardens.
81. The dwellings themselves are at their closest approximately 16m to the neighbour's boundary. Although the rear of the dwellings would face their garden/parking area at this distance it is not considered to be harmful to their amenity.
82. The occupier's concern about loss of light cannot be substantiated due to the situation of the property south of the proposed development.
83. We consider the impact on the amenity of neighbouring properties to be acceptable in planning terms.

Trees and protected species

84. Some trees would be lost as part of the scheme. There are only very few on the wider site that would warrant retention and these are unaffected by the proposal. In accordance with the Authority's policies on protecting trees, replacement trees for those lost need to be required by planning conditions. This would ensure the proposal complies with DMC13. This also accords with a protected species survey that was undertaken which found no protected species, recommended felling of trees outside the bird nesting season and planning of replacement trees.

Utilities

85. If approved, a planning condition would be required to ensure that onsite utilities infrastructure is installed underground this would ensure the proposal is in accordance with DMU2.

Environmental Management

86. Solar slates are proposed on the south facing roof of the dwellings. This detail could be secured by planning conditions if the proposal were approved.

87. Highways

88. The highways authority have been consulted and have no objections to the scheme.

Conclusion

89. The application has not proven a need for the number, size or type of dwelling by reference to an up to date Grindelford Parish Housing needs survey. This is a requirement for all local needs affordable housing schemes of more than one dwelling.
90. Furthermore the proposed occupants would not meet the occupancy requirements of DMH2 and have not proved there is a need that is essential to be met in this way. The type and size of the dwelling has not maximised the opportunities available to ensure the

dwellings are affordable in perpetuity. The proposal is therefore contrary to the housing policies of the development plan including Core Strategy Policy HC1 and Development Management Policies DMH1 and DMH2 and the NPPF.

91. **Human Rights**

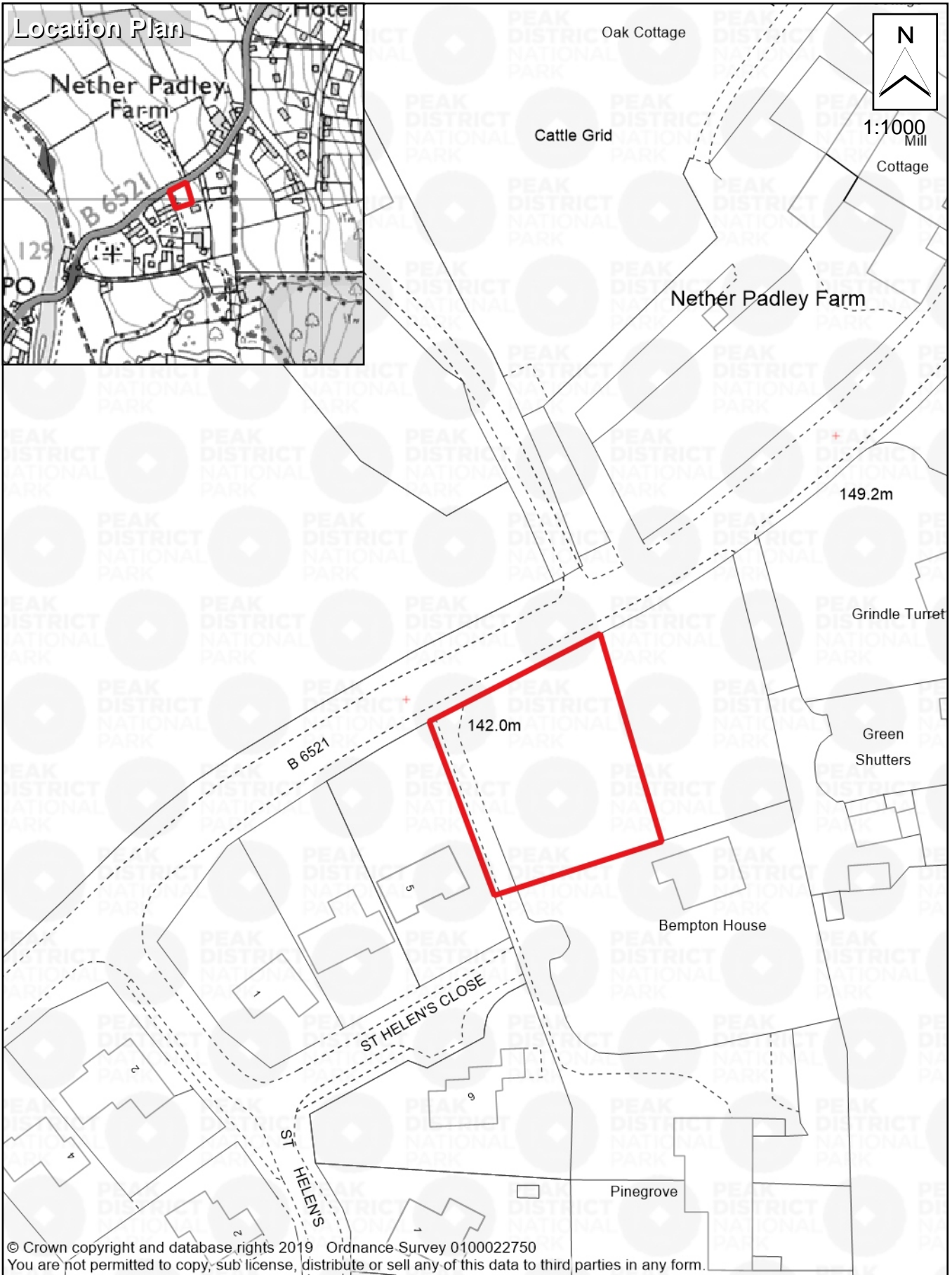
92. Any human rights issues have been considered and addressed in the preparation of this report.

93. List of Background Papers (not previously published)

94. Nil

95. Report Author: Steven Wigglesworth, Planner

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Committee Date: Friday 8th November 2019
 Item Number: Item 9
 Application No: NP/DDD/0419/0392
 Grid Reference: 424762, 377985

Title: Land Adjacent to Main Road
 Main Road
 Nether Padley
 Grindleford



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10. FULL APPLICATION - PROPOSED NEW MENAGE ARENA AND AGRICULTURAL BUILDING IN EXISTING Paddock Field AT HARVEY GATE FARM, BLAKELOW ROAD, ONECOTE - (NP/SM/0819/0843 SC)

APPLICANT: M & MRS A WEAVER

Summary

1. The application seeks permission to construct a Horse Exercise Area (HEA) for private and personal use and a modern agricultural building with associated hardstanding. The key planning considerations are the potential landscape impacts of the HEA and the siting of the agricultural building and the hardstanding required to service the agricultural building. In this case, it is considered the cumulative impact of the overall development would fail to conserve or enhance the character and appearance of the wider landscape in this part of the National Park. The proposal is recommended for refusal.

Site and Surroundings

2. Harvey Gate is a small working farm situated around 460m to the east of Blakelow Road (Morridge Top). The farm consists of the main farmhouse, a traditional two-storey barn, (converted to holiday accommodation), a single storey detached outbuilding and a small timber stable block with associated hardstanding. Access is off Blakelow Road and along a descending track to the farm. The nearest surrounding properties to the application site are White Lea Farm, sited around 230m to the south, Dunlea Farm 400m to the north and Dale House at approximately 650m to the east. A number of public footpaths (PRoW's) run to both the east and west of the farm.
3. Within the Authority's Landscape Strategy and Action Plan, the landscape character type of the area is classed as 'Upland Pastures' of the South West Peak. The area comprising of an upland pastoral landscape with a traditional dispersed pattern of gritstone farmsteads and localised village settlements. Drystone walls and some hedgerows enclose permanent pasture. Trees are scattered along incised Cloughs and around dispersed gritstone farmsteads. This is viewed as a very peaceful rural landscape with open views to surrounding higher ground.

Proposal

4. Planning permission is being sought to construct a Horse Exercise Area (HEA) and a modern agricultural building with associated hardstanding. Revised plans have since been submitted, which show a reduction in the size of the proposed HEA from 60m x 20m to 40m x 20m and reduced the amount of hardstanding associated with the proposed agricultural building. These plans now form the basis of the current scheme.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The Horse Exercise Area (HEA) would result in domestication of the landscape in this location, harming its open agricultural landscape character, contrary to policies L1 and DMC3, and paragraph 172 of the NPPF.**
2. **The isolated position of the agricultural building and the large area of associated hardstanding cumulatively detracts from the open landscape character of the area, contrary to policies L1, DMC3 & DME1 and paragraph 172 of the NPPF.**

Key Issues

- Potential landscape harm of the Horse Exercise Area.
- Potential landscape harm due to the siting of the agricultural buildings and the area of hardstanding required to service the building.

History

1994 - (SM1094112) - Change of use from agricultural building to holiday accommodation – Granted.

2019 - (NP/SM/0918/0832) - Change of use from agriculture to agriculture and equestrian. Formation of a ménage and the erection of an agricultural building - Withdrawn.

Consultations

5. Highway Authority - No response.
6. Parish Council - ...*'supports the application on the grounds of personal use and to enhance business opportunities. Landscape screening of both the ménage and barn building have been fully addressed'*.

Representations

7. One third party representation has been submitted in support of the proposal.

MAIN POLICIES

National Planning Policy Framework (NPPF)

8. 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.
9. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
10. In particular, paragraph 172 states 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.
11. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the new Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

12. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
13. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
14. DS1 - *Development Strategy*. Supports recreation and tourism development in principle in the open countryside. The same policy also supports agricultural development in the open countryside, provided that development respects, conserves and enhances the valued characteristics of the site.
15. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
16. RT1 - *Recreation, environmental education and interpretation*. Sets out that (A) the National Park Authority will support facilities, which enable recreation, which encourage understanding and enjoyment of the National Park and are appropriate to the National Park's valued characteristics, whilst RT1 (B) states, that in open countryside, clear demonstration of need for such a location will be necessary.
17. Further Supplementary Planning Guidance (SPG) is provided in the document - '*Agricultural Developments in the Peak District National Park*'.

New Development Management Policies

18. DMC3 - *Siting, Design, layout and landscaping*. Reiterates that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
19. DMR4 - *Facilities for keeping and riding horses*. Accepts that horse riding is an appropriate activity as part of the quiet enjoyment of the National Park and supports development relating to the provision of facilities for the keeping of and riding of horses provided certain criteria are met.
20. DME1 - *Agricultural or forestry operational development*. Allows for new agricultural buildings provided that they are functionally required, are close to the main group of buildings wherever possible and in all cases relates well to existing buildings and landscape features, respects the design of existing buildings and building traditions, makes use of the least obtrusive location and does not require obtrusive access tracks, roads or services.

Assessment of the HEA development

21. The new Development Management Policies support the facilities for keeping and riding horses, with the preceding text suggesting, that whilst planning permission is not

normally required for grazing horses, the construction of exercise rings does require permission. It also recognises that the popularity of such recreation creates pressure for these types of development in places where it is not always easy to find a good design and fit with the valued characteristics of the landscape, particularly where it is relatively open. The combination of buildings and exercise areas, security lighting and paddock style fencing, can create an over-managed feel to relatively simple pastoral and agricultural landscapes.

Principle of the HEA development

22. Policy DS1 states, that development for recreation and tourism in all settlements and in the open countryside will be acceptable in principle. Policy DMR4 accepts that horse riding, is an appropriate activity as part of the quiet enjoyment of the National Park and supports development relating to the provision of facilities for the keeping of and riding of horses.

Siting, size and materials of the HEA development

23. The HEA would measure 40m x 20m, which is a standard dimension for a development of this nature. The HEA would sit on slightly sloping ground towards the south western side of the field and set in approximately 6m from the southern boundary fence line and around 6m from the western boundary of the field. The surface material would be a mix of sand and stabilising fibres. A timber post and rail perimeter fence is proposed, with a timber 5 bar entrance gate positioned to the North West corner of the site. Access to the HEA would be across a proposed hardstanding area and a section of reformed/graded grass.

Landscape Impact of the HEA development

24. In siting terms, the position of the HEA is located in a part of the field that is bounded on the west by a traditional stone boundary wall and to the south by a timber post and rail fence, with some interspersed hedging. The HEA would lie on a slightly sloping site and therefore would require a small amount of re-grading, which is proposed to the north of the site. A timber perimeter fence would surround the ground area of the HEA with gate access on its north western side.
25. The application site forms part of a wider system of upland pasture, which includes drystone walls, hedgerows and scattered trees, and is considered a very peaceful rural landscape with open views to surrounding higher ground. In these respects, the landscape around the application site reflects those key characteristics as identified within the Authority's Landscape Character Assessment. In this case, the artificial surface and embanked landscaping would occupy a particularly sensitive and exposed location, therefore appearing unduly intrusive within the surrounding countryside, having a harmful visual impact, which would be further increased through the introduction of associated equipment such as horse jumps and would stand out as an unnatural and very domestic feature in the immediate landscape, noticeable from wider vantage points, in particular the public right of way at Morridge Top (Blakelow Road), harming the area's open agricultural landscape character and the special qualities of the National Park.
26. Additional planting is proposed along the western and southern boundaries of the site, but this would take a number of years to mature and would not have any significant impact on screening the HEA and associated perimeter fencing, particular from public vantage points in the short and medium term. This domestic intrusion into the open character of the immediate landscape, which carries the highest status of protection in terms of national policy, would be a harmful and significant change to the appearance of the area. The addition of planting does not address the principle, that this proposal is for

development in the wrong place. The scheme is therefore considered unacceptable in landscape terms, contrary to policies L1 & DMC3 in these respects

27. Members are aware that the Environment Act sets out that where there is a conflict between conservation and public enjoyment, then conservation interest should take priority (known as 'the Sandford Principle'). In this case, it is considered there is a conflict between those purposes; therefore the Authority should attach greater weight to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area, over the second purpose of promoting public understanding and enjoyment of the National Park.

Assessment and landscape Impact of the agricultural development

28. An agricultural building is considered reasonably necessary for the purposes of the agricultural operation at Harvey Gate Farm. The building is of a modest size and is considered proportionate to the needs of the current farming activities.
29. The proposed building would be sited within a field to the south of the main farmhouse. A large new area of hardstanding between the proposed building and an existing timber stable block is also proposed to service and access the building. In this case, whilst the building itself is considered acceptable in size, design and materials for this type of modern farm structure, the siting of the building along with the associated hardstanding would have an unacceptable landscape impact.
30. The building is too detached from the main farm group and not in the least obtrusive location on the farm complex. As a result of its separate location the large expanse of hardstanding is required to connect the building with the existing farmyard. In this instance, the detached position of the agricultural building away from the main farm group combined with the large area of hardstanding it necessitates, detracts from the open landscape character of the area. The scheme is considered unacceptable in siting and landscape impact terms, contrary to policies L1, DMC3 & DME1 respectively.

Potential amenity impact on neighbouring properties

31. The nearest surrounding properties to the application site are White Lea Farm, sited around 230m to the south, Dunlea Farm 400m to the north and Dale House at approximately 650m to the east. A number of public footpaths (PRoW's) run to both the east and west of the farm. In this case, given these separation distances, the amenity of these properties are not considered would be adversely affected by the development. Consequently, the amenity of the nearest surrounding neighbouring properties or indeed any other properties in the locality would not be unduly compromised by the development. Therefore, the scheme in privacy and outlook terms would accord with policies GSP3 & DCM3 in this instance.

Highway & Access matters

32. Access is from the main highway at Morrridge (Blakelow Road) and descends via a lengthy access track to the farm. The Local Highway Authority have not responded to date, however, did respond with no objections to a previously withdrawn similar scheme. There would be no issues on highway grounds. Consequently, the development is considered acceptable in highway safety terms in accordance with policy DMT3 in particular.

Conclusion

33. Due to the proposed siting, both the HEA and the agricultural building would detract from the open and undeveloped character of the countryside, to the detriment of the National park landscape. The application is recommended for refusal on landscape impact grounds.

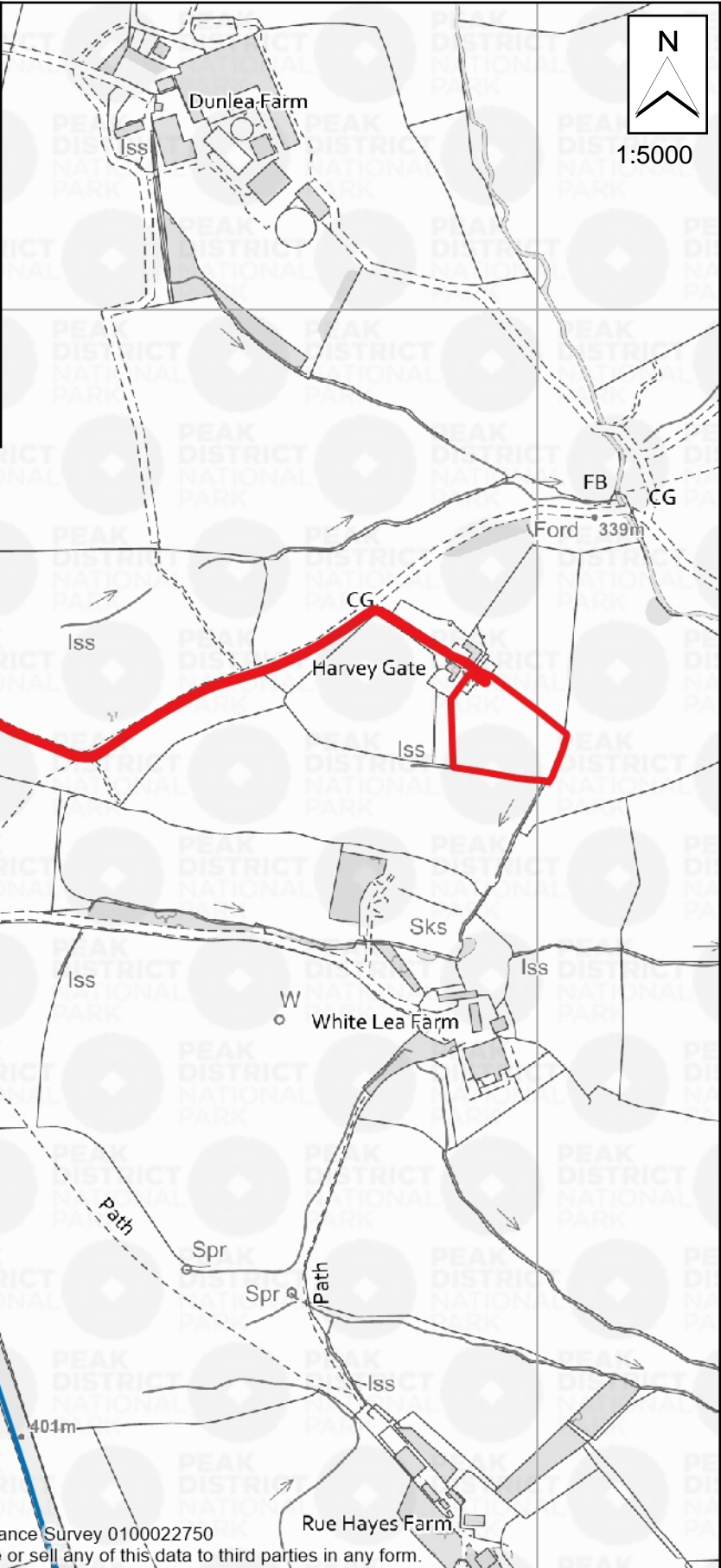
Human Rights

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


35. List of Background Papers (not previously published)

36. Nil

Report Author: Steve Coombes, Planning Officer



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<p>Committee Date: Friday 8th November 2019 Item Number: Item 10 Application No: NP/SM/0819/0843 Grid Reference: 402937, 356725</p>	<p>Title: Harvey Gate Farm Blakelow Road Onecote</p>	 <p>PEAK DISTRICT NATIONAL PARK</p>
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11. FULL APPLICATION – ALTERATIONS AND CHANGE OF USE OF TRADITIONAL RURAL BUILDING TO FORM 3 HOLIDAY LETS, THE HOMESTEAD, MAIN STREET, BIGGIN (NP/DDD/1218/1145 TS)

APPLICANT: THE BARLOW FAMILY TRUST

Summary

1. The application is for the conversion of a non-designated heritage asset to holiday accommodation. This is supported in principle by policies RT2 and DMC10. The development would sufficiently preserve the character of the building. Converting it to domestic use would not result in any harm to the landscape character of other valued characteristics of the National Park in this particular setting and location. The application is recommended for approval.

Site and Surroundings

2. The application site is a former barn that lies to the northern side of Main Street in Biggin. It is set back from the road by about 70 metres and there are intervening residential properties. The barn has a L-shaped form and is predominantly two storeys but also has a small single storey extension to the western elevation. It is constructed from limestone walls with gritstone detailing.
3. The property was converted to business/industrial use in the 1960s and was last in use for storage. The building has however been vacant for several years and has been damaged by fire.
4. Residential properties lie to the south of the site. Open land lies to the north and east. There is an existing former agricultural building that has more recently been used for business purposes to the west of the site.

Proposal

5. Planning permission is being sought to convert the former barn to form three holiday lets.
6. The application initially sought consent to convert the building into four units of accommodation but the scheme has been revised to take account of our concerns relating to the amount of subdivision and the required external alterations.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **Time limit for commencement.**
2. **Development to be carried out in accordance with the amended plans.**
3. **Use restricted to short-term holiday let only.**
4. **Removal of permitted development rights for extensions and alterations.**
5. **Control of the extent of residential curtilage.**

6. **Window and doors to be timber with details to be approved.**
7. **Building to be converted within its shell and with no rebuilding other than a replacement roof on the single storey element.**
8. **Boundary treatments to be approved.**
9. **Bat mitigation measures to be implemented.**
10. **Scheme of carbon reduction and energy efficiency measures to be approved and then implemented.**

Key Issues

7. The impact on the valued character and appearance of the barn and its setting within the surrounding landscape.

History

2006 – An application to convert the building to 3 dwellings was refused for the following reasons (summarised):

- The site is outside of a settlement and residential development is only acceptable if it is to meet a genuine need for affordable housing. No such case had been put forward.
- Harm to the appearance of the former barn.
- Loss of a local employment site.
- Conflict between proposed residential use and neighbouring transport depot.

2008 – Appeal against the Authority's refusal of the above application was dismissed. The key points of the Inspector's decision are discussed in the assessment section further below.

2018 – An application to convert the building to two open market dwellings was withdrawn.

Consultations

8. Highway Authority – No objections subject to a condition for the parking and turning areas to be laid out before the building is taken into use.
9. Parish Council - *'Members of Hartington Nether Quarter Parish Council met to discuss the above application and after due consideration feel unable to support this proposal due to over saturation of holiday accommodation in the parish/surrounding area. Members would like to see affordable housing developed at this location and would like to know why the previous application for rental/local needs has been changed to an application for holiday accommodation here.*

Members also queried the address being the Homestead as properties known as 1 and 2 the Homestead already exist further down the same street and this may lead to future confusion.'

1. PDNPA Archaeology – initially objected due to the lack of assessment of the heritage significance of the building.

The applicant subsequently undertook and submitted a heritage assessment of the building. Our Archaeologist provided the following additional comments:

“Consultation of records available to the Peak District National Park Authority indicate that the buildings that are the subject of this application are a non-designated heritage asset are likely to be of historic and archaeological interest. The buildings are identified in the 2016 Historic England Historic Farmstead Project and is recorded in the Peak District National Park Historic Buildings, Sites and Monuments Record (MPD13351) and Derbyshire Historic Environment Record as an extant 19th century outfarm of a regular courtyard of L-plan, where all traditional farm buildings remain extant. It indicates that the buildings have high heritage potential. Outfarms are farm buildings, either singular or small groups of buildings, usually set around a yard., typically use for sheltering cattle and the storage of hay, fodder and other crops, or a combination of these activities.

Following previous consultation comments a Significance and Heritage Impact Statement has been submitted in support of this application. This demonstrates that the building is a late 19th century combination barn that changed to a business use in the 1960s and underwent some changes to its internal and external fabric.

Nevertheless the agricultural origin of the buildings remains legible particularly in the form, location and size of the openings in the external elevations. Internally, all fixtures and fittings related to agricultural use (e.g .troughs, cratches and stalls) have been lost, but the separation of functions between different parts of the building is apparent in the internal masonry walls, with this element of the historic planform surviving. The 20th century alterations are clearly legible as such. The building is therefore of historic interest.

The core significance of this non-designated heritage assets lies in its:

- Surviving historic fabric – retains the legibility of the historic function and retains concealed archaeological evidence relating to the historic development and use.*
- The location, form and size of historic openings – which retains the legibility of the historic use and function of the building.*
- Traditional agricultural character – this demonstrates its agricultural origin and function*
- Traditional materials – which are characteristic of the area.*

The conversion of the farm buildings to residential use with the current scheme will in permanent and irreversible harm to aspects of the core significance of this non designated heritage assets. I do not object to the principle of conversion, but with the current scheme represents a level and scale of harm that is unacceptable. A more sympathetic conversion that conserves the significance of the buildings could be achieved.

The damaging aspects that are of particular concern with respect to the level of harm are:

Use of rooflights – a number rooflights are proposed in the north and west elevation. These are domestic and out of character for a traditional farm building. A reduction in internal subdivision (see below) could remove the need for these.

The extent of sub-division required to create four separate units, particularly in the loft areas would harm the significance of these spaces, traditionally open along the length of the loft and to the roof with large proportions. This is contrary to national guidance on the re-adaptive re-use of traditional farm buildings

Complete loss of the internal planform – the current scheme requires the removal of all internal masonry walls, the last surviving parts of the internal planform that reflects the historic division of function and space, and a the stair and one that the modern extension on the west elevation is built on to). This would harm the historic interest of the building.

New openings and loss of visibility of historic openings – in addition to the proposed rooflights, a number of new openings are proposed, these are in areas of solid wall fabric where no openings existed historically. These changes would confuse the archaeology of the building and the legibility of its historic form and function from its external features and elevations, harming its historic interest. A number of existing and historic openings are not be used and are proposed to be blocked.

Relocation of the stone steps and entirely new door opening in the gable of the south elevation where historically there wasn't one – this causes permanent harm to the historic interest of the building by confusing the archaeology of the building and the legibility of its historic form and function from its external features and elevations harming its historic interest.

The proposed scheme with respect the subdivision of the building, the layout of the individual units, the use of existing openings and the need for new openings and rooflights, appears to have done very little to either understand or work with the surviving historic features and fabric, and is harmful to the significance of this heritage asset. The scale of harm is not acceptable.”

The above comments were based on the original proposal to convert the building to four units. The applicant subsequently revised the scheme to reduce the number of units to three and amend the extent of the internal and external alterations.

2. Natural England - ‘Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.’

PDNPA Ecology – Initially noted that the submitted information sets out that a bat roost has been found but no mitigation measures had been provided. This information is required to positively determine the application. The applicant subsequently submitted a scheme of bit mitigation measures and this is discussed in the relevant section of the report further below.

Representations

10. No third party responses have been received. .

National Planning Policy Framework (NPPF)

11. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.

12. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states 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.
13. Section 16 of the revised NPPF sets out guidance for conserving the historic environment, Paragraph 189 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
14. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
15. Paragraph 197 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 directly or indirectly affect 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.
16. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

17. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
18. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
19. DS1 - *Development Strategy*. States that recreation and tourism development is acceptable in principle in open countryside.

20. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance.* Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.
21. RT2 - *Hotels, bed & breakfast & holiday accommodation.* States that the change of use of a traditional building of historic or vernacular merit to holiday accommodation will be permitted.
22. L1 - *Landscape character and valued characteristics.* Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
23. E1 – Business development in towns and villages sets out that the National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location. Where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

Development Management Policies

24. DMC3 - *Siting, Design, layout and landscaping.* Reiterates that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
25. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting.* The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
26. DMC10 - *Conversion of a heritage asset.* Sets out that conversion of a designated or non-designated heritage asset will be permitted provided it can accommodate the new use without changes that adversely affect its character, including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding, and that any changes conserves or enhances the heritage significance and its setting in accord with policy DMC5.
27. DMC11 - *Safeguarding, recording and enhancing nature conservation interests.* Sets out that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development and that details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan. For all sites, feature and species development proposals must consider amongst other things, the setting of the development in relation to other features of importance, historical and cultural.
28. DMR3 - *Holiday occupancy of self-catering accommodation.* States that where self-catering accommodation is acceptable, its use will be restricted to holiday accommodation for no more than 28 days per calendar year by any one person.

29. DMT3 - *Access and design criteria*. Requires that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it. Whilst DMT8 - *Residential off street parking* sets out that off-street parking for residential development should be provided and the design and numbers of parking spaces associated with the residential development respects the valued characteristics of the area.
30. DME3 identifies sites that are to be safeguarded for industrial and employment use.
31. The Authority has adopted three separate supplementary planning documents (SPD's) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions.

Assessment

Principle of Development

32. Previous applications for conversion of the property to residential use have been refused. The most recent being in 2006 with a subsequent appeal dismissed in 2008. It should be noted that these applications and decisions preceded all current local and national planning policy and guidance.
33. Having said that, the question of the heritage importance of the building is an issue from the previous application and appeal that remains relevant to the current application.
34. In 2006, the Authority took the view that the building was not of vernacular merit. However, the inspector found that the building is "of significant architectural merit". The Authority's Archaeologist has set out the reasons why the building is of historic interest. Given the evidence of architectural and historic significance, the building is clearly a non-designated heritage asset.
35. DS1 allows for the creation of holiday accommodation preferably by re-use of traditional buildings. Policy RT2 specifically allows for the change of use of a traditional building of historic or vernacular merit, except where it would create unacceptable landscape impact in open countryside. The NPPF also supports the provision of sustainable tourist facilities in rural areas. The broad principle of the conversion to holiday accommodation is therefore acceptable.
36. However, policy DMC10 makes it clear that applications for conversions of non-designated heritage assets must be achievable without changes that adversely affect its character, including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding, and that any changes conserves or enhances the heritage significance and its setting. These matters are discussed further below.
37. The Parish Council do not support the application and have expressed a preference for affordable local needs housing. The conversion of the property to a mix of open market and affordable housing would be likely to be acceptable in principle. Any affordable housing would be subject to our local occupation criteria and secured as such with a legal agreement. This option was discussed at the pre-application stage with the applicant's agent but it is understood that the applicant is not in agreement with our local occupancy criteria and therefore pursued an application for holiday accommodation instead.

Loss of employment site

38. Under the 2006 application, one of the reasons for refusal related to the loss of the building as an employment site. The Inspector upheld the Authority's concern in this regard, noting that:

“The appeal building is a barn currently used for the storage of agricultural Products, and incorporates a sales office connected with that use. Policy E4 of the adopted Peak National Park Structure Plan does not normally permit development that would lead to the loss of existing business premises, except where an employment purpose is not compatible with other development plan policy. There is good reason for this approach. The supporting text for the policy explains that the loss of industrial land or buildings and associated employment opportunities could lead to pressure to identify new sites for such uses, which might be at odds with the National Park's overriding conservation Aims. I have no reason to conclude that the existing use of the property is not Compatible with other development plan policy. While the barn is close to Some dwellings, the relationship appeared to me to be a satisfactory one. I conclude that the building is in an appropriate and active economic use at Present and find that the proposal is at odds with Policy E4.”

39. The structure plan has been replaced so policy E4 of it is no longer relevant. The relevant policies are now policies E1 of the Core Strategy, policy DME3 of the Development Management Policies document and guidance contained within the NPPF that sets out that the unnecessary safeguarding of land should be avoided.
40. Policy E1 sets out that existing business land or buildings will still be safeguarded, particularly those which are of a high quality and in a sustainable location. Policy DME3 identifies particular sites that meet this criteria that will be safeguarded. The application building is not one of these sites.
41. The application is accompanied by a statement from an estate agents that sets out that there is unlikely to be demand for this building from a business user. The site has been vacant for several years.
42. In light of the change in local and national policy and guidance, along with the evidence that has been submitted to demonstrate that there is unlikely to be demand from a business user, it is now accepted that this site should not be safeguarded for business use. There is no conflict with policy E1, DME3 or the guidance within the NPPF in this respect.

Impacts of the development on the character, appearance and significance of the building

43. Policy DMC5 requires that an appropriate level of information is submitted to inform an assessment of how the development will affect the heritage asset. As initially submitted, the application did not contain sufficient information to inform an assessment of the significance of the heritage asset and how the development would affect it. A heritage statement was subsequently submitted to address this.
44. From the heritage assessment and the advice of our archaeologist, the significance of the building can be summarised as follows:
- Surviving historic fabric – retains the legibility of the historic function and retains concealed archaeological evidence relating to the historic development and use.
 - The location, form and size of historic openings – which retains the legibility

- of the historic use and function of the building.
- Traditional agricultural character – this demonstrates its agricultural origin and function
- Traditional materials – which are characteristic of the area.

It is therefore important that any conversion scheme works to preserve these features.

45. As initially submitted the scheme was to convert the building to four holiday let units. This required a significant amount of subdivision, removal of internal masonry walls and unsympathetic external alterations to provide openings to the four units. This scheme would have caused an unacceptable harm to the character of the building that would have outweighed the benefit of bringing it back into beneficial use.
46. The scheme has been amended so that it is for three units of holiday accommodation. This allows the conversion to work much better with the existing internal walls and plan form of the building.
47. In addition, the external alterations are now sensitive to the historic character of the building. Existing openings are to be reused and the inappropriate roof lights and new openings have been omitted.
48. It would have been preferable for the single storey extension to the western elevation to be removed, rather than reused with the addition of a pitched roof as proposed. However, it is considered that the scheme overall is acceptable.
49. Whilst there would inevitably still be some degree of harm to the historic character of the former barn through its conversion to domestic use, it is now considered that the level of harm would be low and is outweighed by the benefits of securing a beneficial use for it that accords with our policies and helps to achieve our second purpose of promoting understanding and enjoyment of the National Park.

Impact of the development on the setting of the former barn and the wider landscape

50. The Authority's '*Historic Farmstead Character Statement*' identifies, that field barns are an important part of the Peak District's landscape, they are highly characteristic and strongly contribute to local distinctiveness, even more so when combined with the distinctive pattern of dry stone wall enclosures, reflecting the development of this historic landscape. The Statement also identifies that farm buildings that are detached and remote from a main farmstead have been subject to high levels of change both within the Peak District and nationally, with a 57% loss of such features from the Peak District landscape. This makes those that survive even more precious.
51. It must be acknowledged that whilst the building clearly has an agricultural past, it is not set in its previous historic landscape. The building is set within a yard that has been used for business purposes for many years and is in close proximity to another premises that has been used for commercial purposes in recent years. It is also adjacent to residential properties (with the expected domestic paraphernalia) to the south. The curtilage of the building is quite distinct from the open fields to the north and east. The yard area to the eastern side has been in regular use for outdoor storage and this has a detrimental impact on the character of the barn and the wider landscape. The proposal represents an opportunity to improve this. The proposed curtilage for the holiday lets does not include all of the existing yard, and part would remain as it is now, but a significant proportion of the existing yard would be returned to grass.

52. Given the above, the barn is not in a location that makes its setting particularly sensitive to the harm that can be caused by domestication of a site and the introduction of parking, gardens and other associated domestic paraphernalia. The site is quite different to a field barn located in an open agricultural landscape in this respect.
53. As such, there would be very little harm to the building arising from its conversion to domestic use for holiday accommodation.
54. Furthermore, the proposed holiday let use allows for sensitive use of the outdoor space. Because the proposal is for holiday let use, the outdoor space can remain communal and does not need to be carved up in the way that is likely to be necessary if the proposal was for permanent dwellings. The submitted plans show the use of post and rail fencing, which would not be acceptable. This can be easily remedied however though a condition that requires boundary treatments to be approved and then implemented.
55. The scheme proposed to have parking mainly concentrated in the yard to the front of the building and the space to the east, that is currently a storage yard, laid to grass without any subdivision. Rather than harming the setting of the building, it is considered that the scheme would enhance it over and above the previous business use of the site.
56. It is therefore considered that the harm to the historic character of the barn would be minor and would be outweighed by the benefits of bringing the site back into beneficial use and improving the setting of the building. The scheme therefore accords with policies RT2 and DMC3 and DMC10 in these respects.

Amenity Impact

57. The nearest neighbouring residential properties are sited around 35m to the south of the site. This distance is sufficient to ensure there would be no harm to amenity through the introduction of holiday accommodation use at the site.
58. Under the application refused in 2006, concern was raised about conflicts between residential use at the site and business use of the neighbouring depot building to the west of the site. However, the Planning Inspector did not share these concerns, noting that:

“I do not find that the appeal building's proximity to the adjacent depot, counts against the proposal. The appeal building relates mainly to the side of the depot, whereas the depot's main doors are at the front. There is no significant curtilage to the depot facing the appeal building. Consequently there would be little interaction between the commercial and residential uses, other than the sharing of the access. The gardens to the dwellings would be to their rear, away from the depot. I conclude that, should use of the property as a transport depot resume, it would not have an unacceptable impact on the living conditions of the occupiers of the proposed dwellings.”
59. Given this, a case could not be made that holiday accommodation would not be compatible with the neighbouring business use. It should also be noted that holiday accommodation would not necessarily require the same level of amenity standards as a permanent dwelling in any case.
60. Overall, it is considered that holiday accommodation is an appropriate use of the site that would not cause harm to the amenity of any neighbouring users and residents and would not conflict with any established land uses in the locality. The application accords with policy DMC3 in this respect.

Highway Impact

61. The existing access from Main Street would be utilised and sufficient parking is proposed in a manner that would not be harmful to the character of the building or the wider surrounding area. The Highway Authority has confirmed that there are no objections. The scheme accords with policies DMT3 and DMT8.

Ecology Impact

62. A Protected Species appraisal had been carried out. This identifies that the barn contains a bat roost. Bat mitigation measures have been provided. Subject to the bat mitigation strategy being implemented the impact on protected species would be acceptable and this requirement should be secured by condition. The application accords with policy DMC11.

Environmental Management

63. An Environmental Management and Mitigation statement has not been provided. The scheme would provide an opportunity to incorporate energy efficiency measures as required by policy CC1, therefore, a condition requiring a scheme to be approved and then implemented is recommended should the application be approved.

Conclusion

64. The proposed development would sufficiently conserve the character of the non-designated heritage asset and would bring in back into appropriate and beneficial use. The scheme would not give rise to any unacceptable harm. The application is recommended for refusal.

Human Rights

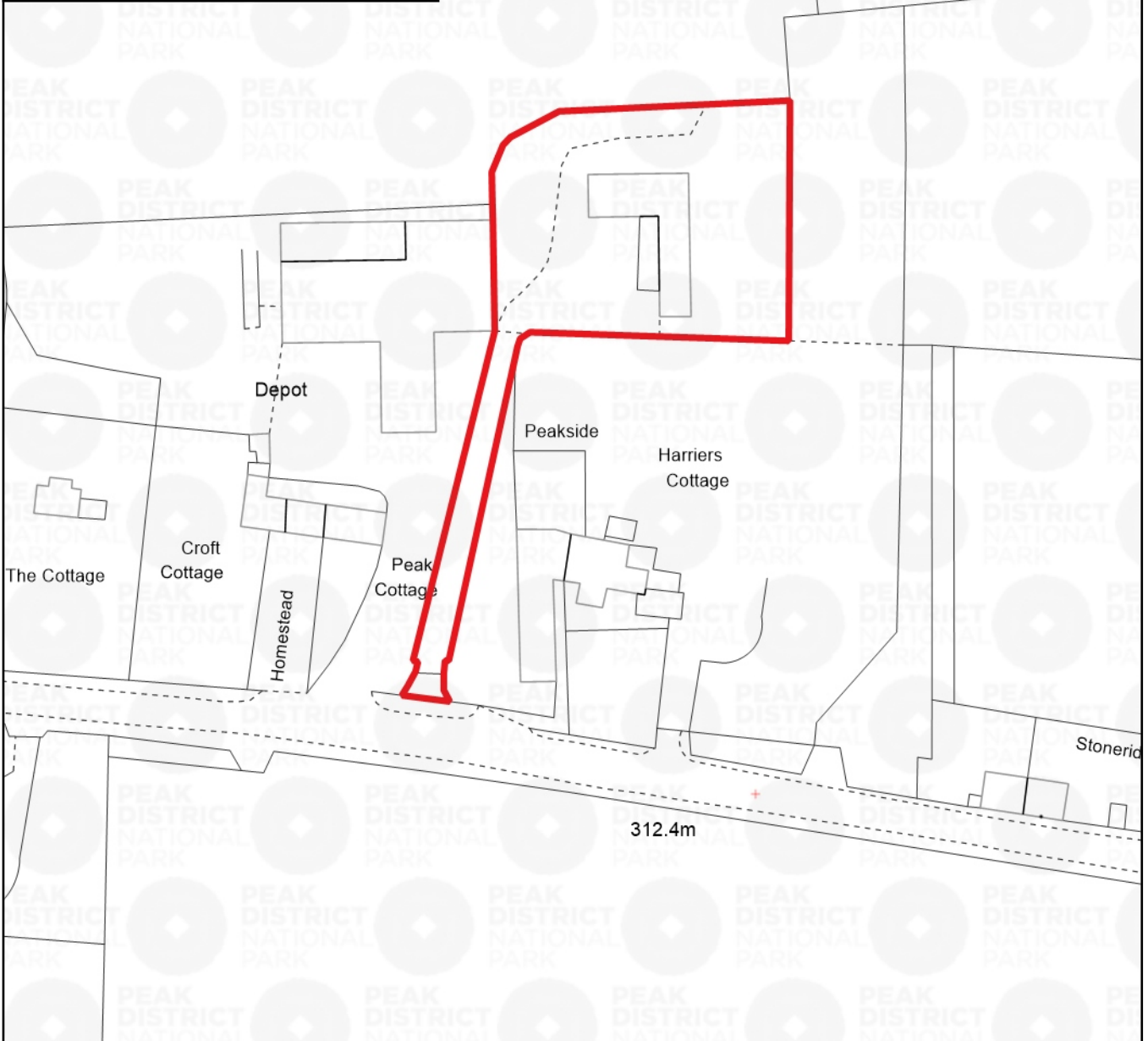
65. Any human rights issues have been considered and addressed in the preparation of this report.
66. List of Background Papers (not previously published)
67. Nil

Report author: Tom Shiels, Area Team Manager

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Committee Date: Friday 8th November 2019
 Item Number: Item 11
 Application No: NP/DDD/1218/1145
 Grid Reference: 415814, 359403

Title: The Homestead
 Main Street
 Biggin



PEAK DISTRICT NATIONAL PARK

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12. SECTION 73 APPLICATION FOR THE REMOVAL OF CONDITION 58 ON NP/DDD/0815/0779 FOR DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, DEVELOPMENT OF 55 DWELLINGS (C3), ERECTION OF 6 INDUSTRIAL STARTER UNITS (B1), CAR PARKING, LANDSCAPING AND DRAINAGE ATTENUATION WITH ACCESS FROM NETHERSIDE (STARTER UNITS) AND BRADWELL HEAD ROAD (RESIDENTIAL), AT FORMER NEWBURGH ENGINEERING CO LTD, NEWBURGH WORKS, BRADWELL. (NP/DDD/0719/0825 JK)

APPLICANT:

1. **MR STEPHEN HOLMAN – CAMSTEAD HOMES LTD**

Summary

2. The application seeks removal of a planning condition on an approved housing development requiring that a pedestrian link be provided from the development to Soft Water Lane before a number of the houses can be occupied. The report recommends approval because the land required to secure the pedestrian link lies outside the approved application site area. Furthermore, having been sold to a neighbouring homeowner, the land required for the link is outside the ownership and control of the applicant. The link cannot therefore be delivered and the condition, being unenforceable, fails the legal test for conditions.
3. The application is brought to committee because of a contrary view from the Parish Council to the officer recommendation.

Site and Surroundings

4. The application site is the former Newburgh Engineering works premises in the centre of Bradwell village. It lies to the east of the main street; Netherside, and is currently undergoing redevelopment under a 2016 planning consent for a mixed housing and industrial scheme.
5. The industrial business, which previously owned and occupied the whole of this large site, has now relocated into the new factory unit constructed in the south western corner of the site and has sold the remainder of the site to the current applicant who is building the housing scheme. The housing site has now been cleared of all the redundant factory sheds in preparation for the construction of the 55 houses. To date only the drainage has been installed.
6. The factory unit continues to use the main site access off Netherside which is also, temporarily, being used as the construction access for the housing development. Once constructed the new housing estate will be accessed solely off Bradwell Head Road.
7. In addition to the two former main accesses industrial site; off Netherside and via Bradwell Head Road, there was a further little used access to Soft Water Lane (it is a single width lane, with poor surfacing and generally unsuitable for large vehicles). This comprises of a short section of driveway between the boundary of the former Newburgh Works site which bridges over the Bradwell Brook before joining Soft Water Lane. This driveway also serves as the only residential access to an adjacent house 'Willowbrook'.
8. On the approved layout for the housing estate a pedestrian path is shown leading from

the new public open space to link with this former access just before the bridge and therefore in principle allow for access on to the driveway and thereby on foot onto Soft Water Lane.

9. It should be noted that none of this secondary access driveway was shown to be within the application site area for the redevelopment scheme. Furthermore, when the scheme was approved, whilst it was in the then applicant's ownership he subsequently sold it to the owner of the house 'Willowbrook'.

Proposal

10. The removal of condition 58 imposed upon main planning permission for the redevelopment of the whole site planning ref; NP/DDD/0815/0779.
11. Condition 58 states:
12. *"The dwellings on plots 12-22 and 26-34 shall not be occupied until the pedestrian link has been provided to Soft Water Lane, designed, laid out and constructed, in full accordance with details which have been agreed with the National Park Authority in writing."*
13. The reason for condition states:
14. *"To ensure the pedestrian link to Soft Water Lane is provided and at an appropriate stage in the construction process."*

RECOMMENDATION:

1. That the application be **APPROVED** subject to conditions to cover the following areas as set out in decision NP/DDD/0815/0779 with the exception of condition 58 which shall be deleted; and
2. That the precise wording of the conditions to reflect conditions already discharged or part-discharged shall be delegated to the Head of Development Management, in consultation with the Chair of Planning Committee.
 1. Define approved plans
 2. Phasing of development.
 3. Withdraw PD rights on the housing scheme
 4. Restate archaeological condition 5 and 6 from the previous consent to secure appropriate archiving of results.

5. **Implement the approved construction management plan.**
6. **Implementation of drainage details (former condition 9); plus Details to be submitted in respect of the timescale for the completion of the detention basin along with full details of the management and maintenance plan.**
7. **Implement in accordance with flood risk assessment.**
8. **Scheme to be agreed demonstrating no raising of ground levels in flood risk outline.**
9. **Implementation of agreed details in contamination and remediation report along with submission of a verification plan have been completed.**
10. **Noise levels from industrial units to be maintained in accordance with details agreed under previous condition 15.**
11. **Delivery vehicle times maintained**
12. **Environmental management scheme for the industrial unit**
13. **Maintain industrial unit sheeting/doors in agreed materials and colour**
14. **Maintain landscaping scheme on industrial unit.**
15. **Remove of PD rights for the industrial unit**
16. **No outside storage.**
17. **Lighting scheme**
18. **Maintain outside parking, delivery and manoeuvring areas.**
19. **Travel Plan for industrial unit**
20. **Implement agreed sound proofing scheme to mitigate noise from garage.**
21. **Implement agreed levels of dwellings**
22. **Submit and agree environmental management scheme for dwellings**
23. **Submit roofing sample and sample panel.**
24. **Minor architectural detailed design matters**
25. **Travel plan for housing scheme**

26. **Implementation of Bradwell Head Road Improvement scheme**
27. **Phasing of road construction before occupation of dwellings**
28. **Implement visibility splays.**
29. **Agree bin storage area**
30. **Surface water drainage/disposal scheme to be agreed from plots**
31. **Implement agreed turning facilities**
32. **Submit revised scheme for parking spaces/bike garage details.**
33. **Submit and agree landscaping details/implementation as appropriate requirement if agree.**
34. **Construction environment management plan and species protection plan.**
35. **Submit lighting scheme**
36. **Restate Highway conditions (former Nos 59-61) re size and controls over use of individual house parking plots, visibility splays and control over gates,**

Key Issues

15. Whether condition 58 is still necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects in order to meet the test for conditions set out in the NPPG.

Relevant Planning History

16. 2016 – Approval for the redevelopment of the site for 55 houses and 6 industrial starter units. NP/DDD/0815/0779. The application site area did not include the secondary rear access onto Soft water Lane.

Consultations

17. Highway Authority - Condition 58 was not imposed at the request of the Highway Authority, therefore, no further highway comments.
18. District Council - No response to date.
19. Bradwell Parish Council - The Council can only support the application with the following condition....” An alternative egress is provided allowing safe access to the Schools, Church and Shops. It is not sufficient to have the only exit via Bradwell Head

Road.”

20. Representations

21. No representations on this application have been received to date.

22. Main Policies

23. National Planning Policy Framework

24. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government’s intention is that the document should be considered 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 East Midlands Regional Plan 2009, 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.’

25. 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.

26. Para 55. Of the NPPF says that planning conditions should be kept to a minimum and only be imposed where they are:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

27. Peak District National Park Core Strategy

28. 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.

29. 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.
30. GSP4 sets out that the Authority will use planning conditions and or legal agreements to achieve the spatial outcomes in the plan.
31. Transport Policy T6 A safeguards the rights of way network and wherever possible seeks enhancements to improve connectivity, specifically stating that this may include facilitating attractive, safe pedestrian and cycling routes between new residential development and the centre of settlements.
- 32. Peak District National Park Development Management Policies**
33. Policy DMC3 requires the detailed treatment of development to be of a high standard that respects, protects and enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. DMC3 B. (iii) says particular attention will be paid to the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features, colours, and boundary treatments and an appropriate mix of species suited to both the landscape and biodiversity interests of the area.
34. Policies DMT3 and DMT8 require the provision of safe access and adequate parking as a pre-requisite for development.
35. Policy DMT5 continues the thrust of Core Strategy Policy T6A in seeking under DMT5B that 'where development occurs, opportunities will be sought to provide better facilities for users of the rights of way network, including where appropriate, providing links between the development and the rights of way network...'

Bradwell Neighbourhood Plan

36. Transport Policy T1: Provision of footpaths and cycle ways states that ...'Proposals to redevelop the Newburgh site must give consideration to the development and improvement of routes and facilities for pedestrians and cyclists.'

Variation or removal of conditions

37. Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions.
38. Therefore it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.

39. Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the condition falls to be considered in the determination of the current application. However, in terms of decision making, a section 73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Applicant's supporting statement

40. The applicants statement, prepared by their consulting engineers does not refer to the 'six tests' set out by paragraph 55 of the NPPF and concentrates on setting out the applicants 'concerns at the implications of providing such a pedestrian link', and assesses the impact of flooding, highway safety and accessibility upon the suitability of the proposed link.

41. In respect of the flooding concern the report sets out that sections of Soft Water lane are in the flood zone and will flood up to 2m deep in a 1 in 100yr flood event making it impassable. Recent regular flood events of a smaller scale have also made the lane difficult to access and the agent concludes that apart from blocking the route the flood risk is a safety issue particularly given evidence of recent flooding and icing of the route which would be an added danger to pedestrians.

42. In respect of highway safety the report notes there are no segregated footways on this narrow lane where there are pinch points where vehicles and pedestrians would clash. It also points out that although a minor side lane the route affords access to working agricultural land and buildings and is therefore used by farm vehicles and large contract machinery. Furthermore there is concern from the resident of Willowbrook about the access drive off Soft Water Lane is narrow and only one car width. The neighbour also raises concerns over cyclists and pedestrian exiting onto the lane. Officers note too that the first section of the lane is unlit.

43. In respect of the final point the report assesses accessibility and refers to a plan showing resident destination points from the site to illustrate that depending where the starting point is within the new estate, it would be as convenient and indeed closer for some residents to use the Bradwell Head Road route. It recognises that for those residents in the SE corner the Soft Water Lane route might be shorter for some destinations but this has to be balanced against the condition and nature of the lane and its suitability.

44. The engineers report concludes that notwithstanding the fact that the access is outside the applicant and local authority's ownership and control, there are high safety implications of a pedestrian route onto Soft Water Lane which cannot be improved upon. It recommends that the link is not provided given that these safety concerns outweigh the convenience that shorter distance to certain destinations might bring. For these reasons it concludes that the condition should be released.

45. Assessment

46. Condition 58 was designed to secure a pedestrian link between the completed housing development and Soft Water Lane. The aim being to achieve increased connectivity for residents and visitors between the housing site and the rest of the village. Without it the housing estate will only be served by the main access off Bradwell Head Road off which there is a pedestrian link; Springfield Close, which provides a shorter route to the main road and the village centre than going all the way round via Bradwell Head Road. Such connectivity would enhance the development and meet the aims of the Bradwell Local Plan Policy T1 and PDNPA Core Strategy Policy T6A and Development

Management Policy DMT5 (B).

47. The condition was worded to prevent the occupation of some of the houses until such a link has been provided, in accordance with details which have first to be agreed in advance with the Authority. It was clearly expected that the link would be along the existing 'rear' entrance drive from Soft Water Lane into the former works site, although this is not described in the wording of the condition. At that time both the site and the 'rear' entrance drive were in the same ownership.
48. The approved housing layout shows a footpath to be formed across the proposed public open space within the development site to link the internal estate road to this former works access drive, just before the bridge which carries it over the Bradwell Brook to Soft Water Lane. However, the edge of the application site area coincides with this junction meaning the whole of the secondary former industrial access and bridge is outside of the approved application site area.
49. When the Authority approved the redevelopment application the secondary access drive and the main site were owned by the same industrial operator. Whilst at that time implementation of the link was still technically possible, unfortunately the then owner subsequently sold the housing site and the secondary access separately.
50. The current applicant, who is building the housing site, therefore has no ownership or control over that drive. Whilst a path to the boundary can still be constructed to comply with the approved layout, the consent of the adjoining homeowner would now be required to complete the link to Soft Water Lane. Understandably the homeowner who has bought that piece of land, has now made it clear to officers on site and in correspondence prior to the current application, that he would not wish to grant such access down what is now effectively his private driveway.

Applying the legal test for conditions

51. Officers have taken the above facts and the applicants supporting statement into account in applying the tests in NPPF for conditions to determine if the condition can be removed
52. We consider that the condition meets most of the tests because it was necessary to achieve planning policy objectives set in the Development Plan and by achieving better access was clearly relevant to planning and to the development which was permitted. It is also precisely worded and clear on its face what was required. Furthermore it was a reasonable requirement in other respects such as scale, design and the detail being proportionate to the nature of the development and the need to achieve greater footpath connectivity.
53. The condition is however unenforceable and therefore fails the legal test for conditions because it requires action on land which is wholly outside the application site area and also the ownership and control of the applicant. Therefore due to circumstances beyond this applicants control the link cannot be delivered as envisaged. No changes to wording are possible to achieve its aim and therefore it fails the legal test and should be removed.

Conclusion

54. The condition seeking delivery of a pedestrian link to Soft Water Lane is unenforceable and fails the relevant tests for conditions because it relies on land outside the application site area and which is also outside the ownership and control of the

applicant. We therefore conclude that it should be removed. As approval will result in the grant of a new planning permission for the development without condition 58, the remaining conditions have been updated and/or re-stated where they remain appropriate taking into account any approval of details already agreed.

Human Rights

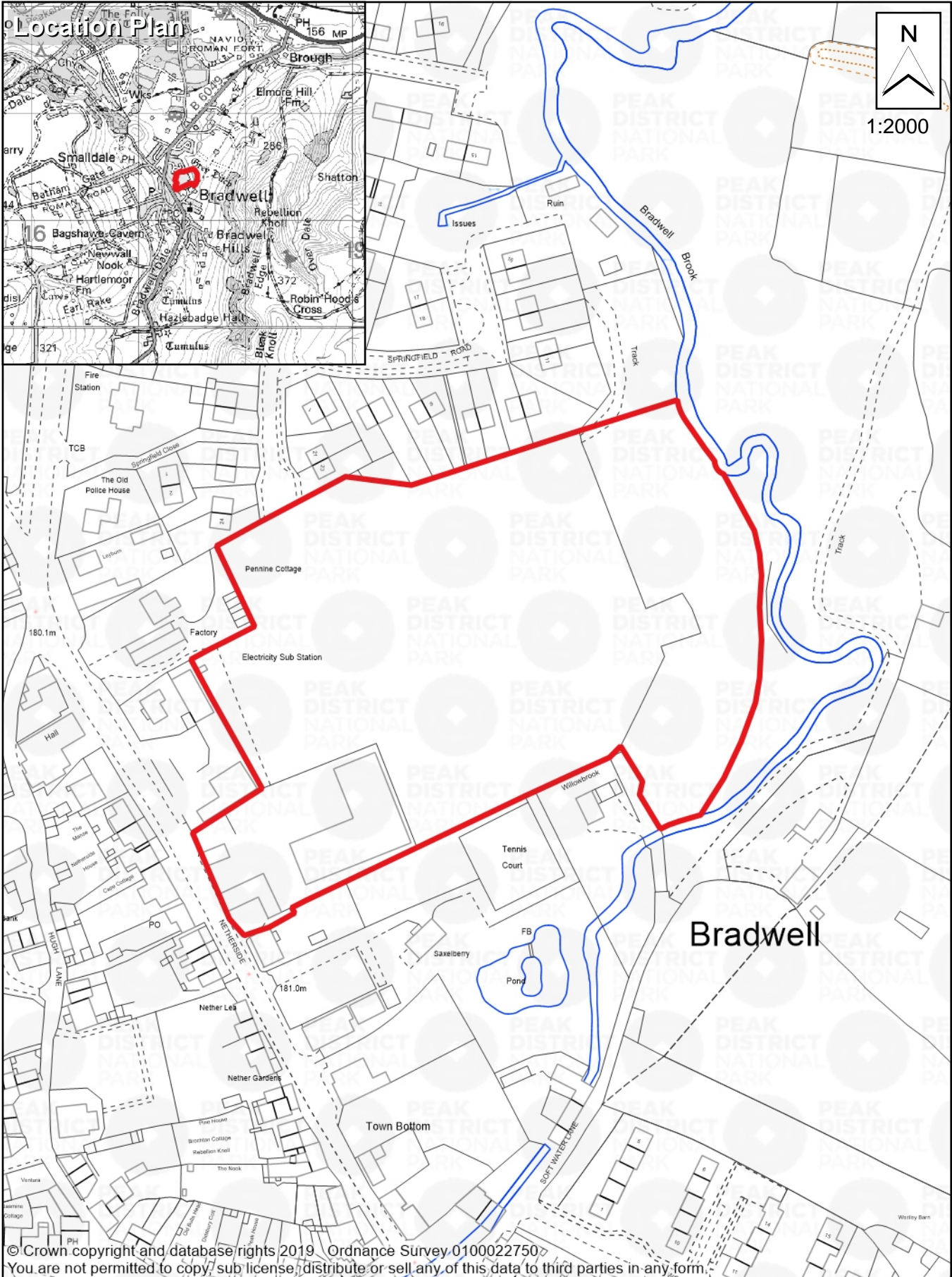
55. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

56. Nil

Report Author: John Keeley, Planning Manager (North)

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Committee Date: 8th November 2019
 Item Number: Item 12
 Application No: NP/DDD/0719/0825
 Grid Reference: 417360, 381299

Title: Former Newburgh
 Engineering Co Ltd,
 Bradwell



**PEAK
 DISTRICT
 NATIONAL
 PARK**

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13. FULL APPLICATION – CONVERSION OF EXISTING BUILDING WITHIN THE CURTILAGE OF A DWELLING HOUSE TO FORM LIVING ACCOMMODATION FOR ANCILLARY USE OF THE MAIN DWELLING - RETAINING 1 STABLE, EQUIPMENT STORE AND TACK ROOM WITHIN THE APPLICATION BUILDING – LANE FARM, BAR ROAD, CURBAR (NP/DDD/0419/0378, JF)

APPLICANT: MR & MRS J WARREN

Summary

1. The proposed development seeks to convert a former barn to living accommodation for ancillary use of the main dwelling. The application was previously presented at Planning Committee on 13th September 2019 and was deferred, due to concerns that the intention was to use the building as a holiday let. The agent handling this application has now confirmed that the applicant would like the application to proceed on the basis that it will be for domestic ancillary use, the report is as previously presented.
2. Subject to conditions the development would conserve the character of the building, would provide ancillary accommodation in accordance with the Authority's adopted planning policies, and would not result in adverse planning impacts.
3. Accordingly, the application is recommended for approval.

Site and surroundings

4. The building subject to the development proposal is a modestly sized former barn located to the South of the village of Curbar, in a Conservation Area.
5. The property is a single storey natural stone structure, with a pitched tiled roof and timber windows and doors. A series of timber barn doors are situated to the southern front elevation, with glazing behind. A small stable is attached to the western side of the property, and incorporates timber boarding and a catslide roof. Solar panels are attached to the northern rear elevation.
6. Access to the building is via a track to the north of the property, leading from Bar Road. A parking area is situated to the north of the structure, and the main dwelling on the site is situated to the north of this.
7. The main dwelling on the site is a substantial stone farmhouse with garages. A horse riding arena is situated to the north east of this, and further stables are situated to the south east of the site.

Proposal

8. Conversion of existing building within the curtilage of a dwelling house to form living accommodation for ancillary use of the main dwelling - retaining 1 stable, equipment store and tack room within the application building.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **3 year implementation period.**
2. **Development to be carried out in accordance with specified amended plans.**

3. **Ancillary domestic use only and tied to Lane Farm.**
4. **No use of the building for holiday or other letting.**
5. **Tack room, equipment store and stable for equestrian use only.**
6. **New door to be in timber and recessed to match.**
7. **Permitted Development Rights removed.**
8. **Area shown for parking, garaging, circulation and standing of vehicles being provided prior to use**

Key Issues

- Whether the building is suitable for conversion
- The impact of the development on the character and appearance of the building
- The landscape impact of the development
- The highways impact of the development

History

1988 – WED1088524 – Reinstatement of vehicular access – Approved

1989 – WED1188567 – Alterations and extensions to dwelling – Approved

1989 – WED0289085 – Erection of stable block – Approved

1991 – WED0291104 – Formation of horse menage – Refused

1991 – WED0291103 – Erection of hay barn – Approved

1996 – DDD1096405 – Demolition and rebuilding of porch; and erection of conservatory – Refused

1996 – DDD0896356 – New Menage & Landscaping – Approved

1996 – DDD0896333 – Extension to hay barn – Approved

1999 – DDD0999433 – Erection of conservatory – Approved

2001 – DDD1001470 – Conversion of stable block to small private therapy centre and covered garden – Refused and dismissed on appeal

2003 – DDD1202613 – Conversion of stable to therapy centre and home office – Approved

2004 – NP/DDD/0704/0764 – Extension to dwelling – Withdrawn

2005 – NP/DDD/0205/0169 – Extension to dwelling – Approved

2009 – NP/DDD/0709/0590 – Erection of dwelling – Refused

2014 – NP/DDD/1213/1137 – Retention and alteration of stable building – Approved

2016 – NP/DDD/0616/0526 – Application to increase the size of an existing horse exercise ménage and associated works – Approved

Consultations

9. Highway Authority – No objections subject to area shown for parking, garaging, circulation and standing of vehicles being provided prior to use.
10. Parish Council – Object to the plans because they feel that the proposals would lead to an increase in activity on the site, a loss of stabling creating a further demand for outbuildings, and highway safety concerns.

Representations

11. One letter of support has been received in relation to this application. Representations have been received from a Parish Councillor, raising the same concerns as those highlighted by the Parish Council.

Main policies

12. Relevant Core Strategy policies: GSP1, GSP3, L1, L3
13. Relevant Development Management Plan policies: DMC3, DMC8, DMH5, DMT2, DMT7

National planning policy framework

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 (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
16. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies. 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 government guidance in the NPPF with regard to the issues that are raised.

Development plan

17. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). 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.
18. 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.
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.

Development Management Policies

21. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
22. Development Management Policy DMC8 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 significance of the Conservation Area will be preserved or enhanced.
23. DMH5 states that the conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that: (i) 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 (ii) the site can meet the parking and access requirements of the proposed development; and (iii) 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.
24. Development Management Policy DMT2 emphasises the importance of safe access to developments.

25. Development Management Policy DMT7 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

Assessment

Principle

26. Policy DMH5 states that the conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that it would not result in an over-intensive use of the property. The property is situated close to the main dwelling at Lane Farm, and the site and building in question are large enough to prevent an over-intensive use.
27. The proposed plans would provide an adequate standard of accommodation or amenity space adhering to Policy DMH5.
28. The building has been converted for use ancillary to the main dwelling for conversion to a therapy centre and home office in 2003. The plans would not be over intensive development of the property now or at a later date through demand for further outbuildings
29. The accommodation provided would remain within the curtilage of the main house, would be accessed via the same access route, sharing services and utilities, and would remain under the control of the occupier of the main dwelling.
30. The building is relatively modern and is not a heritage asset, though it has been constructed from traditional materials in part. It's retention by allowing ancillary use is acceptable. The adjoining stable would not be suitable for conversion. As such, a condition should be imposed restricting this to equestrian use only.
31. The proposed alterations include the replacement of a glazed door with a fixed timber barn-style door, the slight raising of the internal floor level, the conversion of existing rooms to a sitting room, kitchen/diner, bedroom and bathroom, and the introduction of a small section of internal wall. Given that very few alterations are proposed to facilitate the proposed plans, I consider the principle of use as ancillary accommodation to be justified.
32. The approval for conversion to a therapy centre and home office in 2003 was a personal consent. As such, the building should have been returned to use as a stable and any current ancillary residential use may be unauthorised. Nevertheless, the principle of conversion to ancillary domestic accommodation is in accordance with policy.

Character/Landscape

33. Policies L1 and L3 state that development must conserve and enhance valued landscape character and any asset of archaeological, architectural, artistic or historic significance. Policies DMC3 and DMC8 state that development should conserve the surrounding landscape and preserve the Conservation Area.
34. As previously stated, very few alterations are proposed to facilitate the proposed plans. There would therefore be no additional impact from a character or landscape perspective.

Amenity

35. Policies GSP3, DMC3, and DMH5 indicate that development should not result in any adverse impact on amenity and the living conditions of communities
36. The proposed conversion and alterations would not result in any significant adverse impact on neighbouring properties. The alterations relate to an existing structure that has already been converted, and there are no other properties situated in close proximity. As such, the plans would result in no issues in terms of overlooking, overshadowing or an overbearing impact for neighbours. This is a large site with ample outdoor amenity and parking space, so the proposed plans would not result in overdevelopment.

Highways

37. Policies DMT3 emphasises the importance of safe access and appropriate parking provision.
38. The proposed plans indicate that a parking space would be allocated to the front of the property, with no other alterations in terms of access or parking.
39. DCC Highways was consulted on the application and raised no objections. The following comments were made:
40. 'The Highway Authority requested further information from the applicant to address concerns regarding access visibility and whether or not this proposal would result in an intensification of vehicular activity. The previously approved use of the proposal site is a therapy centre and office; the Highway Authority raised no objection when this use class was proposed under ref NP/DDD/1202/613.
41. With this in mind, it is unlikely that this current proposal would result in an increase in vehicular activity over what could occur under the existing approved use class, which satisfies the Highway Authority's previously raised concerns. Accordingly, there are no highway objections and the following condition should be included with any consent given:
42. 1. Before the unit is brought into use, the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
43. In addition to the above conditions, the following notes should be appended to any consent for the applicant's information:- The application site is affected by a Public Right of Way (Footpath/ Bridleway number ...[Parish] on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place'.
44. The comments from DCC Highways are accepted. The use of the building as a therapy centre and office in the past resulted in no highways objection, and the proposed plans would result in any additional vehicular movements. There would be no further impact in terms of highway safety. Ample parking is available on site, and I consider that the imposition of the suggested parking condition is justified.

Representations

45. As a result of consultation, one letter of support has been received in relation to this application. Curbar Parish Council objected to the plans because they feel that the proposals would lead to an increase in activity on the site, a loss of stabling creating a further demand for outbuildings, and highway safety concerns. A further representation was received from a Parish Councillor, raising the same concerns as those highlighted by the Parish Council.

Conclusion

46. The proposed amended plans are appropriate in terms of principle, scale, form and materials, subject to the imposition of conditions. No harm would arise from the the conversion which is of a quality appropriate for conversion, and the alterations would result in no adverse impact to the appearance of the existing structure or the surrounding Conservation Area.
47. The application is acceptable in terms of amenity, parking and highway safety, subject to the imposition of conditions. It is necessary to impose a condition restricting occupation to ancillary use tied to Lane Farm, as the creation of a separate independent dwelling would be contrary to policy. It is also necessary to remove Permitted Development Rights, to prevent any inappropriate alterations.
48. Therefore in the absence of any other material considerations the proposals are considered to be acceptable and in accordance with the development plan and accordingly are recommended for approval.

Human Rights

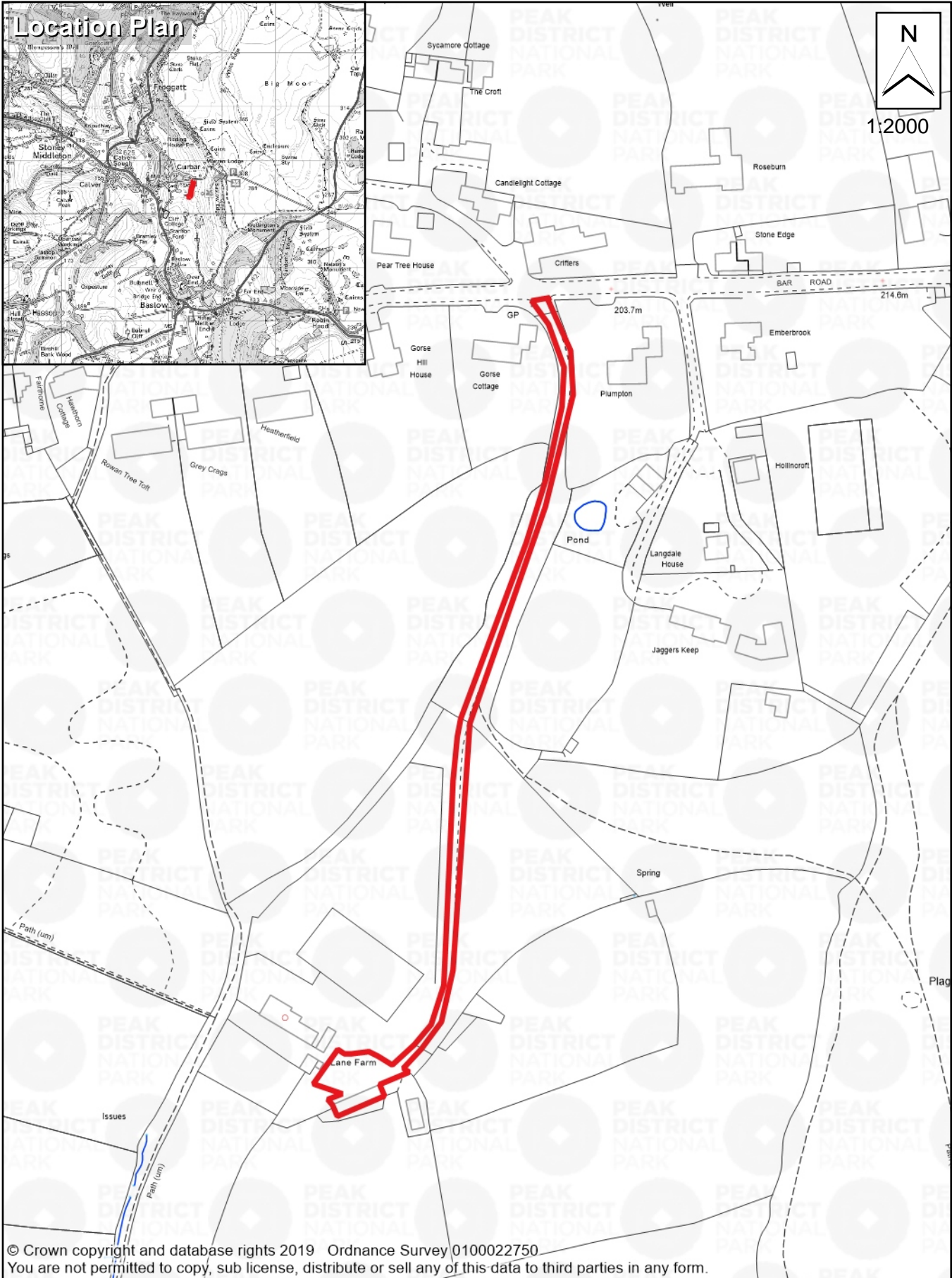
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author: Joe Freegard, Planner (North)

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Committee Date: 8th November 2019
 Item Number: Item 13
 Application No: NP/DDD/0419/0378
 Grid Reference: 425340, 374344

Title: Lane Farm, Bar Road, Curbar



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14. FULL APPLICATION – PROPOSED ANCILLARY BUILDING TO SERVE AS STORAGE (INCLUDING BICYCLES AND TOOLS) AND AS A GENERAL MULTI-PURPOSE ROOM AT GABLED HOUSE, SOUTH CHURCH STREET, BAKEWELL - (NP/DDD/1218/1160 SC)

APPLICANT: MR RAJA KHAN

UPDATE

1. The application was deferred at the Planning Committee meeting in June 2019. The recommendation was to approve the application, subject to appropriate conditions. However, Members were concerned that there was not enough information regarding the final design of the development to properly assess its impact on the Conservation Area. Further evidence has now been provided, which should allow members to properly assess the submitted scheme. The purpose of this update therefore is to set out the assessment of the new information that has been received.
2. The amended plans now show in more detail the modular garden room design in both elevation and cross sections. The details show the building would sit on a chassis, which in turn would sit on concrete feet (buried below ground) and measure approximately 4.8m x 2.4m x 2.5m to the highest point of the roof. On the east (garden facing elevation) of the building would be a set off Upvc Anthracite Grey double glazed doors, with full-length glazed panels either side. Both side and rear wall elevations would be solid without openings. The exterior walls would be constructed of a grey plasti-coated galvanised steel, under a rubber compound roof covered in gravel. The building would appear practically the same as the image (QC6) as shown within the 'Booths Garden Studios Brochure' submitted as part of the application.
3. As stated in the previous report, the Authority's Conservation Officer raised no objections to this modern approach. In this case, to recap on the previous Officer assessment, it is considered the structure is relatively modest in size and scale and located in a less intrusive part of the garden. In addition, being coloured grey would help play down its presence/massing and therefore considered to preserve the character and appearance of the Conservation Area and the setting of the surrounding listed buildings. The flat roof would also help reduce its impact on neighbouring properties, as well as views from public vantage points. Consequently, it is considered the additional information now provided by the applicant, will be sufficient for members to properly consider the proposal in design terms and subsequently the impact on the Conservation Area.
4. The application does not include any information about measures that will be used to address climate change and sustainability as required by policy CC1. The application was submitted prior to the validation requirement that this be provided, to validate the application. Due to the small scale of the development proposed and the fact that the building is unlikely to be in constant domestic use, it is acceptable in this case to require that details to address the requirements of CC1 be provided by planning condition.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions and recommendations:

- **Standard 3 year time limit**
- **Amended plans and details**
- **Design and materials**
- **Outbuilding to remain ancillary to main dwelling**

- **The building shall not be set on the concrete pads until a scheme is provided to the planning authority and approved by the planning authority setting out how the building will incorporate measures to address climate change and sustainability.**

Conclusion

5. Following receipt of the amended details it is demonstrated that the scheme would not have an unacceptable impact on the character or appearance of the Conservation Area and would not have an unacceptable impact on the amenity of neighbouring properties and is recommended for approval, subject to appropriate conditions.

Human Rights

6. Any human rights issues have been considered and addressed in the preparation of this report.
7. List of Background Papers (not previously published)
8. Nil

Appendix 1 - Attached report from June 2019 Planning Committee.

Report Author – Steve Coombes, Planning Officer.

APPENDIX 1

15. FULL APPLICATION – PROPOSED ANCILLARY BUILDING TO SERVE AS STORAGE (INCLUDING BICYCLES AND TOOLS) AND AS A GENERAL MULTI-PURPOSE ROOM AT GABLED HOUSE, SOUTH CHURCH STREET, BAKEWELL - (NP/DDD/1218/1160 SC).

APPLICANT: MR RAJA KHAN

Summary

1. The application is for an ancillary garden building for domestic use. The impact of the proposal on nearby listed buildings are a primary consideration. However, it is concluded that the impacts are acceptable and the application is recommended for approval.

Site and Surroundings

2. Gabled House is a two storey detached property constructed in a traditional design and sited on the corner of South Church Street and Butts view. It appears unusual, as the rear elevation lies adjacent Butts Road, with its front principal (architectural) elevations facing onto the gable elevation of the neighbouring property (11 South Church Street a three storey semi-detached grade II listed property) and its own garden area. The garden of the property is enclosed and shares a common boundary on three sides with other neighbouring properties. Access to the garden and the rear of numbers 9 & 11 South Church Street is shared and gained through a gate between the property and number 11 South Church Street. The dwelling is not listed, but the house and its associated garden are located within the Town Conservation Area. There are a number of listed buildings in close proximity to the site, most notably numbers 9 and 11 South Church Street and Ivy House.

Proposal

3. Planning consent is being sought to erect a single storey detached outbuilding in the garden of the property, with a design and materials that reflect a contemporary approach. The building would be positioned towards the far end of the garden on a flat area of land. The building would sit on a chassis, which in turn would sit on concrete feet and measure approximately 4.8m x 2.4m x 2.5m to the highest point of the roof. On the east (garden facing elevation) of the building would be a set off Upvc Anthracite Grey double glazed doors with full-length glazed panels either side. Both side and rear wall elevations would be solid without openings. The exterior walls would be constructed of a grey plasti-coated galvanised steel, under a rubber compound roof covered in gravel. The internal area created by the structure, would provide a multi-purpose room ancillary to the main house, including the storage of bicycles and tools.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions and recommendations:

- **Standard 3 year time limit**
- **Amended plans and details**
- **Design and materials**

- **Outbuilding to remain ancillary to main dwelling**

Key Issues

4. the effect on the character and appearance of:
 - the host property,
 - the Town Conservation Area,
 - the setting of neighbouring listed buildings and
 - the privacy and amenity of neighbouring dwellings.

History

5. 2003 - Application (DDD/1102/552) - Extension to form Garden Room – Granted.

Consultations

6. Town Council - No objection to the proposal subject to there being no objections on material planning grounds from neighbours. (No response to date on the amended design changes)
7. PDNPA Cultural Heritage - No objections
8. Highways - No objections, subject to use remaining ancillary to Gabled House.

Representations

4 letters of objection have been received, these are summarised below:

- Overshadowing and overbearing presence near common boundary.
- Adverse effect on surrounding listed buildings.
- Negative impact on Conservation Area.
- Design & materials not in keeping with local building tradition.

Main Policies

9. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3
10. Relevant Development Management Policies: DMC3, DMC5, DMC8, DMH8

National Planning Policy Framework

11. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
12. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states, 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.

13. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the new Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

15. GSP1, GSP2 - Securing National Park Purposes and sustainable development & Enhancing the National Park. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
16. GSP3 - Development Management Principles. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
17. DS1 - Development Strategy. Supports extensions in principle, subject to a satisfactory scale, design and external appearance.
18. L3 - Cultural Heritage assets or archeological, architectural, artistic or historic significance. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.

Development Management Policies

19. DMC3 - Siting, Design, layout and landscaping. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
20. DMC5 - Assessing the impact of development on designated and non-designated heritage assets and their setting. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of

heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.

21. DMC8 - Conservation Areas. 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, across or through the area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. Applications should also be determined in accordance with policy DMC5 taking into account amongst other things, form and layout, street pattern scale, height, form and massing, local distinctive design details and the nature and quality of materials.
22. DMH8 - New Outbuilding and alterations and extensions to existing outbuildings in the curtilages of dwelling houses. States that new outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves and enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space and valued landscape character. In addition, the use of the buildings will be restricted through conditions, where necessary.
23. The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties.

Assessment

Principle of development

24. There are no objections in principle to extending a dwelling, subject to satisfactory scale, design and external appearance and where development pays particular attention to the amenity, privacy and security of nearby properties. In this case, the amended design scheme is considered subordinate and respects the privacy of neighbouring property, in accordance with policies DS1 & DMC3 in particular.

Design and materials

25. The proposed building would not be constructed from traditional building materials, and its design does not reflect the style and traditions of local vernacular buildings within the surrounding Conservation Area or the character and appearance of the original house. However, it is not always necessary to require all incidental buildings within the curtilage of a dwelling, including outbuildings for ancillary use/domestic storage, to be built from stone with a tiled roof, for example, even in a designated Conservation Area. It is noted that permitted development rights would normally allow a householder to erect a building identical to that proposed in the current application in the rear garden of many houses in the National Park, including houses situated within a designated Conservation Area without planning permission. However, as stated in the site & surroundings section above, the position of the main dwelling shows its garden area forward of what is considered the front principal elevation, therefore for the purposes of the General Permitted Development Order; planning permission is required in this instance.

26. In this case, it is considered the structure is relatively modest in size and scale and located in a less intrusive part of the garden. In addition, having a recessive colour would assist in playing down its presence, whilst preserving the character and appearance of the Conservation Area and the setting of the surrounding listed buildings. Notably, the flat roof would reduce its impact on neighbouring properties as well as views from public vantage points.
27. The Authority's Conservation Officer raises no objections to this contemporary approach, which would be different to the more traditional design of the main house. Due to its garden location and subordinate scale and design, the proposed building would not conflict with the objectives of the relevant design and conservation policies in the Development Plan, and would not harm the character and appearance of the Conservation Area, nor the setting of the surrounding listed buildings. As such, the scheme is considered acceptable in scale, form and design terms, in accordance with policies DMC3, DMC5 & DMC8 respectively.

Amenity impact on neighbouring properties

28. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property. This is to ensure that habitable rooms achieve a satisfactory level of outlook and natural daylight, there is adequate privacy and outdoor private amenity space and that no overbearing or harmful overshadowing of neighbouring property results.
29. It is accepted that the building would be visible from neighbouring properties particularly when viewed from the upper floors of the surrounding neighbouring properties. However, due to the enclosed and built form of the area, the building would not appear unduly imposing in the garden of Gabled House to the extent that it would harm the outlook of nearby properties. In particular, the small yard areas of the nearest neighbouring properties (9 & 11 South Church Street), which are separated from the garden of Gabled House by a high drystone wall, affords a degree of privacy between each other.
30. The other nearest neighbouring properties are Ivy House and Butts House (both grade II listed). The garden of Ivy House bounds that of Gabled House and is separated by a 1.8m high drystone wall, with the garden level of Ivy House being lower closest to the development. With the flat roofed design and a one metre separation from the shared boundary wall, it is considered the amenity of this property would not be duly compromised. Butts House is sited approximately 17m south of the proposed building and separated by a high drystone wall. Due to the degree of separation and the flat roofed design of the proposed building, it is considered the amenity of this property would not be unduly harmed. In addition, due to the position at the far end of the garden and the flat roofed design, it would be less noticeable from public views, particularly along Butts View to the west.
31. There are no overriding concerns that the building would detract from the quiet enjoyment of the nearest neighbouring dwellings by way of noise and disturbance. There would be no direct intervisibility between windows in the proposed building and habitable windows of neighbouring dwellings and the development would not harm outlook because of the siting and orientation. Consequently, the proposal would accord with policies GSP3 & DMC3 in respect of the impact on the residential amenity of neighbouring occupiers and wider public views.

Conclusion

32. In conclusion, the proposed building is of an appropriate scale and the modern design is an acceptable solution in this location. Moreover, there would be no adverse effect on the character and appearance of the Conservation Area, the setting of the surrounding listed buildings or the amenity of neighbouring properties. Consequently, the scheme is considered to be in accordance with National and Development Plan Policies and recommended for approval, subject to appropriate conditions.

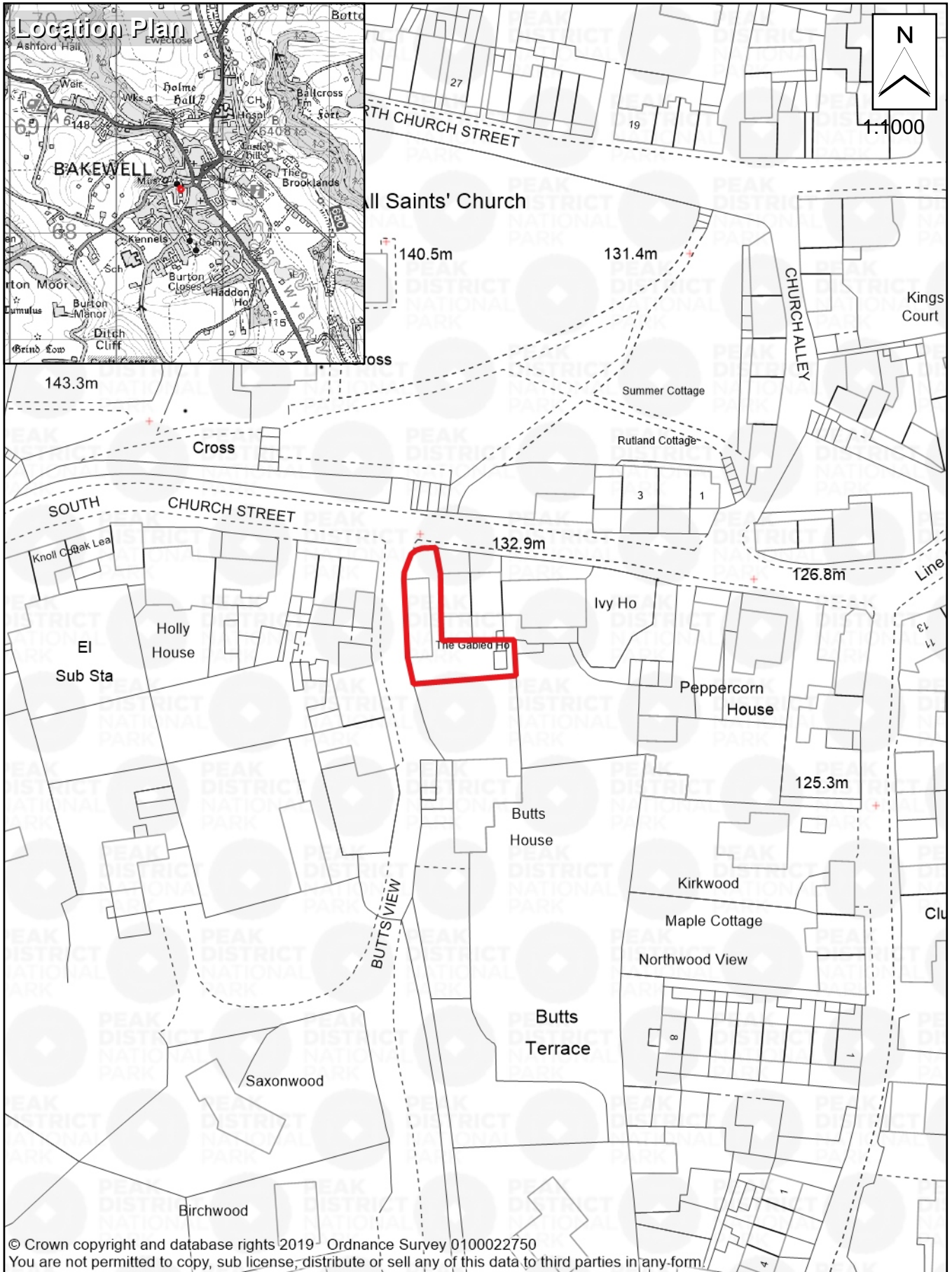
Human Rights


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

34. List of Background Papers (not previously published)

35. Nil

Report Author - Steve Coombes, Planner



Committee Date:	8th November 2019	Title: Gabled House, South Church Street, Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 14		
Application No:	NP/DDD/1218/1160		
Grid Reference:	421589, 368417		

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15. FULL APPLICATION – DEMOLITION OF EXISTING GARAGE AND ERECTION OF DOUBLE GARAGE WITH STORE – PEAR TREE COTTAGE, MAIN STREET, CALVER, S32 3XR (NP/DDD/0519/0483, JF)

APPLICANT: MR & MRS CLAYTON

Summary

1. The proposed development seeks to demolish an existing garage and to replace this with a double garage with store for garden equipment.
2. Subject to conditions the development would conserve the character of the site, and would not result in any adverse on neighbours or the surrounding area.
3. The application is recommended for approval.

Site and surroundings

4. The site concerned is situated to the south east of Calver Village Centre, within the Conservation Area.
5. Pear Tree Cottage itself is a traditional stone-built two storey dwelling, with a pitched slate roof and timber windows and doors. The dwelling is situated to the north of the site, abutting Main Street. A sizeable enclosed rear garden is situated to the south of the site, where an outbuilding is situated.
6. A detached corrugated metal garage is situated immediately to the south of the rear garden, and is accessed via a short lane to the west of the site. The track also serves other properties, in particular Woodland Cottage and Well Green Cottage. At the end of the track and beyond the rear garden boundary of the property, is a field gate accessing land owned by the applicant.
7. A detached stable block is situated to the south of the garage, with an access point leading to open fields situated in between. Stone walls and areas of foliage form the boundaries to the site.

Proposal

8. Demolition of existing garage and erection of double garage with store.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **3 year implementation period.**
2. **Development to be carried out in accordance with specified amended plans.**
3. **First floor to be ancillary domestic storage use only and not to be rented out.**
4. **Limestone walls to match adjacent stable block.**
5. **Blue slate roof to match adjacent stable block.**

6. **Timber windows, doors and timber vertically boarded garage doors.**
7. **Windows and doors recessed.**
8. **Conservation rooflights flush with roof.**
9. **Black metal balustrade to staircase.**
10. **Natural stone lintels and sills.**
11. **Ground floor garage area for parking of vehicles only**
11. **Permitted development rights removed.**
12. **A scheme shall be provided to set out measures proposed to address policy CC1.**

Key Issues

- The impact of the development on the character and appearance of the site and the surrounding Conservation Area.
- The impact of the development on the amenity of neighbouring properties.
- The highways impact of the development

History

1986 – WED0686182 – Alterations to dwelling – Approved

2013 – NP/DDD/0813/0712 – Extension and alterations to dwelling – Approved

2014 – NP/DDD/0214/0106 – Construction of 3 stables – Approved

2019 – NP/DDD/0519/0470 – Change of use of agricultural land for proposed ménage and access track – Withdrawn

Consultations

9. Highway Authority – No objections subject to all use remaining private and ancillary to Pear Tree Cottage.
10. Parish Council – Object to the plans because they feel that the height of the development would result in an overbearing impact to the detriment of the Conservation Area.
11. Built Conservation – No objections.
12. Archaeology – No objections.
13. Landscape – No objections.
14. District Council – No response received to date.

Representations

15. Letters of objection have been received from three individuals in relation to this application.

16. The letters state that the height of the development would result in an overbearing impact to the detriment of the Conservation Area, that the ownership boundary is incorrect, and raise concerns with regards to the impact on the landscape, the development not being in keeping with other garages, flooding, a lack of details in relation to tree works, highway safety, traffic, and the impact on sewers.

Main policies

17. Relevant Core Strategy policies: GSP1, GSP3, L1, L3, CC1
18. Relevant Development Management Plan policies: DMC3, DMC8, DMH8, DMT7

National planning policy framework

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 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.
20. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states 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.
21. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies. 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 government guidance in the NPPF with regard to the issues that are raised.

Development plan

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). 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.
23. 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.

24. 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.
25. 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.
26. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

27. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
28. Development Management Policy DMC8 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 significance of the Conservation Area will be preserved or enhanced.
29. DMH8 states that new outbuildings will be permitted in the curtilage of dwelling houses provided the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage.
30. Development Management Policy DMT7 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

Assessment

31. This is an amended application for a 2 storey detached double garage. The garage is proposed to be situated towards the south of the site, in place of the existing detached corrugated metal garage. The garage is proposed to be pitched roof in form, with gable ends to the side elevations and two garage doors to the eastern front elevation.
32. The garage is proposed to measure between approximately 3m in height to the eaves, approximately 5.5m in height to the ridge, approximately 6.8m in width and approximately 6.5m in depth.
33. The plans indicate that the garage would be of a rubble limestone construction to match the adjacent stables, with a Welsh slate roof and timber windows, door and vertically boarded timber garage doors. An external staircase with metal railings and first floor door are proposed to the southern side elevation. Two 'conservation' rooflights are proposed within the roofline to the west elevation and a single casement window is proposed to the northern side elevation.
34. Internally it is proposed to create a double garage at ground floor level, with a store above.

Principle

35. Policy DMH8 states that new outbuildings will be permitted in the curtilage of dwelling houses provided the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage. The amended proposed outbuilding would be situated within the curtilage of Pear Tree Cottage, and would replace a garage of significant proportions. Although in other circumstances a garage of this scale would be inappropriate, the scale, mass, form, and design are appropriate relative to the existing position on the site. As such, the proposed plans are acceptable in principle.

Character/Landscape

36. 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. The scale of the proposed garage would not be acceptable in some circumstances but in this location it would relate appropriately to the host dwelling and the surrounding Conservation Area. The proposed development would improve the aesthetics of the site by replacing an unsightly sheet metal garage with a better structure.
37. The proposed detailing and fenestration are good quality and appropriately balanced. Conditions are required to ensure that windows have natural gritstone lintels and sills and the doors and garage doors have natural gritstone lintels. Further conditions are required to ensure that all fenestration is suitably recessed, for rooflights to be of a conservation type and fitted flush with the roofline, and for the balustrade to the staircase to be of a simple black metal construction. 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.
38. Policy GSP3 states that development must respect the site and buildings and policy DMH8 states that new outbuildings will be permitted that conserve or enhance the dwelling and curtilage. Policies L1 and L3 state that development must conserve and enhance valued landscape character and any asset of archaeological, architectural, artistic or historic significance, and policies DMC3 and DMC8 state that development should conserve the surrounding landscape and preserve the Conservation Area. The amended plans are in accordance with policy as they are of a high standard, and would conserve and enhance the immediate dwelling, curtilage and the surrounding Conservation Area.
39. Permitted Development Rights for extensions and alterations should be removed, to prevent inappropriate alterations being made to the building.

Amenity

40. Policies GSP3 and DMC3 indicate that development should not result in any adverse impact on amenity and the living conditions of communities
41. The proposed garage would be situated several metres away from any neighbouring properties and no windows are proposed to the front elevation. As such, there would be no issues in terms of overlooking, overshadowing or an overbearing impact for neighbours.
42. I consider that a condition should be imposed to ensure that the garage is for ancillary domestic storage use only and not to be rented out. This is required, as the creation of a

separate independent unit of accommodation would result in the overdevelopment of the site and would be contrary to policy.

Highways

43. Policy DMT7 emphasises the importance of safe access and appropriate parking provision.
44. The proposed plans indicate that two parking spaces would be provided in the garage itself, with a further two in front of this. The level of parking provision is acceptable, but a condition should be imposed requiring the garage area to be retained for parking only to ensure that this remains.
45. DCC Highways was consulted on the application and raised no objections. It was stated that there are no objections subject to all use remaining private and ancillary to Pear Tree Cottage.

Climate Change and Sustainability

46. The application does not set out how the scheme will address the requirements of policy CC1. In this circumstance due to the scale of the development and it's likely low energy consumption, it is considered acceptable to require the policy to be satisfied by the submission of a scheme. In future this information would be provided at validation and therefore a scheme would not be necessary.

Representations

47. As a result of consultation, letters of objection have been received from three individuals and Calver Parish Council in relation to the amended plans. The details of these is set out in paragraphs 10 and 16.
48. The proposed garage would be situated over 14m metres away from any neighbouring properties and by virtue of distance would not have an overbearing impact. The height of the building is not dissimilar to the existing building.
49. It is acknowledged that the red line boundary includes a strip of the adjacent lane that is unlikely to be in the ownership of the applicant. However, it is necessary to include this section of land to indicate access and no ownership claim is made in relation to this land. An individual does not need to own land to make a planning application.
50. Given the high quality design and materials and enhancement from the current garage there are no concerns that the proposal would have an unacceptable impact on the landscape.
51. In terms of flooding and trees, the site is not identified as being at risk of flooding and no trees of significance would be affected by these plans. Any impact on sewers would be a Building Regulations matter rather than a planning consideration.

Conclusion

52. The proposal (as amended) is appropriate in terms of principle, scale, form and materials, subject to the imposition of conditions. The proposed development would improve the appearance of the site by replacing an unsightly sheet metal garage with a more appropriate structure. The scheme would result in no adverse impact on the character and appearance of the site and the surrounding Conservation Area.

53. The application is acceptable in terms of amenity, parking and highway safety, subject to the imposition of conditions. It is necessary to impose a condition requiring the garage to be for ancillary domestic use for storage and parking only and not to be rented out, as the creation of a separate independent unit, or other uses would be contrary to policy. It is also necessary to remove Permitted Development Rights, to prevent any loss of parking or inappropriate alterations.

54. The proposals are considered to be acceptable and in accordance with the development plan and accordingly are recommended for approval.

Human Rights

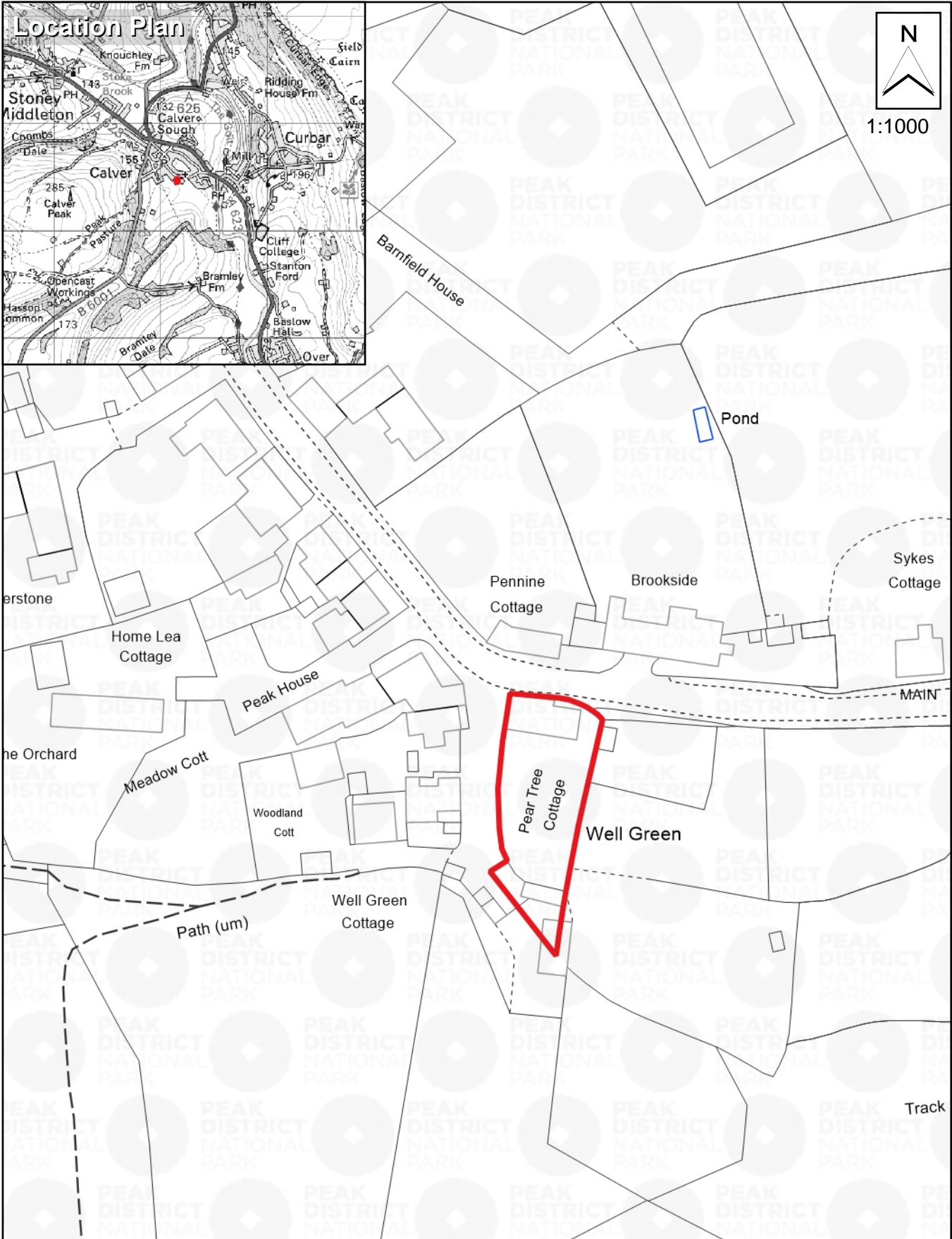
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author: Joe Freegard, Planner (North)

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Committee Date: 8th November 2019
 Item Number: Item 15
 Application No: NP/DDD/0519/0483
 Grid Reference: 424139, 374483

Title: Pear Tree Cottage, Main Street, Calver



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16. FULL APPLICATION – LISTED BUILDING CONSENT FOR REPLACEMENT WINDOWS IN THE NORTH AND SOUTH ELEVATIONS – MANOR FARM, OLDFIELDS FARM LANE, GRINDON (NP/SM/0719/0780, TS)

APPLICANT: MR JAMES GOODFIELD

Summary

1. The proposed seeks to install double glazed windows to the north and south elevations of a grade II Listed Building. The type and design of the proposed window would harm the significance of the listed building. This harm would not be outweighed by the public benefits of improving the energy efficiency of the property. The application is therefore recommended for refusal.

Site and surroundings

2. The site is a detached dwelling house that lies to the south of Grindon Village. It is a Grade II Listed Building. The listing description notes that the property is a farmhouse of 16th or 17th century origin with later remodelling and additions. It is constructed with coursed limestone rubble walls and clay tile roof.

Proposal

3. The application seeks listed building consent for the replacement of windows in the south (front) and north (rear) elevations of the house.
4. A former owner of the property replaced all the windows within the south (front) elevation of the house with inappropriate double glazed units that are harmful to the historic significance of the building. This is subject to an on-going enforcement case.
5. The application proposes to replace these unauthorised windows with new double glazed units that are based on the design of the former windows that were replaced without listed building consent.
6. The application also proposed to replace modern windows to the rear elevation. These windows were in place at the time of listing so they are not unauthorised.
7. The proposed windows have been designed to look like the windows that existed in the front elevation at the time of listing in 1985. The previous windows were single glazed whereas the proposed ones are double glazed. The proposed windows would have timber beading and applied glazing bars. They would also include a cap covering a hole that allows the air to be extracted between the panes of glass.

RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **The type and design of the proposed replacement windows would be harmful to the historic significance of the listed building. The public benefits of improving the energy efficiency of the property do not outweigh the harm that would be caused. The proposal is therefore contrary to policy DMC10 and the requirements of the NPPF.**

Key Issues

The Authority must, by virtue of S16 of the Listed Buildings Act 1990 pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

History

8. 2014 – An enforcement case was opened relating to unauthorised works at the site, including the unauthorised existing windows. This case remains ongoing.
9. 2019 – Pre application advice was sought from our Built Environment Team about replacement of the unauthorised windows. We advised that the type of windows proposed was unlikely to be supported.

Consultations

10. **Grindon Parish Council** – support the application for the following reason:
 - *“The councillors refer to the research to find suitable windows; the need for the building to be practical and therefore, less reliant upon fossil fuels to keep the home warm; there have been considerable advancements in the technology that can provide listed properties with options to use double/triple glazing sensitively.”*
11. **National Amenity Societies** – No comments received.
12. **Authority’s Conservation Officer** – Objects to the application:

“The works proposed in this application will have a negative impact on the significance and character of the listed building. The proposal is therefore contrary to local and national planning policy (DMC7 of the Authority’s Development Management Policies (2019)), and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I therefore recommend refusal.”

The Conservation Officer’s reasoning is discussed in more detail further below.

Representations

13. No third party representations have been received.

Main policies

14. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3.
15. Relevant Development Management Plan policies: DMC3, DMC5, DMC7.

National Planning Policy Framework and National Planning Practice Guidance

16. In the National Park the development plan comprises the Authority’s Core Strategy 2011 and the Adopted Development Management Policies 2019. 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 government guidance in the NPPF with regard to the issues that are raised.
17. Paragraph 189 advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including

any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

18. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
19. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Development plan

20. Core Strategy polices GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
21. Core Strategy policy DS1 outlines the Authority's Development Strategy, and in principle permits the conversion of buildings to provide visitor accommodation.
22. 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.
23. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
24. Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.

25. Development Management Policy DMC7 addresses development affecting listed building, advising that applications for such development should be determined in accordance with policy DMC5 and address how their significance will be preserved. It goes on to detail specific aspects of development that will not be supported when dealing with applications affecting listed buildings. It advises that the only exceptions to this are where any resulting harm is less than substantial in terms of impact on the character and significance of the Listed Building and its setting; and where it is also off-set by the public benefit from making the changes, including enabling optimum viable use, and net enhancement to the Listed Building and its setting.
26. It also states that where change to a Listed Building is acceptable, an appropriate record of the building will be required to a methodology approved in writing by the Authority prior to any works commencing.

Assessment

Impacts of the proposed works on the significance, character and appearance of the building

27. The significance of the listed building has not been set out in the application and the application is therefore contrary to the NPPG and policy DMC5 in this respect.
28. However, in any case the Authority's Conservation Officer has assessed the proposal and has advised that the development would be harmful to the significance of the listed building.
29. The application proposed to replace the existing windows to the north and south elevations. The existing windows to the south elevation are not appropriate for the host listed building and harm its significance. The removal of the existing windows would be welcomed.
30. However, the existing windows in the south elevation are subject to an on-going enforcement case. As such, this application is not the only means available to remedy the breach. Significant weight should not be given to the fact that proposal would remedy the enforcement breach and it is essential that the proposed windows preserve the historic significance of the building. That the proposed windows would be better than the existing unauthorised ones is not in itself sufficient grounds to approve the current application.
31. As such, whilst the proposed removal of the existing windows is welcomed, the replacement windows must be of a design and appearance that makes the new ones acceptable in their own right.
32. The proposed windows have been designed to reflect the appearance of the former windows that were in situ at the time of listing in the 1980s. Those windows were not the original ones, but they were of some age and made a positive contribution to the significance of the building.
33. However, the previous windows were single glazed and the proposed ones are double glazed. If double glazing is to be used on a listed building, it is essential that the appearance of the frames and the glazing is appropriate for the important historic building.
34. The new windows in this application do not achieve this. The Authority's Conservation Officer has set out that:

“However, the introduction of double-glazed units will harm the character of the building, as this glazing type is not in keeping with a historic building. This harm will be exacerbated by the detailing to the (a) double glazing and (b) the window frames.

The proposed glazing type (a) has (i) a cap covering a hole that allows the air to be extracted between the two panes of glass. Unfortunately, this plug will be visible and cannot be hidden (at present) within the frames. Furthermore, there are small circular micro-spacers between the two panes of glass and these are visible at certain angles. These details will detract from the character of the building. No information has been provided on whether any kite (CE) marks will be visible on the glass.

Single double glazed units, to reduce the number of caps, are proposed to each window. The application proposes applied glazing bars to provide subdivision and beading, rather than putty, to fix the glazing in place. These non-traditional details will detract from the significance and character of the designated heritage asset.

35. The existing windows to the north elevation are also modern but these were in place at the time of listing so are authorised. Again, there is no objection to replacing these windows in principle but it is essential that the new windows are appropriate.
36. The same concerns apply equally to the proposed new windows in the north elevation as set out above for the south elevation, i.e. that the double glazing type and window detailing proposed is not appropriate for a historically important listed building.
37. The development would therefore cause harm to the historic significance and character of the listed building. Any harm to a listed building requires clear and convincing justification. It is considered that the harm in this instance would fall within the “less than substantial” threshold. This is not to say that the harm is acceptable, but the NPPF requires that less than substantial harm is weighed against any public benefits that would arise from the scheme.
38. The application places a strong emphasis on the energy efficiency benefits of installing double glazing at the property. This is fully acknowledged and there is no doubt that energy efficiency and carbon emission reduction is an important public benefit that can be weighed against the harm that would be caused.
39. However, every effort should be made to mitigate the harm. It is likely that the same public benefit of improving the energy efficiency of the property could be achieved in a manner that would not cause the same degree of harm to the listed building. No information has been provided to show that other means of improving thermal efficiency have been considered, If double glazing is indeed the best way to achieve this then it is highly likely that a better window design can be achieved that would still provide the same benefits but that would reduce the harm.
40. If the extent of the harm was reduced then it is possible that the public benefits could be said to outweigh it. However, because the design of the proposed windows is unacceptable and it is likely that there is a better solution, the harm cannot be said to be outweighed by the benefits.
41. The application would therefore cause less than significant harm to the listed building and this harm is not outweighed by public benefits. The application is contrary to policy DMC10 and the guidance contained within the NPPF.

Conclusion

42. The application would result in harm to the designated heritage asset. No public benefit exists that would outweigh that harm. The application should be refused.

Human Rights

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

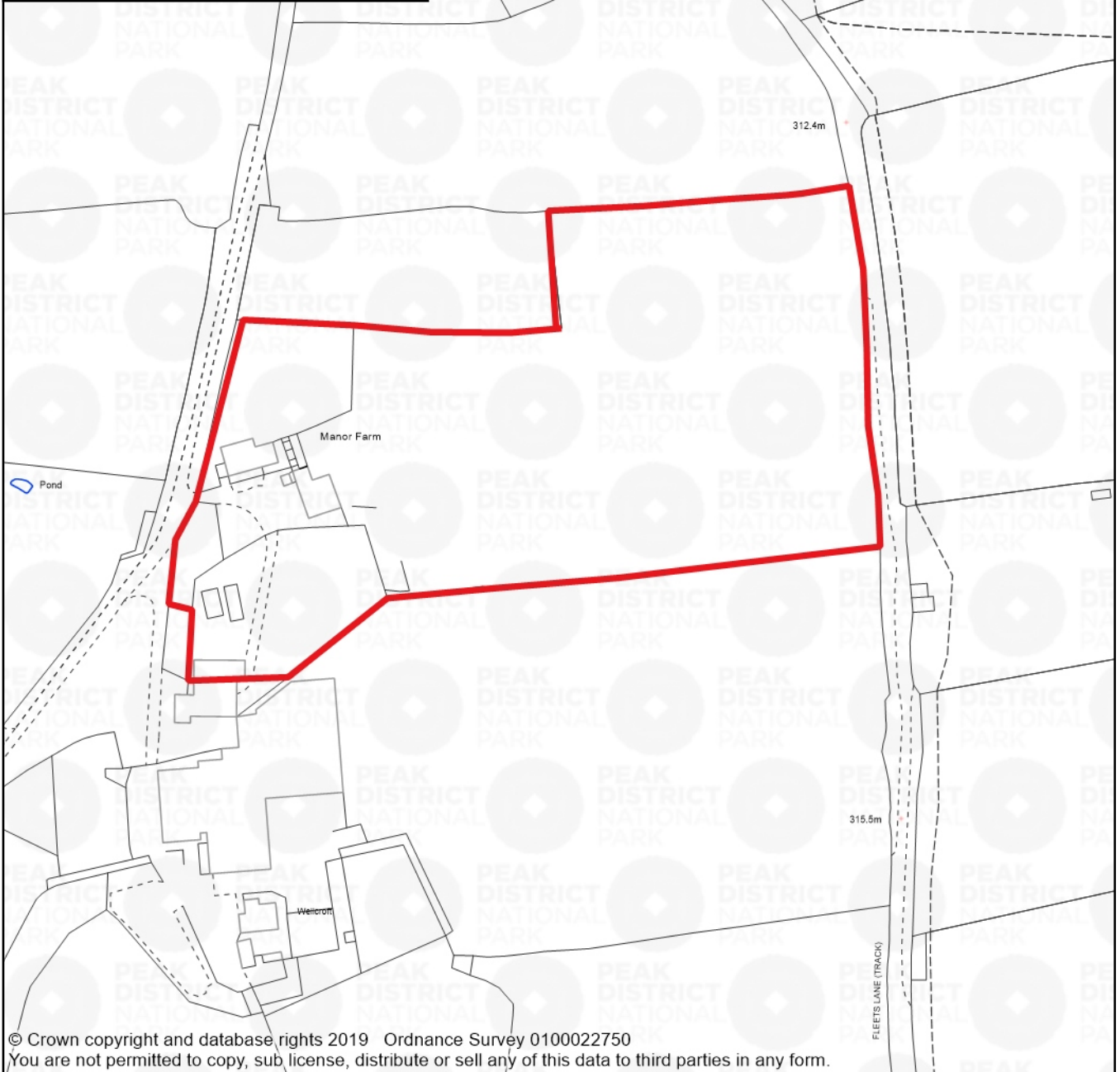
List of Background Papers (not previously published)

Nil


Report Author: Tom Shiels, Area Team Manager



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Committee Date:	8th November 2019	Title: Manor Farm, Oldfields Farm Lane, Grindon	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 16		
Application No:	NP/SM/0719/0780		
Grid Reference:	408571, 353991		

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17. FULL APPLICATION – CHANGE OF USE OF AGRICULTURAL BARN TO 3 NO. LETTING ROOMS – BLEAKLOW FARM, BRAMLEY LANE, HASSOP (NP/DDD/0519/0462); AND

SECTION 73 APPLICATION – VARIATION OF CONDITION 1 ON NP/DDD/1117/1128 TO ALLOW THE APPROVED STABLES AND TACK ROOM TO BE USED AS ANCILLARY DOMESTIC ACCOMMODATION – BLEAKLOW FARM, BRAMLEY LANE, HASSOP (NP/DDD/0519/0460)

APPLICANT: MR P HUNT

Purpose of Report

1. This report seeks Members' views on how the Authority should respond to two appeals that have been submitted against the non-determination of two planning applications at Bleaklow Farm. Both applications were deferred by the Planning Committee on 9 August 2019. As the 8 week period for determination has passed and the applicant has not agreed an extended period for determination, the applicant is able to appeal against "non-determination" of the applications. Appeals (and costs applications) have been submitted in respect of both applications; as the applications were deferred in August there are no reasons for refusal. This report therefore suggests grounds on which officers can defend both appeals.
2. The application for the change of use of the agricultural building was initially considered at the Planning Committee meeting on 12 July and was deferred to allow further information to be sought about the following:
 - The full extent of the holiday use proposed on the site;
 - The feasibility of an alternative or improved access being provided;
 - Consideration of the amenity impact of the increased use of the highway;

and for the proposal to be considered in conjunction with a further application for ancillary domestic use in the stables on the site. Concerns were also raised about the potential impact of traffic movements if the whole of the site was brought into use as holiday accommodation.

Background

3. Both applications were brought to the Committee on 9 August and, after a lengthy discussion, both applications were deferred for the same reasons, as follows:

“To DEFER the application(s) to allow the following:

 1. *Further details of overall scheme, including access arrangements*
 2. *Clarification on changes to plan for garage/games room*
 3. *Clarification on additional parking and extension of rear curtilage*
 4. *Clarification of extension of curtilage at front of property*
 5. *Intended use of barn”*
4. Members (and local residents who spoke at the Committee) were concerned that the Committee could not determine the applications without understanding the relationship

of the applications to each other and to the previous approvals as, when taken together, they would result in a substantial residential development. Moreover, Members were concerned that the applicant had carried out a number of additional works without planning permission and then when these works were taken into account they added to Members' concerns about the scale and nature of the development.

5. The unauthorised works are:
 - A new stone surfaced access track which approaches the site from Wagers Flat to the west
 - Alterations carried out to the garage/games room
 - An extension of the curtilage to the north of the building, with this being laid out as a surfaced parking area and defined by a drystone wall.
 - An extension of the curtilage and a change in ground levels at the front (south) of the property, with a section of metal estate fence defining the majority of the new boundary
 - The installation of a spiral staircase and a partial second floor in the two storey barn in the middle of the building complex, whereas the previous approvals had shown this building remaining in agricultural use.

6. The house that is under construction has planning permission to be used as an open market private dwelling, which is C3 use as defined by the use class order. When questioned about the applicant's intentions, the applicant's agent has confirmed that it is the owner's intention to use the property within the scope of the C3 use class for which it has permission. Officers met the applicant and his agent on site after the August Planning Committee meeting (28 August) and discussed the Planning Committee's concerns and they repeated the applicant's intention to use the buildings as a single dwelling with ancillary accommodation and letting rooms as proposed in the applications. Officers expressed their concerns about the extent of unauthorised development on the site. The applicant gave an undertaking not to carry out any further works, other than some minor works in one of the buildings which is the subject of one of the applications. **However, no additional information has been provided in response to the reasons for deferral at the meeting in August.**

7. The covering report to the Planning Committee on 9 August set out the opposition in planning law relating to the definition of a C3 dwelling and how Authorities can determine whether a material change of use has taken place. A copy of that report is attached as an appendix to this report, so that advice is not repeated here.

8. Officers consider that the appeals and the related costs applications can be defended on the following grounds. Whilst there is inevitably a possibility that the Planning Inspector will disagree with Authority's position and may allow the appeals, this would still leave the Authority in a position to deal with the unauthorised works as these would fall outside the Inspector's jurisdiction on the appeals. With regard to the applications for costs, these do not automatically follow the decision on the planning merits of the applications – it is possible that the Inspector could allow the appeals but dismiss the costs application. The costs application will only be allowed if the Inspector considers that the Authority has behaved unreasonably in failing to determine the applications.

9. The basis of the appellant's claims is that the Authority had sufficient information to determine the appeal and so acted unreasonably in delaying making a decision. The costs applications refer to the decisions of Planning Committee to defer the applications at the Planning Committee meeting on 9 August 2019. The reasons why Members resolved to defer the application are set out in the published minutes of the meeting (see above), were discussed with the applicant and his agent at the site meeting on 28 August and are set out in full in the appellant's costs claim. As such, there is no doubt that the reasons for deferral have been properly explained to the appellant. There is certainly no

unreasonable behaviour in terms of failing to give the appellant a proper explanation for the deferral. The committee minutes provide the necessary “proper explanation” referred to in paragraph 048 of the National Planning Practice Guidance, which provides advice on these matters. The area of disagreement is not the lack of explanation but the requirement for the additional information and areas of clarification requested by the Authority.

10. As the two applications are part of a comprehensive redevelopment of the site, officers considers it reasonable to respond to both appeals and cost claims in a single response as they raise similar issues and reflect the wider concern that the Authority is being asked to determine applications in isolation, without being given or understanding the wider context. The appellant’s approach has been to present each part of the redevelopment separately and to suggest that, in isolation, they are acceptable, but the Planning Committee had reasonable concerns that, when taken together, the whole scheme could have significant impacts. These concerns are underlined by the fact that a number of unauthorised developments have taken place which appear to be part of the overall development and which could result in the scale and nature of the development being materially different from that which has been approved and is being presented by the appellant. These concerns were also expressed by several local residents.
11. Planning Committee Members raised concerns about highways and amenity impacts arising from the development. Although Members stopped short of concluding that the application should be refused at that stage, Members clearly considered that more information was required in order to be able to properly understand and assess the highways and amenity impacts arising from the proposed development. The Planning Committee resolution reflects and should have left the appellant and his agent in no doubt as to the additional information and clarification that was required. This was not unreasonable behaviour; on the contrary, it could be seen by third parties as unreasonable behaviour for the Authority to determine the two applications without any reference to each other and to the wider context of the developments on site.
12. As noted above, in addition to work commencing on the developments that are to subject of the applications (and now appeals), several other developments have taken place on site. The applicant has suggested that these matters are not relevant to the appeal scheme. However, in assessing the highways and amenity impacts of the proposed developments (conversion of barn to three letting rooms and the use of the building previously approved for stabling as ancillary accommodation) it is clearly necessary and appropriate to consider the cumulative impacts with the redevelopment of the site as a whole. The significantly sized new parking area to the north of the site and the new access track in particular are relevant and it was not unreasonable for Committee members to require more information in order to properly understand and assess the potential impacts of the development.
13. Members also questioned the use of another barn (which is not subject to an application at the moment but is set within the site) that lies just to the north of the main house. Under the existing planning permission this barn cannot be used for any purpose other than agricultural use but a spiral staircase has been placed in the barn and a mezzanine floor area had been constructed. This raised concerns that the appellant was intending to use the barn for purposes other than agriculture. This could potentially lead to different highways and amenity impacts to the approved position. It was not unreasonable for Committee members to seek clarification about this issue to properly understand and assess the impacts of the proposed letting rooms in the context of the redevelopment of the site as whole. The Authority’s policies seek to protect the special qualities of the National Park, including the quiet enjoyment of the Park by visitors, and the amenity of local residents where this may be harmed by intrusive development, whether this be from the development itself or the wider impacts such as traffic. Development Management

DPD policy DMT5, part C, specifically says: “*Development that would increase vehicular traffic on footpaths, bridleways or byways open to all traffic to the detriment of their enjoyment by walkers and riders will not be permitted unless there are overriding social, economic or environmental conservation benefits arising from the proposal*”.

14. Consequently, officers consider that points 1, 3, 4 and 5 as listed in the published minutes are all reasonable requests for additional information and clarification. Had this information been provided then it is quite possible that the Authority would have been able to determine the application by now.
15. In addition to this, as noted above, the Authority’s officers met with the appellant and his planning consultant on site on 30 August to discuss these concerns and to seek clarification about the relationship between the various elements of the applications and the unauthorised works, but no additional information was forthcoming. Officers accept that point 2 (clarification on changes to plan for garage/games room) has already been addressed through the submission of an amended plan.
16. Overall therefore, taking into account the anomalies between the approved development and the works that have been observed ‘on the ground’ and need to consider the proposed development in the context of cumulative impacts with the overall redevelopment scheme, Officers consider that the requests for additional information and clarification were reasonable and were required to allow Committee members to properly understand and assess the highways and amenity impacts of the proposed development. As such, there has been no unreasonable behaviour on the part of the Authority.
17. The Planning Officer’s reports to the meeting on 9 August recommend approval of both applications, but they do set out the difficulties of assessing whether or not there is a material change of use from a C3 dwelling to another use, in this case holiday accommodation. When taken together with the unauthorised works, the overall development of the site raises issues that the applicant has not addressed, despite the matters which require clarification being clearly set out in the minutes of the meeting, which the applicant’s planning consultant attended. In these circumstances officers consider that the appeals can be defended and the cost applications opposed, on the grounds set out above and in the recommendation below.

RECOMMENDATION:

That the Authority adopts the following grounds for defending the appeals in respect of applications NP/DDD/0519/0462 and NP/DDD/0519/0460:

1. **The applicant has submitted two applications to the Authority for developments which increase the number of rooms at Bleaklow Farm, including some which are explicitly for letting accommodation. When taken together with approved developments on the site and with other development that the applicant has undertaken without planning permission, notably extension of the curtilage to provide a substantial car parking area, a new vehicular access, and internal works to an existing agricultural building, the Authority has concerns about the cumulative impact of the development. These concerns relate to the potential for materially greater traffic movements to the site, with a consequential adverse impact on the quiet enjoyment and amenity of users of the surrounding highway network and on the amenity of the residents of the hamlet of Rowland. This would be contrary to Core Strategy policies GSP1, GSP2 and GSP3 and Development Management DPD policies DMC3 and DMT5.**

2. **In response to these concerns the Authority deferred consideration of the planning applications to seek clarification from the applicant but no additional information has been submitted. In the absence of this information the Authority has been unable to fully assess the potential impacts of the developments**

Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author: John Scott, Director of Conservation and Planning

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FULL APPLICATION – CHANGE OF USE OF AGRICULTURAL BARN TO 3 NO. LETTING ROOMS – BLEAKLOW FARM, BRAMLEY LANE, HASSOP (NP/DDD/0519/0462 TS)

APPLICANT: MR P HUNT

UPDATE

1. The application was deferred at the Planning Committee meeting on 12 July 2019 to allow further information to be sought about the following:
 - The full extent of the holiday use proposed on the site.
 - The feasibility of an alternative or improved access being provided.
 - Consideration of the amenity impact of the increased use of the highway;

and also for the proposal to be considered in conjunction with a further application for ancillary domestic use in the stables on the site.

2. Application NP/DDD/0519/0460 to vary condition 1 on approved application NP/DDD/1117/1128 to allow the approved stable block to be used as ancillary accommodation for the main house is now on the agenda for this Planning Committee meeting. Each of the issues for which members requested further consideration and information are addressed in turn below:

The full extent of the holiday use proposed on the site:

3. Concerns were raised about the potential impact of traffic movements if the whole of the site was brought into use as holiday accommodation.
4. The house that is under construction has planning permission to be used as an open market private dwelling, which is C3 use as defined by the use class order. The applicant's agent has confirmed that it is the owner's intention to use the property within the scope of the C3 use class for which it has permission.
5. As such, there is no indication that the main house is intended to be used as holiday accommodation. However, the use of any dwelling for holiday lets can be part of the normal C3 dwelling house use, but it can conversely also amount to a material change of use, depending on the circumstances. When use of a dwelling as holiday accommodation results in a material change of use, the holiday accommodation use would be sui generis under the use class order.
6. To decide whether or not there has been a material change of use from a dwelling to a sui generis holiday let each case must be considered on its own facts. The case of Moore v SSCLG & Suffolk Coastal DC 2012 is often referred to as being important case law on this subject. In that case, the Court of Appeal upheld a Planning Inspector's decision that a holiday let was a material change of use because the character of the use of the holiday let was quite different from the use of a private family dwelling. The Inspector had highlighted the following considerations in coming to this decision:
 - The pattern of arrivals and departures
 - Associated traffic movements
 - The unlikelihood of the holiday let being occupied by family or household groups
 - The number of people in visiting groups
 - The likely frequency of party type activities
 - The potential lack of consideration for neighbours

- The proximity of the property to other dwellings
7. It is important to stress that each case must be considered on its own facts, but the Moore case is a useful guide to the issues that should be considered to help inform a decision on whether a holiday let is being used in a way that is materially different to the normal use of a private family dwelling. Use Class C3 also provides some restriction in the use of the dwelling to persons forming a single household ie, family groups.
 8. The relevance of this to the current application is that the site has approval for use as a private family dwelling. There is no indication that the owner wishes to use the main dwelling for holiday accommodation, but he is of course free to do so, provided the use remains within Class C3, and is not materially different in character to a private family dwelling. If that point was reached, there may be a material change of use and further planning permission would be required. The Authority therefore has control over private family dwellings being used for holiday accommodation where that use is materially different to the authorised C3 use.
 9. The main dwelling is a substantially sized dwelling that has seven bedrooms as approved. It is therefore clearly suitable for occupation by a large family, which would fall within Class C3(a). Application 0519/0460, which is under separate consideration, seeks to add a further four bedrooms taking the total to eleven. These additional four bedrooms would increase the size of the approved house but are not proposed to be letting rooms. That application simply proposes additional bedrooms for the main house.
 10. The key issue in terms of holiday let use is that the main dwelling is approved as a private house. Using the property for holiday accommodation within the terms of Class C3, or in a way that is not materially different from the use of a private dwelling house would not be a material change of use and would not require planning permission. That applies as equally to this property as any other private dwelling. Whilst we have no indication that it is likely to happen, and in fact the applicant's agent has confirmed that it is intended to use the main dwelling under its approved C3 use a dwelling house, if the property was to be used for holiday accommodation in the future in a way that is materially different in character to a private dwelling house (using the tests from the Moore case to help inform consideration) then separate planning permission would be required. The Authority therefore has control over any future use beyond the scope of the established private dwelling house use of the main house.
 11. This application proposes the creation of a small unit of holiday accommodation within an existing outbuilding. The traffic impacts of the development must be assessed on the basis of it being the traffic generated by the approved private dwelling plus the traffic that would be generated by the three letting rooms that are proposed under this application. The cumulative impacts with the development proposed under separate application 0519/0446 are discussed further below.
 12. We cannot refuse the current application because of concerns that the main dwelling might also be used for holiday accommodation. If the main house is used for holiday accommodation in a way that is not materially different from a private dwelling then there would be no material increase in traffic beyond the approved use as a private dwelling. We could not make a case at appeal that the possibility of the owner using the main house for holiday accommodation under the approved C3 use would be harmful. The impacts of using the main dwelling as holiday accommodation under the existing use would be similar to using it as a private family dwelling. If the impacts were materially different then separate planning permission would be required.

13. It also follows that we could not substantiate refusal because of a concern that the site might evolve into a more-intensively used type of holiday accommodation in the future. This is because that is not what is being applied for. If the main house was to be used for a type of holiday accommodation that is materially different in character to a private dwelling then that would require different planning permission. Any concerns that apply to the possibility of the main dwelling be used for something different to the use for which it has permission apply equally to any other private dwelling in the National Park. It is essential that the application is assessed on the basis for which it is being applied for – that is the creation of three letting rooms within the curtilage of a private dwelling house.
14. Overall therefore, it is important to remember that this application proposes a small unit of holiday accommodation within the curtilage of a substantial private dwelling that already has planning permission.

The feasibility of an alternative or improved access being provided.

15. The submitted plans show that the proposed letting rooms would be accessed from the unmade track to the south of the site and via the road that runs through Rowland village. There is an alternative access to the north of the site that connects with Bramley Lane and then heads west onto Moor Road towards Great Longstone. This route is also not maintained to the standard of a public highway open to traffic. Members asked that consideration be given to using this route as an alternative to the access from Rowland. The applicant's agent has confirmed that the site can indeed be accessed from either of these routes. Both routes already have access points to the Bleaklow Farm site and both have historically been used to access it. It is understood that construction traffic has been using the Moor Road access during the construction of the new dwelling. The applicant's agent has stated that once the site is brought into use that the applicant is willing to direct any visitors to the site to use the Moor Road access. The Moor Road access is therefore available to use for both the main house and the proposed letting rooms. The use of the Moor Road access would seem to alleviate the concerns that residents of Rowland have about the traffic impacts.
16. It must be remembered though that the road through Rowland is adopted public highway all the way through the village and the public highway continues along Bramley Lane to Hassop Road. Only the unsurfaced section of the access track from Bramley Lane to Bleaklow Farm is a private road. As such, whilst two access routes are available and the applicant can direct visitors towards the Moor Road route, it would not be possible to apply a planning condition to stop residents and visitors from using the Rowland access and they would be entitled to do so should they make that choice. As such, there are two access routes available but it is not possible to dictate through the planning application which one should be used. The option to use Moor Road is available though and that further weakens any argument that traffic levels through Rowland would be unacceptable, as is discussed further below.

Traffic and amenity impacts and the cumulative impacts

17. Concerns were raised about the cumulative traffic impacts with the separate application for creation of additional accommodation for the main dwelling within the approved stable block. That application is now also on the agenda for this meeting.
18. It is important to reiterate the established planning permission. The existing permission is for a seven bedroom dwelling with associated stables and an agricultural outbuilding. Application 0519/0460 proposes to replace the stables with four additional bedrooms for the main house. This would therefore increase the number of bedrooms in the main house from seven to eleven, but the site would no longer have a stable block.

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19. The as approved scheme for a seven bedroom dwelling would appeal to a large family, it is quite possible that a future household could have more cars than an average household. It is very difficult to quantify or predict that though. The proposed addition of four further bedrooms may result in some further increase in traffic movements if extra people live at the site or if there are more visitors as a result of it having more space, but these bedrooms would still be extra bedrooms for the main house and would not create a separate dwelling. No significant increase in traffic could be attributed to creating four additional bedrooms for an already substantial private dwelling because those four bedrooms would only be extra space for the existing dwelling.
20. It is also important to note that the site would no longer have any stables. Whilst the stables are only approved for the private use of the site, and not for commercial livery purposes, even private stables would inevitably generate some traffic through vets trips, feed and bedding deliveries, horse box movements to take horses to and from the site etc. As such, it would be very difficult to argue that four additional bedrooms for a private house would generate significantly more traffic than the existing stables that would be lost. The Highway Authority has raised no objections to the separate application to convert the stables into additional bedrooms.
21. In terms of cumulative traffic therefore the following key points apply:
- The additional four bedrooms to the main house to replace the approved stables as proposed under the separate application would be very unlikely to materially increase traffic movements over and above the approved situation.
 - An argument cannot be sustained that using the main house for holiday accommodation would intensify traffic movements over and above the approval for a large private dwelling – if the traffic movements generated by using the main house for holiday accommodation were significantly different then it is likely that would constitute a material change of use for which separate planning permission would be needed. The acceptability of any such increased traffic impacts would be considered at that point, and cannot be pre-empted.
 - The cumulative traffic impacts are therefore the traffic generated by the approved private dwelling plus the traffic that would be generated by the three letting rooms that are proposed under this application. The traffic impacts of the three letting rooms are discussed further as follows:
22. As set out in the main body of the report below, the proposed holiday accommodation comprises of three double en-suite bedrooms. A small kitchenette is proposed but no communal living space is provided. It is intended that the letting rooms would be bed and breakfast style accommodation with the owner of the main farmhouse managing the holiday accommodation. The letting rooms could be booked by a group who would take all three rooms, by three separate parties or a combination. It is highly unlikely that each bedroom would generate more than one car journey to access the site. This means that a maximum of three parking spaces are required. The whole site has ample car parking within the courtyard and approved car port. Assuming each room generates one car, and that car arrives at the site in the morning, leaves during the day, returns during the day, leaves the site in the evening and then returns later in the evening (which seems a 'worst-case scenario' realistically) then that would be a maximum of 15 vehicular movements for the proposed letting rooms per day. These movements are very unlikely to all happen at the same time. Spreading the movements out throughout the day, this would equate to about one extra car movement per hour on top of the traffic that would be generated by the approved private dwelling use.
23. The Highway Authority have been very clear that the level of traffic generated by the letting rooms would not cause highway safety concerns. Whilst the access is unmade

from the junction with Bramley Lane, this does not mean that the access track is dangerous. Because of the unmade nature of the track, vehicle speeds are inevitably low on the access track between Bramley Lane and Bleaklow. The public highway that runs through Rowland is surfaced so it is acknowledged that vehicular speeds will be higher on here. However, it would be very difficult to substantiate a view that the additional traffic going through Rowland would be harmful to highway safety, given the low level of traffic that would be generated by the proposed holiday lets use. A refusal on highway safety grounds could not be substantiated and it highly unlikely that an appeal could be defended on this basis.

24. It is acknowledged that highway safety impacts and the amenity impacts caused by additional traffic are two separate considerations. Members asked that further consideration be given to the amenity impacts of the additional traffic upon the amenity of local residents.
25. It should be noted that there are no neighbouring dwellings within about a 900m radius of the site. As such, there is no impact from vehicles parking at the site or using the unmade access track. It is acknowledged though that cars driving through Rowland village could have some impact on amenity of residents of houses in the village. It is also acknowledged that Rowland is a small village with only 12 houses that lie either side of the road. As such, existing levels of car movements are likely to be low and residents may be more sensitive to increases in traffic than larger communities within the National Park. However, it still remains the case that the holiday let use is unlikely to generate more than one or two additional car movements through the village per hour when averaged throughout the day. Even taking the very quiet and tranquil nature of the village into account, an argument that the noise and disturbance caused by this very low level of additional traffic would be significantly harmful to the amenity of local residents could not be substantiated. This is particularly the case now that it has been clarified that there are two separate accesses available to the site. The use of the Moor Road access would have no impact at all on the residents of Rowland. Whilst we cannot control visitors to the proposed holiday accommodation using the Rowland access, the applicant has stated that visitors would be asked to use the Moor Road access. Assuming that some visitors take note of this advice, the low level of traffic associated with the proposed letting rooms would be further reduced in terms of movements through Rowland village.
26. It is not possible to identify any significant harm to the amenity of residents of Rowland village given the low level of traffic that would be generated by the proposed letting rooms and it would not be possible to substantiate a reason for refusal on this basis.

Update Conclusion

27. It has been clarified that the owner intends to use the main dwelling under its approved C3 use as a private dwelling house. The application before us is for the addition of a small unit of holiday accommodation in the form of letting rooms within the curtilage of the main house. The levels of traffic generated by the proposed letting rooms are likely to be low. The separate application to add additional bedrooms to the main house, but to take away an approved stable block, would not generate significant additional traffic over and above the already approved large house. The traffic generated by the proposed letting rooms on top of the traffic generated by the approved large house would not cause an unacceptable impact on highway safety. The traffic movements through Rowland village would not cause significant harm to the amenity of residents of the village. The application is recommended for approval.

Summary

1. The application is for the conversion of a traditional agricultural barn to holiday accommodation. The development would conserve the heritage interest of the building, would provide holiday accommodation in accordance with the Authority's adopted planning policies, and would not result in adverse planning impacts. The application is recommended for approval.

Site and surroundings

2. Bleaklow Farm is a vacant farmstead situated in an isolated hilltop position close to the ridge of Longstone Edge, 900m north of Rowland hamlet. The farmstead is situated in a slight hollow and is bounded to its north, east and west sides by mature tree plantations. Although it is situated in a remote and isolated position it is not unduly prominent in the wider landscape, but is visible from a public footpath which passes directly through the farmstead.
3. The farmstead originally comprised a derelict farmhouse with adjacent outbuildings to the west and north sides, forming a courtyard. There is a further detached traditional outbuilding to the north of the farmhouse (subject to the current application) and formerly to the north of the courtyard buildings was a dilapidated range of modern farm buildings.
4. The former farmhouse was vacant and in a poor structural condition and appearance and had been the subject of inappropriate additions, including a 16.7m long x 4.5m wide single-storey extension attached to its western side.
5. Consent was granted in June 2014 for the demolition of the existing farmhouse and erection of a larger replacement farmhouse of a similar character to the original farmhouse. The approved scheme included the replacement of the single-storey extension with a contemporary extension, part rebuilding of the stable building at the western end of the courtyard, and the erection of a secondary courtyard of buildings behind the main building courtyard to accommodate stabling and garaging.
6. The applicant then began constructing the replacement dwelling, which has been constructed up to first floor level. However, following an officer site inspection it was subsequently discovered that the replacement dwelling was being constructed to significantly larger dimensions than that given approval, and other unauthorised design changes had been made to the scheme.
7. Rather than revert to the originally approved scheme, the applicant chose to submit a retrospective planning application to build the replacement dwelling to the larger dimensions and amended design, as presently constructed. This application was refused by Planning Committee on 11 December 2015. A subsequent appeal against the Authority's decision to refuse planning permission was dismissed on 19 May 2016. An amended scheme was subsequently applied for in November 2016 under application reference NP/DDD/1116/1095 which was approved in January 2017. A material amendment was made to this permission. That permission has now been implemented and construction work is ongoing.
8. Under the approved scheme, the traditional barn to the northern side of the courtyard, which is the subject of this application, is to remain in agricultural use. However, the site is no longer a working farm.

Proposal

9. To change the use of the agricultural building that lies to the northern side of the courtyard to 3 letting rooms.

10. The proposed letting rooms each comprise of a double bedroom with ensuite bathroom. There would be a shared hall and kitchenette area. The existing openings would be re-used and the external alterations are minimal, comprising only of replacement windows and doors.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **3 year implementation period.**
2. **Development to be carried out in accordance with specified plans.**
3. **Conversion to be carried out within the shell of the existing structure without rebuilding.**
4. **Holiday occupancy restriction and the holiday accommodation to remain under the ownership of the wider Bleaklow Farm site.**
5. **All services to be undergrounded.**
6. **Windows and doors to be timber.**
7. **Parking to be provided prior to the approved use commencing.**

Key Issues

- Whether the development is suitable for conversion under the Authority's recreation and tourism policies
- The impact of the development on the character and appearance of the building
- The landscape impacts of the development
- The ecological impacts of the development
- Archaeological impacts of the development

History

June 2014 – Full planning consent granted for the replacement farmhouse, demolition and rebuilding of stables to form additional living accommodation, erection of stable buildings and garaging.

December 2015 – Full planning application to regularise unauthorised amendments to the previously approved scheme. The application was refused by Planning Committee. A subsequent appeal was dismissed.

January 2017 – Application for an amended scheme for the replacement dwelling approved.

October 2017 – Application approved for a variation to the approved plans for the replacement dwelling. This approval has been implemented.

Several applications to make non-material amendments to the approved scheme and to discharge conditions have also been approved.

Consultations

1. Rowland Parish Meeting – Object to the proposal because of the impact on access

and traffic levels in the village. Note that Rowland comprises a single-track road (no passing places) with no safe pedestrian pavement or verge. There are two blind bends that make the road unsuitable for increased traffic use. Also raise concerns that the size of the property has increased considerably since the replacement farm house was first approved. Concerns also remain regarding light pollution and increased noise.

2. Great Longstone Parish Council – no objections.
3. Derbyshire County Council Highways – no objections, stating the following “As you will be aware, the application site is remote and the roads surrounding the site are in a poor constructional state, as well as being narrow with limited passing places.

However, in accordance with current government guidance the Highway Authority can only object to a planning application if the proposals are likely to lead to severe highway safety concerns. Given the extremely low vehicle volumes and speeds on the surrounding roads, it's not considered the additional traffic from the 3 letting rooms will lead to any severe highway safety concerns. Also, it's likely some reduction in agricultural traffic will occur as the building in question has an existing agricultural use. Therefore the traffic increase (if any) is likely to be minimal.

Therefore, the Highway Authority does not consider there to be sufficient grounds to object to the proposal from a highway safety viewpoint. Should your Authority be minded to permit the application, it's recommended the 3 proposed parking spaces are provided prior to the letting rooms being taken into use and retained throughout the life of the development designated to the letting rooms only.”

4. Authority's Archaeologist – No objections. Notes that the building has historic interest due to its agricultural character and use of traditional materials. Internal features relating to agricultural use appear to have already been lost.

Representations

5. Six letters of objection have been received which raise the following concerns:
 - The application represents 'scope creep',
 - The access to the site and through the village is not adequate and cannot accommodate the additional traffic.
 - Light Pollution.
 - Increased noise.
 - Increase size of the property since the original approval would lead to a significant increase in vehicle movements.
 - There are no farming activities at Bleaklow so the holiday accommodation isn't farm diversification.
 - Contrary to the policies which states that the conversion of entire farmsteads to holiday accommodation will not be permitted.

Main policies

11. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L2, L3, and RT2.
12. Relevant Development Management Plan policies: DMC3, DMC5, DMC10, DMT8.

National planning policy framework

13. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales which are to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When National Parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the National Parks.
14. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
15. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies. 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 government guidance in the NPPF with regard to the issues that are raised.

Development plan

16. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
17. Core Strategy policy DS1 outlines the Authority's Development Strategy, and in principle permits the conversion of buildings to provide visitor accommodation.
18. Core Strategy policy RT2 says that proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:
 - A. The change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted.
 - B. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.
 - C. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
19. Core Strategy policy L2 states that development must conserve and enhance any sites,

20. 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.
21. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
22. Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
23. Development Management Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquility, dark skies, or other valued characteristics.
24. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

Assessment

Principle and impact on the character of the building

25. Policy RT2 supports the conversion of buildings to holiday accommodation where they are traditional buildings of historic or vernacular merit.
26. The existing barn is a traditional building of historic and vernacular merit. It is the last surviving part of the historic farmstead and is built out of traditional materials in the local vernacular. Some of the significance of the building has been lost through the addition of windows and the removal of internal features. However, it does still possess a degree of significance in heritage terms. The building is therefore considered to be a heritage asset.
27. Policy DMC10 makes it clear that conversions of heritage assets will only be permitted when the conversion would not adversely affect its character, such as when major rebuilding is required.
28. The building would be converted within its existing shell without the need for any rebuilding. The only external alterations are the replacement of the existing windows and doors with new timber windows and doors. The proposed conversion would conserve the character and appearance of the exterior of the building.

29. Internally, subdivision of the existing open space is proposed to create individual rooms. Subdivision of historic agricultural buildings can often cause harm to the significance of the building as open spaces are often an important historic feature. However, in this case the interior of the building lacks any historic interest and any historic agricultural features have already been lost. As such, in this instance, the internal subdivision would have very little impact on the overall significance and character of the building.
30. Subject to such a condition, conversion of the building to holiday accommodation would therefore comply with policy RT2 and policy DMC10.
31. Letters of objection have raised concerns that the proposal is contrary to policy RT2 as it would result in the entire former farm stead becoming holiday accommodation. However, the rest of the site already benefits from residential use. This is not a working farm and there is no agricultural restriction on the approved main farm house. That requirement of policy RT2 is not relevant to this situation.
32. Letters of objection have also raised concerns about the increase in the scale of the property since the original application was approved. However, it is essential to consider the current application on its own merits. Whilst there have been amendments to the previously approved scheme, these have all been considered and deemed to be acceptable.

Impacts on the character and appearance of the landscape

33. The building lies within the defined curtilage of Bleaklow Farm and is positioned in very close proximity to other buildings. The site has existing parking and outdoor areas. Parking for the proposed letting rooms can be accommodated within the existing yard. The holiday let does not require any additional outdoor amenity space beyond the existing defined area. As such, the proposed change of use would have a minimal impact on the character of the site as a whole and would have no impact on the character of the wider landscape.
34. Letters of objection have raised concerns about light pollution. However, the small scale of the site is unlikely to generate any significant additional light pollution over and above that generated by the main host dwelling.
35. The development would conserve the landscape character of the area as required by policies L1, DMC3, and DMC10.

Ecological impacts

36. The site has previously been surveyed for protected species on 2016, 2015 and 2013 as part of the previous applications. No evidence of nesting bird or bat activity around the barn was found during these surveys. Since 2013 the roof of the barn has been replaced, it has been repointed and all openings have been secured. The building has been used as a builder's rest area during the redevelopment of the wider site so has been in regular active use. Given this, the potential for the building to be used by roosting bats or nesting birds is very low.
37. The development would not be harmful to protected species or ecological interests and accords with policy LC2.

Archaeological impacts

38. The Authority's archaeologist has advised that whilst the building is of some historic

significance, its archaeological interest has been reduced by recent alterations. As such, no further archaeological investigation or building recording is required in this instance.

Amenity impacts

39. Letters of objection have raised concerns about noise. However, due to the position of the building away from any other residential property the proposed development would not result in any loss of privacy, any additional disturbance, or otherwise affect the amenity of any other residential property, complying with policy DMC3. It is however important that the letting rooms remain under the control of the wider Bleaklow Farm site. If the letting rooms were in separate ownership to the main house then amenity issues could arise because of the close relationship between the two. A condition requiring the site to remain as a single planning unit is therefore reasonable and necessary.

Highway impacts

40. The objections from the Parish Meeting and local residents are fully acknowledged.
41. The objections raise concerns that the proposed use would increase traffic and that the single width road through Rowland is unsuitable to accommodate it. These concerns are appreciated.
42. However, the Highway Authority has raised no objections to the scheme, noting that the traffic generated from three letting rooms would not cause severe highways impacts. The Highway Authority have noted the low vehicle volumes and speeds on surrounding roads.
43. Given the assessment of the Highway Authority, it would not be possible to sustain a reason for refusal on highways grounds because the extra traffic generated by the letting rooms is unlikely to cause harmful highways impacts. The development accords with policy DMT8.

Conclusion

44. The proposal will conserve character and appearance of the building and those of the landscape, and would conserve the ecological interests of the site in accordance with policies L2, L3, DMC3, DMC5, and DMC10.
45. There are no other policy or material considerations that would indicate that planning permission should be refused.
46. We therefore recommend the application for conditional approval.

Human Rights

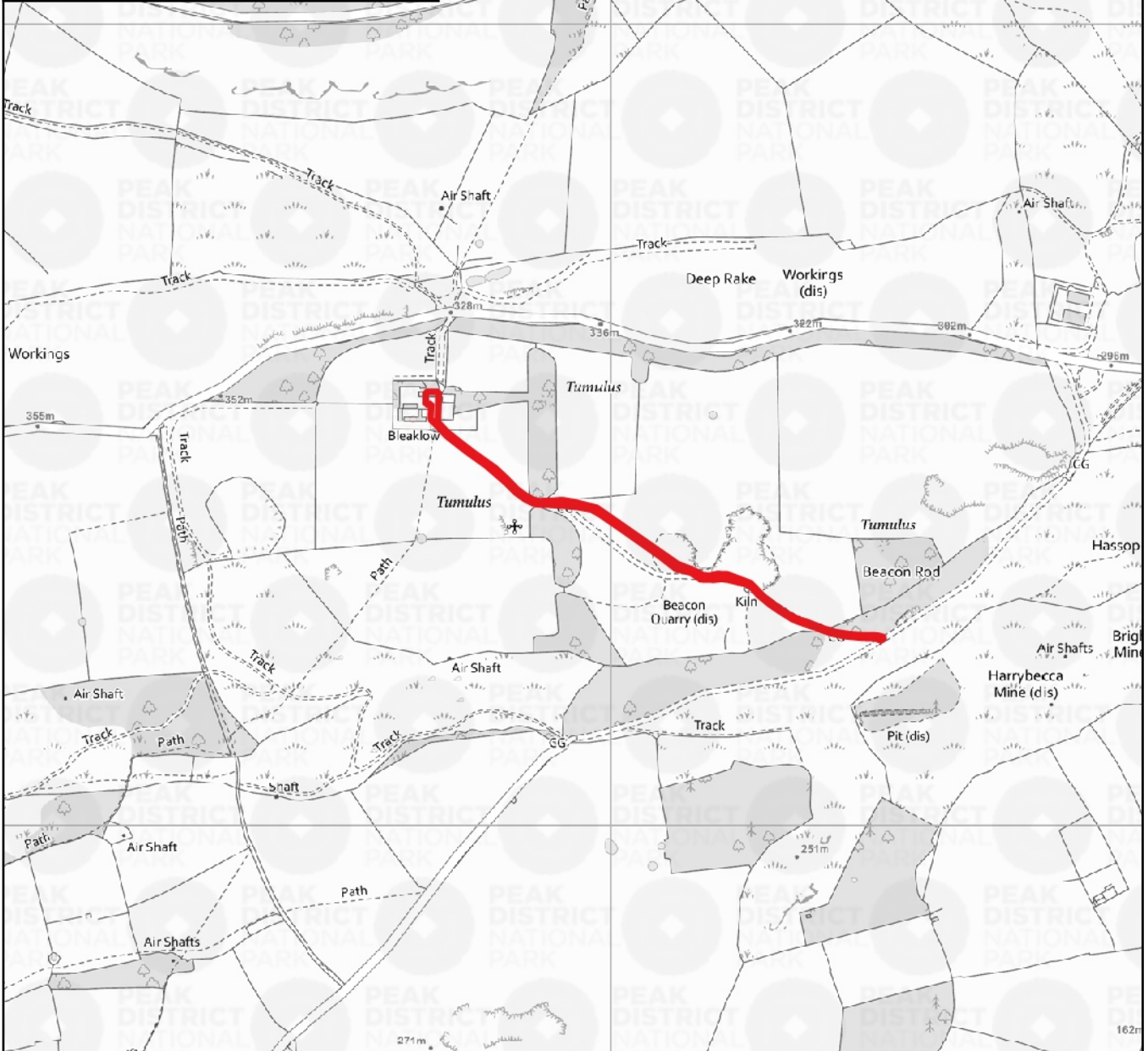
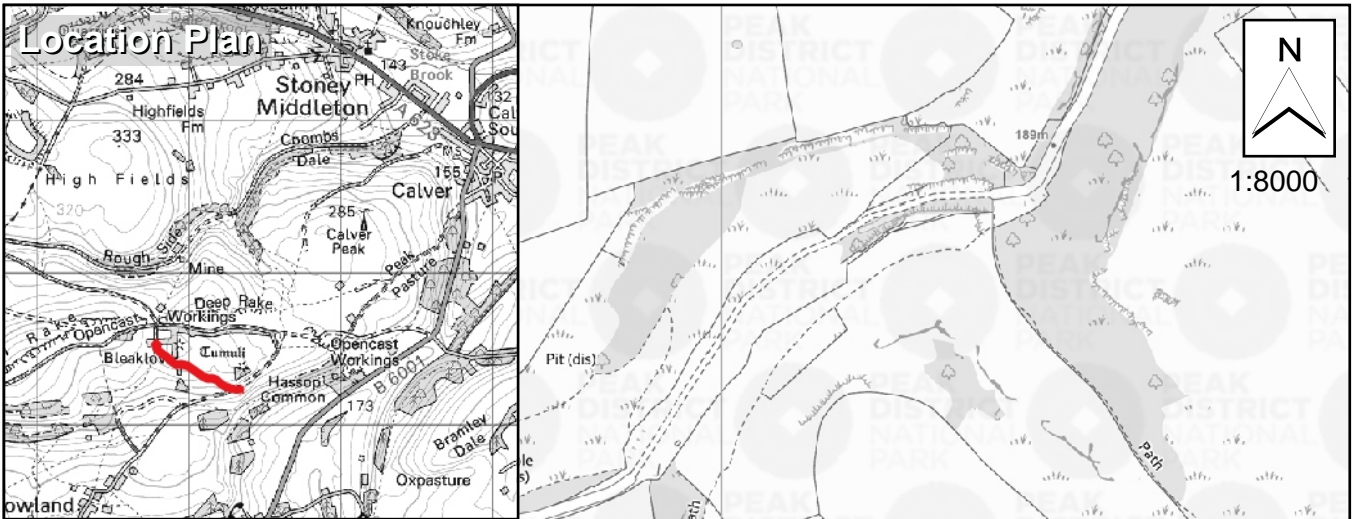
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


Nil

Report Author: Tom Shiels, Area Team Manager

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<p>Committee Date: Friday 8th November 2019 Item Number: Item 17 Application No: NP/DDD/0519/0462 Grid Reference: 421752, 373507</p>	<p>Title: Land Formally Bleaklow Farm Bramley Lane Hassop</p>	 <p>PEAK DISTRICT NATIONAL PARK</p>
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18. DEVELOPMENT MANAGEMENT PERFORMANCE (JEN)

1. Planning statistics are reported quarterly to the Department for Communities Housing and Local Government (DHCLG), and the performance of planning authorities is judged against criteria related to:
 - The speed of determining applications for major development;
 - The quality of decisions made by the authority on applications for major development;
 - The speed of determining applications for non-major development;
 - The quality of decisions made by the authority on applications for non-major development.
2. The speed of determination thresholds below which a local planning authority is eligible for designation are:
 - a) **For applications for major development: less than 60 per cent** of an authority's decisions made within the statutory determination period (13 weeks) or such extended period as has been agreed in writing with the applicant;
 - b) **For applications for non-major development: less than 70 per cent** of an authority's decisions made within the statutory determination period (8 weeks) or such extended period as has been agreed in writing with the applicant.
3. This report relates to 2019/2020 Q1 April – June and Q2 July- September.
4. In Q1 and Q2 we reported to DHCLG that we determined 100% of major applications in within the statutory determination period (13 weeks) or such extended period as has been agreed in writing with the applicant.
5. In the Q1 we reported that we determined 93% and in Q2 we reported that we determined 94% of non-major applications within the statutory determination period (8 weeks) or such extended period as has been agreed in writing with the applicant.
6. For the quarter we are well within the required thresholds.
7. The quality of decisions is assessed on the basis of the number of appeals lost expressed as a percent of the overall number of applications determined. The thresholds below which a local planning authority is eligible for designation are:
 - a) Quality of major development no more than **10% of appeals allowed, expressed as a percent of total number of major applications** dealt with.
 - b) Quality of minor and other development no more than **10% of appeals allowed, expressed as a percent of total number of major applications** dealt with.
8. Our appeal performance in Q1 and Q2 has been reported to you in the Head of Law reports which appear on planning committee agendas.
9. In Q1 and Q2 there have been no major appeals and therefore we are meeting the measure.
10. As reported verbally at October planning committee, we were at risk of designation as a poorly performing planning authority, for the last period assessed. We made representations to MHCLG regarding the very small number of major applications determined overall which meant that we were at risk of designation on the basis that we

lost only one major appeal. MHCLG have agreed not to designate the Peak District National Park Authority on this basis.

11. Over the period we have had 22 minor and other appeals determined. Of these 12 were dismissed and 10 were allowed.

12. As a percentage of the 353 total number of minor and other applications dealt with over Q1 and Q2, (which is the method of assessment DHCLG use), this equates to 3%. For the periods we are below the 10% threshold for 'minor and other' applications.

RECOMENDATION:

That the report be noted.

19. 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/0418/0313 3208245 (Listed Building)	Single storey rear extension to Laburnam House, Great Longstone	Written Representations	Delegated
NP/DDD/1018/0906 3228099 (Planning)	Partial demolition of a linking structure built in 1990s. Construction of a replacement linking structure at Mitchell Field Farm, Hathersage.	Hearing	Committee
NP/DDD/1018/0907 3228099 (Listed Building)	Partial demolition of a linking structure built in 1990s. Construction of a replacement linking structure at Mitchell Field Farm, Hathersage.	Hearing	Committee
NP/DDD/1018/0951 3237122	Conversion of barn to local needs dwelling at Leach Barn, Leadmill Bridge, Hathersage	Written Representation	Committee
NP/SM/1118/1061 3237817	Agricultural building to house and feed livestock at Hardingsbooth Farm, Longnor	Written Representations	Delegated
NP/DDD/0519/0460 3238015	S.73 application for the removal or variation of condition 1 on NP/DDD/1117/1128 at Bleaklow Farm, Hassop, Bakewell	Written Representations	Committee
NP/DDD/0519/0463 3238013	Change of use of agricultural barn to 3 No. letting rooms at Bleaklow Farm, Hassop, Bakewell	Written Representations	Committee
ENF 16/0222 3235604	Without planning permission, building operations comprising the erection of an agricultural building on land to the north side of Main Road, Taddington	Written Representations	Delegated
NP/DDD/0619/0687 3238360	Use of land as touring caravan site with 10 pitches at the Jug and Glass, Hartington	Written Representations	Committee
NP/CEC/1118/1125 3236271	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, Macclesfield	Written Representations	Committee

2. APPEALS WITHDRAWN

The following appeal was withdrawn during this month.

NP/DDD/0519/0450 3232976	Section 73 application for removal of Condition 11 at Primrose Cottage, Windmill, Great Hucklow	Written Representations	Delegated
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3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0119/0063 3230940	Alterations to small lean to roof at The Joiners Cottage, Back Lane, Elton	Householder	Allowed with Conditions	Delegated

The Inspector considered that the proposal would be an acceptable alteration, and would also be in keeping with the character of the host building, and would not cause any harm to the significance of the conservation area. The Inspector allowed the appeal, subject to conditions.

NP/DDD/0419/0367 3230947	Single storey rear and side orangery extension at Glenmore, Conksbury Lane, Youlgreave	Householder	Allowed with Conditions	Delegated
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The Inspector considered that the proposal would not be overly prominent or harmful to the character and appearance of the host dwelling, and would conserve the landscape and scenic beauty of the National Park. The appeal was allowed, subject to conditions.

NP/SM/0119/0005 NP/SM/0119/006 3230833 & 3230835	Demolition of unsafe red brick garden wall and replace with stone wall. Replace metal steps with stone steps at Bank House, Market Place, Longnor	Written Representations	Dismissed	Delegated
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Although the Inspector agreed that the wall was unstable and needed to be addressed, but without proper detailed drawings, the Inspector was unable to conclude that the proposed works would not harm the significance of the listed building or that they would preserve or enhance the character and appearance of the Conservation Area. The appeal was dismissed.

NP/CEC/1118/1097 NP/CEC/1118/1098 3227473 & 3227469	Erection of Orangery at Sherrow Booth Manor, Pott Shrigley	Written Representations	Dismissed	Delegated
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The Inspector considered that the proposal would have a detrimental impact on the special architectural and historic interest of the listed building, and would conflict with Policy L3 of the Core Strategy together with LC6 of the Local Plan. The appeal was therefore dismissed.

4. RECOMMENDATION:

That the report be received.