

Public Document Pack

Peak District National Park Authority

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



Our Ref: A.1142/2403

Date: 2 January 2020



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 10 January 2020**

Time: **10.00 am**

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

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting held on 13 December 2019** (*Pages 5 - 14*)
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application - Conversion of Barn to One Open Market Dwellinghouse And One Affordable Dwellinghouse - Roche Grange Farm, Meerbrook (NP/SM/0519/0473, MN)**
(*Pages 15 - 30*)
Site Plan
7. **Full Application - Single Storey Extension and Alterations to Windows at 1 Sunnyside Villas, Buxton Road, Castleton (NP/HPK/1019/1108, CW)** (*Pages 31 - 38*)
Site Plan

8. **Full Application - Conversion Of Office to One Open Market Flat and Installation of Solar Panels - Cambridge House, North Church Street, Bakewell (NP/DDD/1119/1175, MN) (Pages 39 - 48)**
Site Plan
9. **Monitoring & Enforcement Quarterly Review - January 2020 (A.1533/AJC) (Pages 49 - 54)**
10. **Head of Law Report (AGM) – Amended version (Pages 55 - 56)**

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.

Recording of Meetings

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites or publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions

during the meeting and to make a digital sound recording available after the meeting. From 3 February 2017 the recordings will be retained for three years after the date of the meeting.

General Information for Members of the Public Attending Meetings

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

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

To: Members of Planning Committee:

Chair: Mr R Helliwell
Vice Chair: Cllr D Birkinshaw

Mr P Ancell	Cllr W Armitage
Cllr P Brady	Cllr M Chaplin
Cllr D Chapman	Cllr A Gregory
Cllr A Hart	Cllr I Huddleston
Cllr A McCloy	Cllr Mrs K Potter
Miss L Slack	Mr K Smith
Cllr G D Wharmby	

Other invited Members: (May speak but not vote)

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

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MINUTES

Meeting: **Planning Committee**

Date: Friday 13 December 2019 at 10.00 am

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

Chair: Mr R Helliwell

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

Apologies for absence: Cllr D Birkinshaw, Cllr M Chaplin, Cllr A Gregory and Cllr G D Wharmby.

166/19 MINUTES OF PREVIOUS MEETING HELD ON

The minutes of the last meeting of the Planning Committee held on 8 November 2019 were approved as a correct record.

167/19 URGENT BUSINESS

There were no items of urgent business.

168/19 MEMBERS DECLARATIONS OF INTEREST

Item 6

Mr P Ancell, Cllr P Brady, Mr R Helliwell and Cllr A Hart had received a letter from Mr Meakin.

Cllr D Chapman, Cllr I Huddleston and Miss L Slack had received an email.

It was noted that all Members knew Cllr C Farrell, who had given notice to speak at the meeting, as an Authority Member. Cllr I Huddleston also knew Cllr Farrell as a member of High Peak Borough Council.

Item 7

Mr P Ancell, Cllr P Brady, Mr R Helliwell, Cllr A McCloy and Mr K Smith had all received an email from the Agent.

Item 9

It was noted that all Members had received an email from Mr Yates, the Agent.

Cllr A Hart had received a phone call from the Applicant.

Mr P Ancell declared a personal interest as he knew Mr Yates, the Agent, as an ex-work colleague.

169/19 PUBLIC PARTICIPATION

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

170/19 FULL APPLICATION - DEMOLITION OF FORMER RISING SUN HOTEL AND ERECTION OF HOTEL (CLASS C1) INCORPORATING GROUND FLOOR FLOORSFACE WITH FLEXIBILITY TO BE USED FOR RESTAURANT/BAR (CLASS A3/A4 USES) AND FUNCTION FACILITIES, ALTERATIONS TO EXISTING SITE ACCESS, CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS AT THE RISING SUN, HOPE ROAD, BAMFORD

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

The following spoke under the public participation at meetings scheme:

- Cllr C Farrell, High Peak Borough Council Ward Councillor, regarding traffic concerns
- Mr D Meakin, Objector
- Mr J Williams, Agent

In response to a statement made by one of the speakers, the Chair stated that this was a major application and could not be a decision delegated to officers.

Although Members expressed some concerns about the travel plan and light pollution the recommendation for approval was moved and seconded.

It was noted that condition 13 of the recommendation was for submission of a lighting scheme and it was agreed to amend the condition to state the hours when there should be no permanent external illumination whilst recognising that the detailed scheme would provide for sensor controlled, time limited lighting that would be required during those hours.

The recommendation for approval subject to a S106 agreement covering highway requirements and conditions as set out in the report with the amended condition 13 was put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the following:

- A. The prior entry into a Section 106 agreement covering highway requirements for i) the funding of the 40mph highway speed limit extension and the monitoring of the Travel Plan. ii) The submission of a scheme for the provision of a pedestrian refuge/safe crossing point for bus passengers (including revised kerbing and tactile paving/precise bus stop location) on Hope Road outside but adjacent to the site, and**
- B. The following planning conditions:**
 - 1. Commence development within 3 years.**

2. Carry out in accordance with specified amended plans and supporting information.
3. Define and limit approved use to be as an Hotel (Class C1) with ancillary restaurant and bar open to non-residents (Class A3/4) with function capability only and for no other purpose within use Class C1.
4. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - Parking of vehicles of site operatives and visitors
 - Routes for construction traffic, including abnormal loads/cranes etc.
 - Hours of operation
 - Method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - Proposed temporary traffic restrictions
 - Arrangements for turning vehicles
5. The premises the subject of the application shall not be taken into use until the existing accesses to Hope Road A6187 have been modified in accordance with the application drawings, laid out, constructed and provided with 2.4m x 145m (to the west) and 2.4m x 122m (to the east) visibility splays in accordance with Drawing no 1707404c, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
6. The premises the subject of the application shall not be taken into use until a scheme for the provision of a safe crossing point and improved public transport facilities has been fully implemented on site, in accordance with a scheme first submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
7. Notwithstanding the submitted plans an amended car parking layout for the parking of 84 vehicles shall be submitted for written approval. Once agreed the premises the subject of the application shall not be taken into use until space has been laid out within the site in accordance with drawing No 1707405A for vehicles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.
8. The premises the subject of the application shall not be occupied until the cycle parking facilities shown on the approved drawing No PA-PL-005 Rev B have been implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
9. There shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.
10. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.
11. Submit and agree details of the proposed signage for the internal one way system.
12. Submit for written agreement full details of the landscaping scheme comprising both hard and soft external works together with implementation timetable. Scheme to provide for additional planting to the rear boundaries of

- the car park and for a hedge backing the frontage stone walling. Thereafter complete and maintain in full accordance with approved scheme.
13. Submit for written agreement full details of an amended external lighting scheme which omits tall lighting poles and thereafter complete in full accordance with agreed scheme, to include no external lighting between the hours of midnight and 5am.
 14. East facing gable end to be clad with natural gritstone.
 15. Agreement over sample panels of stone, render, external paving, grasscrete and roofing materials.
 16. Agreement over door and window details/finishes.
 17. Specify minor detailed design matters e.g. Rain water goods, other joinery details.
 18. Carry out the development in full accordance with the recommendations set out in the submitted Final Ecology Report ref 9537_R_APPR_20117.
 19. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site (in accordance with the principles outlined within DEFRA Non-statutory Technical Standards for sustainable drainage systems (March 2015)), have been submitted to and approved in writing by the Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
 20. Suggested conditions awaited from DCC as Local Lead Flood Authority on the assessment to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance.
 21. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by The Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.'
 22. No development shall take place until a Written Scheme of Investigation for a scheme of archaeological monitoring and recording has been submitted to and approved by the local planning authority in writing.
 23. Submit and agree in writing a detailed scheme of environmental management of the building and site with specific measures to meet the aims of PDNPA Climate change policy together with an implementation programme. Provision shall be made for the cabling to the proposed 2 EV charging spaces to be extended to 2 more spaces in readiness to accommodate a potential upgrade of those spaces to EV Charging spaces should demand require. Once agreed carry out in full accordance with approved scheme.
 24. Submit and agree precise details of an acoustic fence along the boundary of the car parking with the neighbouring residential garden together. Thereafter install in accordance with agreed details and maintain.

171/19 FULL APPLICATION - DEMOLITION OF THE EXISTING WORKSHOP AND ERECTION OF AN AFFORDABLE LOCAL NEEDS DWELLING WITH ASSOCIATED WORKS INCLUDING WORKS OF HARD AND SOFT LANDSCAPING, LAND AT TOP LANE, TIDESWELL

The Chair stated that the officer presentation at the start of this item was being filmed for training purposes.

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

The following spoke under the public participation at meetings scheme:

- Mrs M Boardman, Applicant

In response to Members' queries officers stated that if this site was accepted as being within the edge of the settlement it would mean all the surrounding land between the site and the village would then be included within the settlement and become open to development.

A Member request was made to remove reason 2 of the recommendation for refusal as inefficient use of the site was inappropriate.

Although Members had sympathy for the applicant the recommendation for refusal, without reason 2, was moved and seconded. The motion was voted on and carried on the Chair's casting vote.

RESOLVED:

That the application be REFUSED for the following reasons:

1. **The site is not located in or on the edge of a named settlement. The provisions for new build local needs affordable housing in the development plan is limited to within or on the edge of named settlements. The proposal for a new build local needs affordable house in the open countryside is therefore unacceptable in principle as it is contrary to the development strategy in Core Strategy policy DS1 and Development Management Policies DMH1, DMC4(B) and the NPPF (para 77, 78, 79 and Para 172).**
2. **The proposed development would have an adverse impact on the character and appearance of the area and the National Parks Landscape. The proposal is therefore contrary to Core Strategy Policies GSP1, GSP3, L1, Development Management Policies DMC3, DMC4, DMC13B and the NPPF.**

The meeting adjourned for a short break at 11.40 and reconvened at 11.50.

172/19 FULL APPLICATION - CHANGE OF USE FROM EXISTING STONE BARN TO A LOCAL NEEDS DWELLING, HOLLY BANK BARN, BUTTERTON

The Planning officer introduced the report and stated that Cllr Gill Heath had wanted to attend the meeting, as Ward Councillor, to support the application but was unable to attend. Cllr Heath had supplied a statement of her support and the officer read this out for the meeting.

The following spoke under the public participation at meetings scheme:

- Mr T Meakin, Applicant

In response to Members' queries officers stated the requirements of policy CC1 and it was noted that officers were currently producing guidance for applicants.

The recommendation for refusal was moved and seconded. It was noted that refusal reason 3 of the report recommendation should state any 'identified' features of value not 'indented'. The motion was put to the vote and carried.

RESOLVED:

That the application be REFUSED for the following reasons:

1. The application would result in the introduction of a domestic dwelling in an open agricultural landscape. The domestication of the barn and its setting would result in significant harm to the landscape character of this area of the National Park, contrary to policies L1 and DMC3, and to paragraph 172 of the NPPF.
2. The application has failed to demonstrate that there is an identified housing need for a new affordable dwelling of the size and type proposed. It would result in the creation of an isolated home in the countryside and no exceptional circumstances have been demonstrated to justify it. The application is therefore contrary to policies HC1, DMH1 and DMH2 and paragraph 79 of the NPPF.
3. The applicant has failed to provide an assessment of the historic significance of the non-designated heritage asset and has failed to demonstrate how its significance and any identified features of value would be conserved or enhanced. The application is contrary to policies DMC5 and DMC10.
4. 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.

173/19 FULL APPLICATION - DEMOLITION OF EXISTING SINGLE STOREY BOOT ROOM AND REPLACEMENT WITH SINGLE STOREY OAK FRAMED ORANGERY/BOOT ROOM NIELDS FARM, SWYTHAMLEY

The following spoke under the public participation at meetings scheme:

- Mr P Yates, Agent

The recommendation for refusal was moved and seconded.

It was noted that officers had advised the applicant that a design which reflected the local tradition would have been considered more favourably and that a smaller design would fall within permitted development rights.

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

RESOLVED:

That the application be REFUSED for the following reasons:

The proposed single storey oak framed orangery by virtue of the size, scale, form, massing and design, fails to harmonise with or adequately respect the character and appearance of the existing dwelling. The proposal would also have an unduly harmful visual impact on the character of this part of the National Park. In addition, the proposal fails to properly address sustainability and climate change mitigation. As such, the proposed development is contrary to guidance and to the requirements of Core Strategy policies GSP1, GSP3 and L3, CC1 and Development Management Policies DMC3 and DMH7.

174/19 FULL APPLICATION - SINGLE STOREY REAR EXTENSION AT ASPINDLE HOUSE, HEATHCOTE,

The following spoke under the public participation at meetings scheme:

- Ms J Bonsall, Applicant

Members felt that an alternative design would be considered more favourably and officers agreed with this. The Planning officer stated that 2 alternative proposals had been put forward by the applicant but these were still not suitable.

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

RESOLVED:

That the application be REFUSED for the following reasons:

1. The proposed rear extension by virtue of its scale, massing and design, fails to reflect the character and appearance of the existing dwelling and its setting. In addition the proposal fails to address the requirements of policy CC1 as it does not demonstrate that the scheme addresses sustainability and climate change mitigation. As such, the development is contrary to the National Planning Policy Framework, Core Strategy Policies GSP1, GSP2, GSP3, CC1 and Development Management Policies DMC3 & DMH7.

175/19 FULL APPLICATION - ENLARGEMENT OF EXISTING BAY WINDOW SEAT AT ST LEONARD'S COTTAGE, CHURCH LANE, THORPE.

The following spoke under the public participation at meetings scheme:

- Mr D Archer, Agent

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

RESOLVED:

That the application be REFUSED for the following reasons:

1. The proposed extension by virtue of its form and design fails to respect the traditional character and appearance of the dwelling and its setting. The development would also fail to preserve the character and appearance of the Conservation Area. The proposal does not set out how the development would address climate change mitigation and sustainability. As such, the development is contrary to Core Strategy Policies GSP1, GSP2, GSP3, L3 & CC1, Development Management Policies DMC3, DMC5, DMC8 & DMH7 and guidance contained within section 16 of the National Planning Policy Framework (Conserving & enhancing the historic environment).

The Committee voted to continue the meeting beyond 13.00 in accordance with Standing Order 1.10.

176/19 SECTION 73 APPLICATION FOR THE VARIATION OF CONDITIONS 2 AND 3 ON NP/DDD/1213/1149, FIVEWAYS, GRINDLEFORD (NP/DDD/1019/1110 DH)

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

The Planning officer introduced the report and highlighted that work on the original access had commenced but with the wrong materials so had been stopped and the illuminated bollards erected were contrary to the planning permission.

The following spoke under the public participation at meetings scheme:

- Mr D Allerton, Objector
- Mr M Peckett, Applicant

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

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. **Conditions restated from application NP/DDD/1213/1149 with condition 2 amended to reflect the plan references now proposed and with condition 3 restated without the requested change.**

177/19 HEAD OF LAW REPORT - PLANNING APPEALS

Members considered the appeals lodged, withdrawn and decided during the month.

RESOLVED:

To note the report.

178/19 ANNUAL HOUSING REPORT AND CASES CONTRARY TO THE DEVELOPMENT PLAN (IF/DA)

Members considered the annual housing report and cases contrary to the development plan. The first appendix focussed on housing data arising from planning decisions determined in accordance with the adopted Core Strategy; the second appendix gave details of cases which had been determined as being contrary to the development plan and other decisions which had raised important issues for policy review.

In response to Members' queries officers stated that there was a statutory requirement to review the policies, the Development Management Policy had recently been adopted and a full plan review was just starting which the Development Management Plan Member Steering Group would be involved in. Performance against the KPIs would be reported quarterly to the Authority meeting as part of regular performance reporting. The decision relating to a caravan site at Rivendale would be included in the next annual report.

With regard to Appendix 2 Officers agreed with Members that for future reports on decisions contrary to policy the comments column should include the original officer recommendations and the reasons for the contrary Member decisions as recorded in the minutes of the meetings.

RESOLVED:

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- 1. To adopt the reports as an accurate record of housing delivery and policy monitoring in the National Park in 2018/19 and over the full plan period from 2006 – 2019.**
 - 2. To adopt the report as part of the evidence base for Local Plan review purposes.**

The meeting ended at 13.36.

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6. FULL APPLICATION – CONVERSION OF BARN TO ONE OPEN MARKET DWELLINGHOUSE AND ONE AFFORDABLE DWELLINGHOUSE – ROCHE GRANGE FARM, MEERBROOK (NP/SM/0519/0473, MN)

APPLICANT: MR AND MRS HULME

Summary

1. The proposed development seeks to convert a traditional stone barn in to two dwellinghouses – one open market, and one affordable dwelling to meet a local need.
2. The application has previously been considered by Members at the October 2019 Planning Committee meeting. Officers were of the view that whilst the development would – when taken as a whole – conserve the building, its setting, and the landscape, it would result in unacceptable amenity impacts for the occupiers due to the position of the buildings relative to the working farm. No climate change mitigation measures were proposed at that time either. Accordingly, the application was recommended for refusal on these two grounds.
3. Members were less concerned about the amenity impacts than officers, but deferred the application because they considered further details and amendments needed to be looked at in several areas before a decision could be taken, as follows:
 - Climate change mitigation measures – No details were provided and Members wanted to see this information prior to determination, in line with the Authority's current practice
 - Parking arrangements – Members requested that this be revisited, as parking immediately in front of the building was considered undesirable in terms of its impact on the buildings character and outlook
 - Re-siting of the modern agricultural building to be removed as part of the proposal – Given the applicants intention to relocate this building elsewhere, and notwithstanding that this would require separate planning permission, Members requested that an alternative position for the building be indicated (though it would need to be subject of a separate consent)
 - Property curtilages – Members requested these to be rationalised, because they were irregular in form
4. The applicant has provided additional and amended information in each of these areas, and this is discussed in detail in the updated report below.
5. In summary though, and regrettably, in relation to parking provision and climate change mitigation measures, officers have been unable to negotiate acceptable additional and amended information. The applicant's agent has nevertheless requested that the application is returned to committee for Members' consideration.
6. We still have concerns regarding the amenity impacts of the development for the same reasons raised previously and the additional climate change mitigation measures now proposed fail to meet the requirements of policy CC1. Whilst we are also not satisfied that the proposed parking arrangements conserve the setting of the buildings, this matter could be addressed by condition if permission was to be granted.
7. The reasons for the recommendation of refusal therefore remain unchanged since the application was presented to Members in October.

Site and surroundings

8. Roche Grange Farm is located approximately two miles north of Meerbrook, positioned to the north west of Cote Lane. It is located below the western slopes of the rock outcrop known as The Roaches. It is still a working farm, extending to approximately 35 acres.
9. The site comprises the main farmhouse and a range of both modern and traditional farm buildings.
10. The application building is a stone barn located within the centre of the farmyard. The building is two storey, with a pitched roof built of gritstone. A further stone building is attached to the northern gable. Attached to the rear of the building is a more modern mono-pitched lean-to, constructed of blockwork under a corrugated sheet roof and running the entirety of the length of the main building.
11. A concrete hardstanding is located in front of the building, and the driveway serving the farm and farmhouse passes the frontage.
12. There are modern agricultural buildings to the north, south, and north west of the barn.
13. There are neighbouring properties to the south east of the site, on the opposite side of Cote Lane.
14. The site is outside of any designated conservation area.

Proposal

15. The proposed development seeks to convert a stone barn in to two dwellinghouses. Originally proposed as two open market properties, the proposal has since been adjusted so that one would be an open market property, and the other would be an affordable dwelling to meet a local need.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **Due to the proximity of the proposed dwellinghouses to the activity of the working farm the development would result in unacceptable harm to the amenity of the occupiers as a result of noise and odour. Further, conflict with the movement of farm vehicles would risk the safety of the occupiers. The development is therefore contrary to policy DMC3.**
2. **The application fails to demonstrate that the development would make the most efficient and sustainable use of land and resources, take account of the energy hierarchy, and achieve the highest standards of carbon reduction and water efficiency. This is contrary to Core Strategy Policy CC1.**

Key Issues

- Whether the barn is suitable for conversion to one or more dwellinghouses under the Authority's housing policies in principle
- The impact of the development on the heritage significance, character and appearance of the building
- The amenity impacts of the development
- The landscape impacts of the development

History

1998 – Planning permission granted for the conversion of the barn to holiday accommodation.

2004 – Planning permission granted for livestock / tractor shed

2011 – Planning permission granted for replacement implement shed

2014 – Planning permission granted for two storey rear extension to farmhouse

2015 – Planning permission granted for two storey rear extension to farmhouse

Consultations

Highway Authority – No response at time of writing.

Parish Council – Full support.

District Council – No response at time of writing.

PDNPA – Ecology – No response at time of writing.

Representations

None received at time of writing.

Main policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L2, L3, HC1, CC1.

Relevant Development Management Plan policies: DMC3, DMC5, DMC10, DMT8.

National planning policy framework

16. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was updated and republished in July 2018. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
17. 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.'
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 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.
20. 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.
21. Paragraph 198 continues that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
22. Paragraph 199 advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁴. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Development plan

23. 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.
24. Core Strategy policy DS1 outlines the Authority's Development Strategy, and in principle permits the conversion of buildings to provide housing.
25. Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park in more detail; policy HC1(C) I and II say that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.
26. It goes on to state that any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:
 - III. it is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
 - IV. it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution¹⁰² will be required towards affordable housing needed elsewhere in the National Park.

27. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy (reducing the need for energy; using energy more efficiently; supplying energy efficiently; and using low carbon and renewable energy) to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
28. Core Strategy policy CC2 states that proposals for low carbon and renewable energy development will be encouraged provided that they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.
29. Policy DMH1 addresses new affordable housing, stating that A. Affordable housing will be permitted and outside of Core Strategy policy DS1 settlements (which this site is) by conversion of existing buildings provided that there is a proven need for the dwellings and that any new build housing is within specified size thresholds, the upper limit of which is 97m².
30. Policy DMH2 considers the first occupation of any new affordable housing, requiring 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.
31. Policy DMH3 leads on from this, addressing second and subsequent occupation of affordable housing (called 'the occupancy cascade'). This states that each and every time a previously occupied affordable home becomes vacant, owners and managers of affordable housing must, as stated in the Section 106 Agreement that it is necessary to enter in to when obtaining planning permission for affordable housing, follow the cascade mechanism until an eligible occupant is found.
32. For privately owned and managed affordable housing including self-build units, the cascade mechanism requires that owners and managers must:
- (i) sell or rent an affordable home to a person (and his or her dependents) with a minimum period of 10 years permanent residence over the last twenty years in the Parish or an adjoining Parish; or
 - (ii) a 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 infirmity.
 - (iii) after a minimum period of 3 months, widen the search to include (in order of preference) those in the Parish or an adjoining Parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining Parishes.

- (iv) after a further month (minimum 4 months total) widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
 - (v) after a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural Parish lying outside the National Park or rural Parishes entirely outside the Park but sharing its boundary.
- 33. DMH3 also states that the property should be advertised widely at the price advised by the District Valuer and prepared at the time marketing is required, or any other body appointed by the Authority for such purposes or, in the case of a rented property, at the target rent at the time. The Parish Council, Housing Authority and Housing Associations working in the area should be advised of the vacancy as soon as houses become vacant.
- 34. Finally, it notes that where a Parish is split by the National Park boundary, only those people living within the National Park part of the Parish should be eligible initially.
- 35. Policy DMH11 addresses legal agreements in relation to planning decisions, as provided for by Section 106 of the Town and Country Planning Act 1990. As a result, these are known as Section 106 Agreements. The policy states that 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.
- 36. 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. It explains development resulting in harm to a non-designated heritage asset will only be supported where the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
- 37. Development Management Policy DMC8 addresses Conservation Areas, requiring development in them, or affecting their setting or important views into, out of, across or through them, to assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
- 38. It notes that applications should be determined in accordance with policy DMC5 and the following matters should be taken into account:
 - (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment including important open spaces as identified on the Policies Map;
 - (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or manmade features, trees and landscapes;
 - (iii) scale, height, form and massing of the development and existing buildings to which it relates;

- (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis;
- (v) the nature and quality of materials.

It also states that development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of their proposals on the character, appearance and significance of the component parts of the Conservation Area and its setting.

- 39. 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.
- 40. 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

- 41. Policy DS1 permits conversion of buildings to housing in principle, but policies HC1 and DMC10 restrict the type of buildings that can be converted and HC1 also restricts the type of housing that they can be converted to.
- 42. Policy DMC10 makes it clear that when considering proposals for the conversion of buildings to open market housing under the provisions of HC1, the building must be either a designated or non-designated heritage asset in order to be considered appropriate for conversion.
- 43. The barn proposed for conversion in this case is historic, dating from around 1800 according to the submitted heritage assessment. The assessment considers the significance of the building, concluding that it has historic, architectural, and evidential interest. Officers agree with this assessment. If it were not for the modern intervention of the rear lean-to then the building would retain a strong and largely unaltered traditional character and many original features, and contributes the understanding of the historic farmstead as a whole. The proposal as revised does propose removing this modern rear extension – revealing the original rear wall. On that basis it is concluded that if the development was approved and carried out sufficient significance would be restored to the building for it to represent a non-designated heritage asset, and as such is suitable for conversion to housing under the terms of DMC10.
- 44. Policy HC1 and DMC10 both also require such conversion to be necessary for the long-term conservation or enhancement of the building. It is accepted that the current low-level agricultural/storage use will not achieve this, and the conversion is therefore considered necessary to do so.
- 45. As originally submitted the application was proposing to convert the building into two open market dwellings. Policy HC1 requires that in the case of conversion of a building capable of accommodating more than one property, the development needs to address identified eligible local need – unless this is proven to be unrequired in the locality or to

be otherwise unviable. The application did not make the case that either of these circumstances applied, and so conversion to two market dwellings failed to comply with policy HC1.

46. Subsequently, the applicant's agent has advised that they are prepared to agree to one of the houses being provided as an affordable local needs dwelling, and the application has been amended to reflect this.
47. In terms of the need for affordable housing in the area, the most recent housing needs surveys for Leekfrith parish and the adjoining Quarnford parish show a total need for 10 affordable houses, with two of these being for a two bedroomed house, as is proposed. Whilst these surveys are now 5 years old, in the absence of other evidence officers are satisfied that there is a housing need and so the development complies with policy DMH1. We also conclude that the development of one two-bed affordable property at this address would not provide more affordable homes than are needed in the parish and the adjacent parishes, now or in the near future, as policy HC1 seeks to avoid.
48. On this basis, conversion of the building to one open market dwelling and one affordable local needs dwelling would comply with policies DS1, HC1, DMC10, and DMH1.
49. This would be subject to a legal agreement securing the property as an affordable dwelling as detailed by policy DMH11. Without this, the property could not be considered to be affordable housing in the terms set out in the Authority's planning policies. The applicant's agent has advised that they are prepared to enter in to such an agreement.
50. As the barn is only suitable for conversion to housing under policies HC1 and DMC10 due to its heritage interest; if permission was granted it would be necessary to remove permitted development for extensions, alterations, and outbuildings because each of these have the potential to significantly harm or alter the significance of the building, undermining the reason for permitting its conversion in the first place.

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

Design - Impacts of external alterations

51. As originally submitted the application proposed retaining the rear lean-to and making a number of changes to existing openings. We were of the view that the lean-to detracted from the heritage interest of the building, as well as its traditional character and appearance.
52. The scheme has since been revised and the lean-to is now proposed to be demolished. This would mark a large improvement to the legibility of the historic building and to its traditional character.
53. Openings would remain largely unaltered. The main interventions in this regard are the glazing of the front cart opening and the rooflights.
54. The glazing of the cart opening has been kept simple and minimal, allowing the opening to continue to be easily interpreted.
55. The rooflights have been kept low in number and small in size. Whilst it would be preferable for none to be included, this is a better alternative to introducing new openings in the walls and overall it would have a less than significant impact on the buildings character – subject to the rooflights being of a conservation type and being

fitted flush with the roofslope.

56. It is unclear from the submitted plans if the existing windows are to be retained and repaired or replaced but, based on the small-scale plans available, they appear to be like-for-like if they are to be replaced. It would be necessary to secure this by condition if permission was granted in order to conserve the buildings character.
57. The subdivision in to two dwellings has required no new external openings in the building, allowing it to continue to read as a single building and helping to conserve its agricultural character.
58. No details of any necessary ventilation for boilers, bathroom and kitchen extracts, or soil stacks has been detailed and would therefore need to be reserved by condition if permission was to be granted.

Design - Impacts of internal works

59. Whilst the building is not listed, the internal layout and features are part of the buildings heritage significance and as a result we do have to consider the impact of development upon them under the provisions of both local and national planning policy.
60. Whilst the submitted heritage statement includes no details of internal features, it was clear from visiting the site that internally few historic features remain – the building has concrete floors and stall partitions. The first floor appears to be of some age however and it does remain an open space. As proposed, existing internal historic planform would be lost, due to the level of subdivision proposed. This would result in some harm to the character and legibility of the building historic use.
61. Residential use is always likely to require some internal subdivision of space that would alter the character of buildings such as this. However, the decision to subdivide the building in to two units increases the need for this in this instance. As a single dwellinghouse subdivision of the space could be reduced.
62. Given that a less harmful alternative could be achieved, this weighs against the proposal in the planning balance.

Summary of design considerations

63. The significance of the barn lies in its characteristic agricultural appearance and the contribution that it makes to understanding the historic land management in this area.
64. Overall, the development seeks to work with the buildings existing shell and openings as adopted design guidance advocates, helping to ensure that, externally, this character and significance are respected.
65. Internally there would be some loss of significance through the changes to the floor plan.
66. However, the removal of the modern rear lean-to would mark a significant enhancement to the buildings heritage significance and character.
67. As a result, it is concluded that when taken as a whole the heritage asset would be enhanced by the proposed alterations, according with policies L3, DMC3, DMC5, and DMC10, and the provisions of the NPPF in relation to non-designated heritage assets.

Impacts on setting, and the landscape

68. It is proposed to introduce curtilages to the rear of the barn, generally kept open but with a short section of wall projecting from the rear wall of the buildings, defining the boundary of each in this location.
69. Whilst the remaining garden space is shown to remain open it is likely that occupiers may seek to treat 'their side' of the curtilage differently. This change to the buildings setting would harm its appearance as a single barn, reducing the legibility of its former plan and function. This side of the barn is not open to wide public view though, and would be seen only in some short-distance views from a footpath to the north.
70. Some weight is given to the fact that the curtilage would be positioned away from the building's principal elevation, and that the setting of the barn is already adversely affected by the large portal framed agricultural building to the rear, and by the range of modern farm buildings to the north.
71. We did query whether it would be possible for the farmhouse's existing garden – located in front of the barn to the southeast – to either be shared or split with the proposed dwellings, but the applicant's agent advises that their client is not prepared to do so.
72. As currently proposed, the proposed curtilages would therefore result in less than substantial harm to the buildings setting. Given the limited scope of these impacts – as discussed above – this harm would be outweighed by the benefits of bringing the building back in to a viable use.
73. When considering the curtilage layouts for the dwellings at the October 2019 Planning Committee meeting Members discussed the irregular form of the curtilages. These have now been 'squared off', and officers consider these to relate acceptably to the host building and wider landscape.
74. The applicant has offered to remove some of the modern buildings from around the barn for amenity reasons (discussed further in the amenity section of the report below). This would make a significant improvement to the setting of the barn – whilst they are agricultural in type they are of modern appearance and their large size makes them very imposing on the barns setting.
75. If the buildings offered to be removed were indeed removed then this would outweigh the harm to the buildings setting resulting from the creation of an area of lawned garden, and the development would accord with L1, L3, DMC3, and DMC5 in this regard.
76. The applicant has advised that they intend to re-erect the modern barn that would be removed from its current position to the northwest of the barn in a different location.
77. Whilst the re-erection of this building would require planning permission independent of the current proposal, at the October 2019 Planning Committee Members indicated that they would like to understand where the applicant would propose re-locating it.
78. An amended block plan has been submitted that shows the proposed position for this to the north west of its current position. Without prejudice to the determination of any future application that the applicant may submit, we would be likely to have concerns in regard to this positioning. The building would be well removed from the existing building group, and siting either adjacent to the existing modern buildings to the south of the application buildings, or to the east of those to the east of it would be more likely to be supported.

79. Given that it is likely that an acceptable alternative location could be agreed within the landholding officers do not consider that approval of the current application would prejudice the current use of the site. As a result, and also taking account of the fact that the re-erection of this building does not form part of the current proposal, we do not consider refusal of the application on the grounds that we have concerns regarding the re-siting of this building would be sustainable.
80. Since the application was considered at the October 2019 Planning Committee meeting the applicant has also relocated the proposed parking area for the dwellings, because Members were concerned that it would detract from the character of the barn if it was arranged immediately in front of it, as was previously proposed.
81. The position now proposed for the parking is to the rear of the barn to the north west, on the footprint of the modern barn proposed for removal. This is a large area of hardstanding and, rather than resulting in the provision of just 4 parking spaces, would effectively create a car park for 6 vehicles with turning area. By virtue of its appearance, size and position away from the building this would have an adverse impact on the setting of the barn and farmstead.
82. We have encouraged the applicant's agent to consider positioning two sets of in-line spaces adjacent to the side of the barn but they have decided to pursue the parking as now proposed. If Members are minded to approve the application then we would recommend that details of the position and design of the parking area are reserved by condition so that a more sensitive solution can be secured.

Amenity impacts

83. We have significant concerns regarding the impacts of converting the barn to independent dwellinghouses given its relationship to a working farm.
84. There are agricultural buildings associated with the farm located to the immediate north, south, and north west of the barn, and the only farm access runs past the front of the building to the farm buildings and land to the east and north.
85. If the buildings were taken in to use as dwellinghouses that were not associated with the farm then the occupiers would, effectively, be living in a farmyard. It would be likely that they would suffer an unacceptable level of noise and odour impacts from the farm operation. Their safety would also be a concern, with the movement of large farm vehicles around the dwellings posing a risk to those entering and exiting them.
86. The occupiers would have no control over these impacts, and they could not be reasonably controlled by conditions or agreement as part of this planning application.
87. Whilst the applicant's agent has advised that their client is seeking to wind down the farm, it remains a 35-acre holding. In any case, the Authority would have no control over future expansion or intensification of the farm use were the owners to change their plans or to decide to sell the farm on.
88. They have advised that they would be prepared to remove and relocate the portal framed building to the rear of the barn, and some of the buildings running perpendicular to the barn to the north. Whilst this would move some farm storage away from the buildings, it would not overcome the concerns regarding general farm activity in close proximity to the dwelling.
89. We explored whether it would be possible for the farm access to be re-located and for

the existing farm access to be altered to serve only the new dwellings, with the access being blocked beyond this to prevent through-traffic. This would at least remove the movement of farm vehicles from immediately around the dwellings and would make the assessment more finely balanced. The applicant has advised that they do not wish to agree to this.

90. Since the October 2019 Planning Committee meeting, the applicant has altered the vehicular access to the proposed dwellings, taking this along an existing farm track that leaves the road a short distance south of the originally proposed access, and loops around the site to provide parking to the rear of the building. This does not overcome the amenity and safety issues raised above and as discussed in the design section of this updated report, results in other adverse impacts.
91. Given all of the above, we conclude that the development would result in unacceptable living conditions for the occupiers, contrary to policy DMC3.
92. The amenity of the neighbours to the opposite side of Cote Lane would be conserved given the proposed use and due to the intervening distance between them and the application site.

Ecological impacts

93. The application has been accompanied by a bat report, which concludes that the building includes one day roost (maternity) of brown long-eared bat, three day roosts (non-maternity) of common pipistrelle, and one day roost (non-maternity) of whiskered bat.
94. The report recommends mitigation measures for the loss of habitat, including the provision of a bat loft in the adjacent building, bat access tiles, and ridge tiles.
95. Subject to securing the recommended bat and bird mitigation and enhancement measures the proposal would conserve the ecological interests of the site as required by policy LC2.

Highway impacts

96. The proposal initially proposed utilising the existing site access for the new dwellings, which is an existing access on to a minor road. Since the application was presented at committee this has been moved to utilise an existing track serving a neighbouring farm and located a short distance south of the property, in order to provide access to the rear where the parking is now proposed.
97. As with the previously proposed access, visibility distances are relatively short in each direction at the junction with the highway, but given the winding nature and narrow width of the road approach speeds are anticipated to be slow. The minor nature of the road further reduces risk of incident.
98. Given the above, that the access is pre-existing and already serves a dwelling and working farm we do not consider that the development would have any significant impact on highway safety in the locality.
99. The proposal includes adequate parking space adjacent to the building for use by residents.
100. Whilst the Highway Authority did not respond to the application as originally proposed, they have commented on the changes proposed since the application was heard at the

Planning Committee meeting. They raise no objections subject to conditions requiring parking to be provided prior to occupation and the maximum achievable access visibility being maintained. These could be secured by conditions if permission was granted.

101. Overall, there are no objections to the proposal on highway grounds and it complies with policy DMT8.

Service provision

102. Details of power and water supply to the site have not been submitted with the application. It would be important for these to be routed underground to ensure that they did not further impact on the character of the site and setting of the building. In the case of approval a condition would be required to secure this.

Climate change mitigation measures

103. Since the October 2019 Planning Committee meeting a statement addressing climate change mitigation has been submitted as Members had requested.
104. Whilst this details at some length the inherent sustainability of re-using existing buildings when compared to constructing new ones, it makes little commitment to ensuring that the development would make the most sustainable use of natural resources and carbon emission reductions.
105. It notes that glazing will achieve “appropriate thermal values” but otherwise does not address how the development would reduce the need for energy. It also does not consider how it would use energy efficiently.
106. In terms of supplying energy efficiently and using low carbon and renewable energy, the statement lists a range of measures that are stated to be “accepted in principle...but will need consideration at a later stage”. The factors affecting their integration in to the scheme are listed as being “building regulations, technical specifications, design guidance in relation to historic buildings, balance of objectives and costings”.
107. These are precisely the reasons that the Authority seeks measures to be considered at the design stage, not further down the line once permission has been granted; it is much more difficult to secure meaningful climate change mitigation measures if they are not factored in to costings and design from the outset.
108. Further, and as the statement itself acknowledges, the constraints of working with a historic building mean that building these measures in at the design stage is necessary so that we can have confidence that what is proposed can be incorporated without harm to the heritage significance of the building.
109. On the basis of this lack of firm proposals relating to efficient energy supply and renewable energy provision the development cannot be considered to achieve the highest standards of carbon reduction and is therefore contrary to policy CC1 in this regard.

Conclusion

110. Conversion of the barn to one open market dwelling and one affordable dwelling to meet a local need would comply with planning policy in principle.

- 111. We conclude that when taken as a whole the development would conserve the heritage significance of the barn, subject to amendment of the proposed parking arrangements.
- 112. It would also conserve the character and appearance of the site and landscape more generally, subject to amendment of the proposed parking arrangements.
- 113. However, the creation of two independent dwellinghouses in such close proximity to the farm would result in unacceptable harm to the amenity of the occupiers because of noise and odour. Further, conflict with the movement of farm vehicles would risk the safety of the occupiers, contrary to policy DMC3.
- 114. Further, the lack of any firm climate change mitigation measures makes the development contrary to policy CC1.
- 115. We therefore recommend that the application be refused.

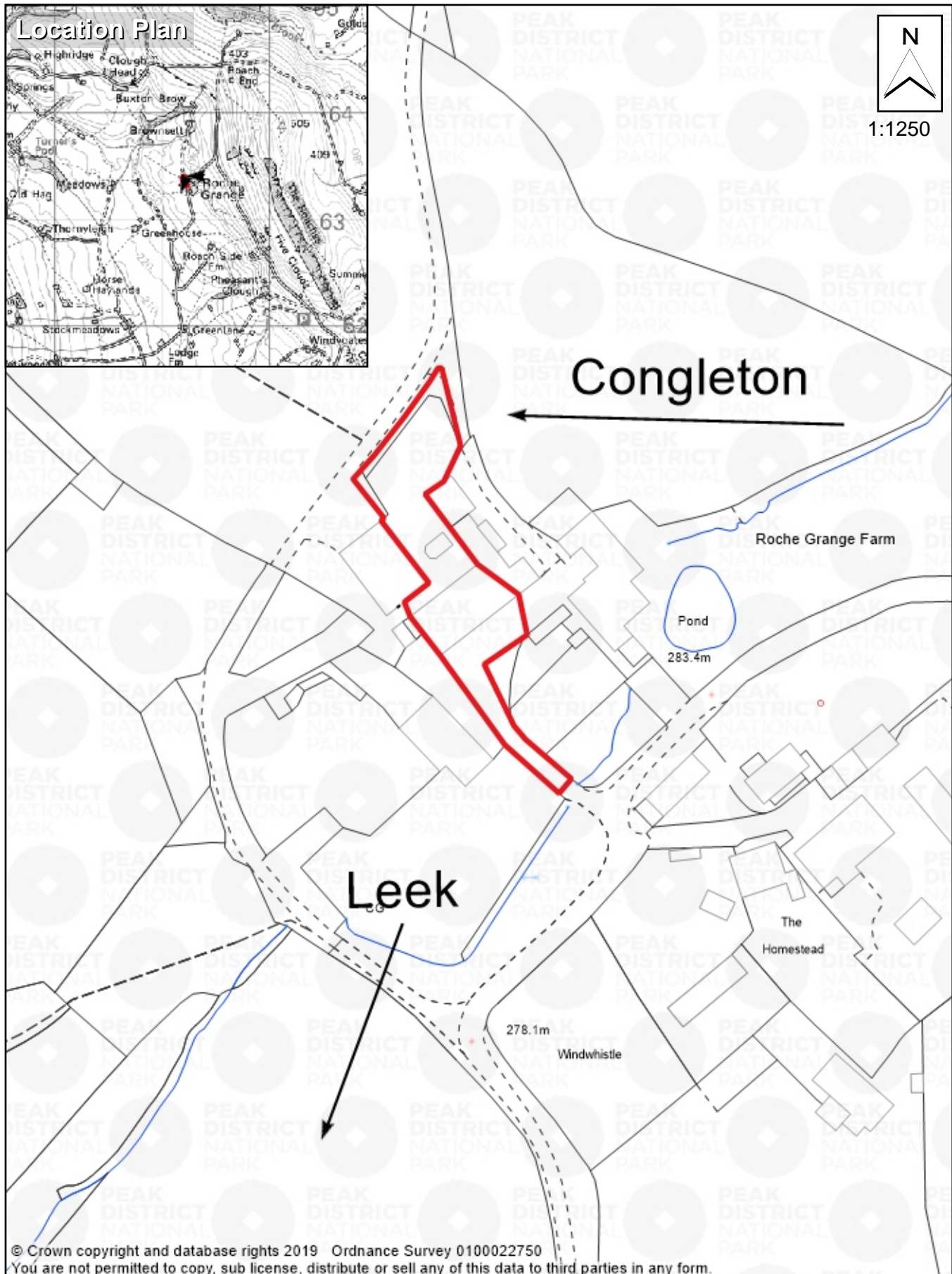
Human Rights


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

List of Background Papers (not previously published)

- 117. Nil

Report Author: Mark Nuttall, Senior Planner (South)



Committee Date:	10th January 2020	Title: Roche Grange Farm, Meerbrook	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6		
Application No:	NP/SM/0519/0473		
Grid Reference:	399281, 363327		

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7. FULL APPLICATION – SINGLE STOREY EXTENSION AND ALTERATIONS TO WINDOWS AT 1 SUNNYSIDE VILLAS, BUXTON ROAD, CASTLETON (NP/HPK/1019/1108, CW)

APPLICANT: EMMA JANE ELLIOT VULNERABLE BENEFICIAIRY TRUST

Summary

1. The application seeks to regularise an extension to the rear of the property which has been largely completed, as well as alterations to the windows at second storey level. Subject to conditions, the development would not cause any adverse effects to the valued characteristics of the National Park, in line with Core Strategy policy L1. Accordingly, the application is recommended for approval.

Site and surroundings

2. The site is located at 1 Sunnyside Villas, north of the Buxton Road travelling west out of Castleton. 1 Sunnyside Villas is a semi-detached property and is attached to 2 Sunnyside Villas on its west side. To the east side is a detached property 'Springfield'.
3. The site is not located within a Conservation Area and does not affect any listed buildings.

Proposal

4. Retrospective planning permission is sought to regularise the ground floor extension to the rear of the property, which is largely completed and to approve alterations to windows at the second storey level.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **Development to be carried out in accordance with specified approved plans.**
2. **The design, external finish and recess of the new window frames and door shall match the existing.**
3. **The rooflights shall be fitted flush with the roofslope.**

Key Issues

- Whether the alterations are in keeping with the character and appearance of the building and its surrounding area, including the landscape and any valued characteristics
- Amenity, privacy and security of the development and surrounding properties.

History

NP/HPK/1019/1108 – Extension to garage approved with conditions in 1999

ENQ/20337 – Applicant was advised that the extension at that time (no plans on file) fell under permitted development in 2014

Consultations

5. Highway Authority – No highway objection
6. Castleton Parish Council – *“Castleton Parish Council has reviewed this application and would like to raise an objection to the plans as submitted. The Council would like to make the following points: 1) All the exterior work contained in the plans has been completed and worked commenced long before January this year as stated in the planning application. To the best of our knowledge planning consent has been neither sought nor obtained previously. 2) The upper east facing windows overlook the neighbouring property, Springfield, including bedrooms. These windows need to be made opaque to maintain the privacy of the neighbours. 3) If the windows are fitted with opaque glass, the Council has no other objections to the proposals.”*

On a request to clarify their response the following was received: *“there are no bedrooms on the overlooked wall. However the photos taken from W1 and W2 on the planning Statement are clearly wrongly labelled. They are the wrong way round and the angle of each photograph does not truly represent the extent to which the neighbouring property is overlooked. This is clear from the position of the neighbouring property’s chimney on each photograph. To clarify: The first photograph labelled ‘View from Window 1’ appears to be a view from window 2 which to genuinely demonstrate how it overlooks the neighbouring property and its garden to the rear should have been taken aiming north with the camera, not south. The second photograph labelled ‘View from window 2’ is in fact a view from window 1, which to demonstrate the view into the neighbouring property and its front garden should have been taken aiming south, not north. The photographs do not therefore accurately address how overlooked the neighbouring property is, for example, the conservatory of the neighbouring property can be seen from the windows of the extension.*

The councillors wish to omit ‘including bedrooms’ from the original objection, and are happy to submit all other comments.”

7. High Peak Borough Council – No response to date.

Representations

8. One representation has been received from Springfield, the property next door: *“We were lead to believe when work on our next door neighbours building commenced several years ago was within permitted development. The Planning Permission now applied for were completed some time ago with the exception of the window glass. If planning is being considered for approval, we ask that the windows on the east elevation be fitted with Obscure Glass to protect our privacy. The views from these windows would overlook our garden and part of our conservatory except the area to the east of our house.”*

Main policies

National Planning Policy Framework

9. The National Planning Policy Framework (NPPF) 2019 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.

10. 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.

Core Strategy

11. 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.
12. 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.
13. Policy DS1 outlines the various development that is acceptable in all settlements and in the countryside, outside of the Natural Zone, one of which relates to extensions to existing buildings.
14. 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.
15. Policy CC1 sets out options for climate change mitigation and adaptation, along with CC5 regarding flood risk and water conservation.

Development Management Policies

16. 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.
17. Policy DMH7 allows for extensions and alterations to existing dwellings, provided that they do not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; dominate the original dwelling; amounts to the creation of a separate independent dwelling; or create an adverse effect on the landscape or valued characteristic. The text relating to this policy notes that applicants should refer to the Authority's Design Guide and Alterations and Extensions SPD (see below).

Alterations and Extensions SPD

18. Further guidance has been produced in the Detailed Design Guide Supplementary Planning Document for Alterations and Extensions. Section 3 sets out the design

principles of massing, materials and detailing. Section 3.4 explains that massing relates to the size, shape and location of an extension. Para 3.6 outlines that rear extensions are often the easiest to accommodate. However, the smaller the original building the smaller the rear extension ought to be.

Assessment

Principle

19. Policy DMH7 allows for alterations and extensions to existing buildings. The principle of the development is acceptable and therefore the main issue is the consideration of whether the proposal is in accordance with the character, appearance and amenity of the main building and the surrounding area, as outlined by DMH7 and DMC3.

Design

20. Policies DMC3 and DMH7 outline the design criteria required for alterations and extension, with further details given in the Alterations and Extensions SPD. The house is being adapted to make it suitable for disabled adults and their carers.
21. It is considered that as required by DMC3, the scale, form, mass, levels, height and orientation of the rear extension in relation to the existing building is appropriate. The existing coal shed at the back of the house has been extended by 3m x 3.7m to provide an accessible wet room and sitting room. The existing kitchen has been extended by a lean-to style extension to the side, measuring 2.5m x 3m to provide a dining space. As required by policy DMH7 it is considered that these extensions do not dominate the original building.
22. With regards to the design, detail, materials and finishes of the extension, as required by DMC3 it is considered that these features match the existing property. The extension is constructed in random limestone, with gritstone sills and lintels. The roof is constructed in blue slate and the windows and doors are to be timber painted white; these materials and details match the existing property. The black bargeboards are generally not in keeping with what the Authority would propose, however, they match the existing property and are therefore considered to be acceptable in this case.
23. It is considered that the design is acceptable and in accordance with DMH7 the extension does not detract from the character and appearance of the main building and its setting.

Landscape

24. Core Strategy policy L1 states that development must conserve and enhance valued landscape character. Due to the village location and small scale nature of this proposal it is not considered that this will have any wider landscape impacts.

Amenity

25. There are various windows and rooflights proposed.
26. With regards to the east facing elevation of the property, this original blank wall has had five new windows fitted, two at ground floor, one at first floor and a further two at second floor. All of these windows have been put in under permitted development rights, which states that upper floor windows on a side elevation should be obscure-glazing and non-opening (unless they are 1.7m above floor level).

27. However, to improve the quality of light in the upper two bedrooms the applicant would now like to replace the obscure glazing with clear glass. The Parish Council and adjacent property owner (Springfield) have raised objection stating that these windows will overlook the front and rear gardens, including the conservatory, at Springfield.
28. The Parish Council raised concerns that the photographs supplied with the application were not accurately reflecting the outlook from these windows. I have therefore examined the view from these windows and taken pictures from them when opened to allow the camera to angle towards the gardens of the next door properties. These photographs show that a small part of the private rear garden can indeed be seen from window W2 (rear of the property) along with part of the conservatory roof. This is however only possible at an acute angle with the normal viewing angle being onto the blank gable. The front garden can also be seen from window W2 (front window) but this is already the public frontage of the house facing the street and again the main view is of the gable end.
29. It is therefore concluded that the general outlook from both of these windows is of the blank gable wall of Springfield and that clear glazing in these windows would substantially improve the living conditions of these two bedrooms. The overlook from these windows to the neighbour's property is acceptable and does not adversely affect their amenity.

Highways

30. There are no highway issues to be considered.

Other issues

31. It is noted that the extent of residential curtilage is not as marked by the red line on the submitted plan and will be considered/followed up separately.

Conclusion

32. The proposed extension is of an appropriate design, an acceptable size and scale for the dwelling. It will not result in an unacceptable impact on the amenities of the locality or the quiet enjoyment of the nearest neighbouring properties. The addition of clear glazing on the upper floor windows does not result in any significant amenity issues for the neighbouring property and is also considered acceptable. The proposal is in accordance with the relevant policies and guidance, and is therefore recommended for approval subject to conditions securing compliance with the plans.

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: Clare Wilkins, Senior Planning Policy Technician

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Committee Date:	10th January 2020	Title: 1 Sunnyside Villas, Buxton Road, Castleton.	 PEAK DISTRICT NATIONAL PARK Page 37
Item Number:	Item 7		
Application No:	NP/HPK/1019/1108		
Grid Reference:	414690, 382916		

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8. FULL APPLICATION – CONVERSION OF OFFICE TO ONE OPEN MARKET FLAT AND INSTALLATION OF SOLAR PANELS – CAMBRIDGE HOUSE, NORTH CHURCH STREET, BAKEWELL (NP/DDD/1119/1175, MN)

APPLICANT: MR ADRIAN BARRACLOUGH

NB: This application is being reported to Planning Committee as the applicant is a member of staff

Summary

1. The proposal is to convert the first floor of Cambridge House from an office to a two-bedroom open market flat, to install solar panels to the roof, and to undertake general repairs to the building including window restoration and render repair.
2. Based on the submitted information, the conversion to an open market dwelling is contrary to planning policy in principle. However, this same change of use could be undertaken as permitted development. This is a material consideration to which we give substantial weight.
3. Given this, we conclude that the application represents an opportunity to support additional planning gains – specifically climate change mitigation measures – which the Authority could not secure if the development was undertaken under permitted development and on this basis the application is recommended for approval

Site and surroundings

4. Cambridge House is a three storey terraced property located on North Church Street in Bakewell.
5. Currently the lawful use of the ground and first floors is as offices, with a flat above at second floor. Use of the ground and first floor has been subject to change previously, as detailed in the History section of the report, below.
6. The property is of coursed gritstone construction with timber windows to the front elevation at first and second floor, with a traditionally designed shop frontage at ground floor.
7. Access to the property is directly from North Church Street via a secure private, communal entranceway adjacent to and uphill from the shop front. Vehicular and pedestrian access to the rear of the property is via a driveway to the west, which is in the applicant's ownership.
8. There are neighbouring properties to each side of the property, and facing it on the opposite side of North Church Street.
9. The site is within the Bakewell Conservation Area.

Proposal

10. The proposed development seeks to convert the first floor of the property from its current office use to a two-bedroom open market flat. Parking and cycle storage would be made available to the rear of the property. Solar panels are also proposed to the east and west roof slopes of the building.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. 3 year time limit.**
- 2. In accordance with the submitted plans.**
- 3. Detailed design of the solar panels to be agreed.**
- 4. Proposed climate change mitigation measures to be implemented.**

Key Issues

- Whether the conversion of the office to an open market flat is acceptable under the Authority's planning policies in principle
- The fall-back position available to the applicant under the property's permitted development rights
- The benefits of the climate change mitigation measures proposed
- The amenity impacts of the development

History

2006 – Advertisement consent refused for erection of projecting banner sign

2005 – Planning permission granted for minor amendments to shop front, conversion of ground floor and first floor from beauty salon to offices, retention of second floor flat and erection of steel access stair

1998 – Planning permission granted for use of first floor as beauty salon

Consultations

Due to the timings of report deadlines relative to the Planning Committee meeting this report has been prepared prior to the end of the consultation period. Should further consultation responses or representations be received prior to the meeting then these will be reported, and the report and recommendation will be verbally updated if the responses are such that they have a bearing on officers' views.

Highway Authority – Due to the site's central location within Bakewell, the extant use of the site and parking restrictions in the vicinity the highway authority raise no objections to the above proposal.

Town Council – None received at time of writing.

District Council – No response at time of writing.

Representations

One letter of support has been received from a neighbouring property. They are in favour of the change to residential use and welcome the proposed improvements to the appearance of the building.

Main policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L2, L3, HC1, CC1.

Relevant Development Management Plan policies: DMB1, DMH6, DME4, DMC3, DMC5, DMC10, DMT8.

National planning policy framework

11. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was updated and republished in July 2018. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
12. 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.'
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. Paragraph 196 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.
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. Paragraph 198 continues that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
17. Paragraph 199 advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁴. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Development plan

18. 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.

19. Core Strategy policy DS1 outlines the Authority's Development Strategy, and in principle permits the conversion of buildings to provide housing.
20. Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park in more detail; policy HC1(C) I and II say that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.
21. It goes on to state that any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:
 - III. it is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
 - IV. it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution¹⁰² will be required towards affordable housing needed elsewhere in the National Park.
22. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy (reducing the need for energy; using energy more efficiently; supplying energy efficiently; and using low carbon and renewable energy) to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
23. Core Strategy policy CC2 states that proposals for low carbon and renewable energy development will be encouraged provided that they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.
24. Policy DMB1 states that the future development of Bakewell will be contained within the Development Boundary. The application site is well within this boundary.
25. Policy DMH6 addresses re-development of previously developed land to dwelling use, permitting this provided that:
 - (i) the development conserves and enhances the valued character of the built environment and landscape on, around or adjacent to the site; and
 - (ii) where the land is inside or on the edge of a Core Strategy policy DS1 settlement, and subject to viability, an element of the housing addresses local need for affordable housing potentially including starter home or custom or self-build housing provision.

26. 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. It explains development resulting in harm to a non-designated heritage asset will only be supported where the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
27. Development Management Policy DMC8 addresses Conservation Areas, requiring development in them, or affecting their setting or important views into, out of, across or through them, to assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
28. It notes that applications should be determined in accordance with policy DMC5 and the following matters should be taken into account:
- (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment including important open spaces as identified on the Policies Map;
 - (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or manmade features, trees and landscapes;
 - (iii) scale, height, form and massing of the development and existing buildings to which it relates;
 - (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis;
 - (v) the nature and quality of materials.
- It also states that development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of their proposals on the character, appearance and significance of the component parts of the Conservation Area and its setting.
29. 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.
30. Policy DME4 addresses the change of use of non-safeguarded, unoccupied or under-occupied employment sites within settlements. It states that the change of use, or re-use of non-safeguarded, unoccupied or under-occupied employment sites in or on the edge of Core Strategy policy DS1 settlements to nonbusiness uses will be permitted provided that the site or building(s) have been marketed to the Authority's satisfaction for a continuous period of 12 months prior to the date of the planning application, in line with the requirements of this Plan, and the Authority agrees that there is no business need for the retention of them.
31. 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 of conversion to open market housing

32. Policy DS1 permits conversion of buildings to housing in principle, but policies HC1 and DMC10 restrict the type of buildings that can be converted and HC1 also restricts the type of housing that they can be converted to.
33. Policy makes clear that when considering proposals for the conversion of buildings to open market housing under the provisions of HC1, the building must be either a designated or non-designated heritage asset in need of conservation in order to be considered appropriate for conversion, or that the conversion must be required in order to achieve conservation or enhancement in settlements listed in core policy DS1, of which Bakewell is one.
34. The building proposed for conversion in this case is historic; this has been established from historic maps. However, no heritage assessment has been submitted to further demonstrate the heritage credentials of the building.
35. Further, whilst the building is not in particularly good cosmetic condition – windows require attention and some render is failing – the building is generally sound and the presence of the existing second floor flat means that a reasonable level of maintenance is likely to already be secured. It is therefore not the case that the building requires conversion to a dwelling for its own conservation, or to achieve conservation or enhancement of Bakewell and it is therefore contrary to policies HC1 and DMC10.
36. Further, whilst the property has, according to the submission, been empty for almost three years, the application provides no details of any marketing that has been undertaken for the property and as a result the change of use away from an employment use does not accord with policy DME4.
37. In addition, in the case of brownfield sites within settlements policy DMH6 requires re-development to provide an element of the housing addresses local need for affordable housing where viable, which the proposal does not.
38. The conversion of the building to an open market dwelling therefore does not comply with planning policy in principle in a number of regards.
39. However, there is a significant further material consideration in this instance, and that is the fall-back position of the applicant if this application was to be refused.
40. Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), a B1 office – as is the lawful use of the first floor of the building – can be converted to a C3 dwellinghouse without the benefit of planning permission.
41. The applicant would be required only to apply to the Authority for a determination as to whether its prior approval was required as to the transport and highways impacts of the development, contamination risks on the site, flooding risks on the site, and impacts of noise from commercial premises on the intended occupiers of the development.
42. We would be very unlikely to have reasonable grounds to refuse to grant prior approval on any of these grounds given the location of the building and its current lawful uses.
43. This means that the substantive part of the proposed development could be undertaken even if this application was to be refused.

Impacts of the development on the character, appearance of the building and conservation area

44. Externally, the only proposed works to the existing building amount to restoration of windows and repair to render to the rear of the building; these would make a modest improvement to the buildings appearance.
45. The proposed solar panels would be positioned on east and west facing roof slopes, and would not be visible from outside of the site due to the topography of the area and arrangement of surrounding buildings and would conserve the character and appearance of the conservation area.
46. Details of their appearance and fixing have not been provided, but we are satisfied that subject to a recessive finish (black panels with black framing, for example) and simple fixing to the roof of the building they would not result in any significant adverse impacts on the character of the built environment. These details could be secured by condition if permission was to be granted.
47. Overall, it is concluded that when taken as a whole the proposed alterations would conserve the character and appearance of the built environment as required by planning policy.

Amenity impacts

48. The use of the first floor as a self-contained flat is considered to be compatible with the current ground and second floor uses, which would generate little noise and disturbance to the occupiers. The same can be said for the impact of residential occupation of the first floor on both the flat above and shop below.
49. The windows of the property would face towards other residential dwellings. However, the same is true of the existing second floor flat, would be true of an office use (albeit with a less frequent use), and is common to properties along the street.
50. Given all of this and taking account of the fact that the fall-back position would allow conversion to the proposed use anyway, there is no objection to the development on the grounds that it would overlook other nearby properties.

Highway impacts

51. The application proposes utilising the existing single parking space to the rear of the site to serve the dwelling.
52. This makes no change to the level of parking available to serve the building as a whole, and the use as a dwelling would not be more intensive than the lawful office use from a highway point of view.
53. The Highway Authority has no objections to the application due to the site's central location within Bakewell, extant use and parking restrictions in the vicinity.
54. Overall, there are no objections to the proposal on highway grounds and it complies with policy DMT8.

Service provision

55. The property would continue to be served by the same services as currently exist, plus

the electricity generated by the proposed solar panels.

Climate change mitigation measures

- 56. A climate change mitigation measures statement has not accompanied the application, but measures proposed are detailed within the submitted design and access statement.
- 57. Secure cycle storage is proposed to encourage sustainable travel and reduce energy usage, and low carbon living solutions including the installation of an electric battery charging point, and adding additional insulation, LED lighting, and smart HIVE heating technology to the property are proposed to further reduce energy usage and to use energy more efficiently.
- 58. As discussed above, solar panels are also proposed to the roof of the property, contributing to the take up of renewable energy technologies.
- 59. On this basis the application is concluded to take account of the energy hierarchy and achieve high levels of carbon reduction, according with policy CC1 in this regard.

Conclusion

- 60. Based on the submitted information the conversion of the first floor office to one open market dwelling is contrary to planning policy in principle.
- 61. However, this change of use could be undertaken as permitted development, subject only to an application for prior approval of some details being made to the Authority. This is a material consideration to which we give substantial weight.
- 62. Given this, the application represents an opportunity to support additional planning gains – specifically climate change mitigation measures – which the Authority could not secure if the development was undertaken under permitted development.
- 63. On this basis the application is recommended for approval, subject to securing the proposed climate change mitigation measures by condition.

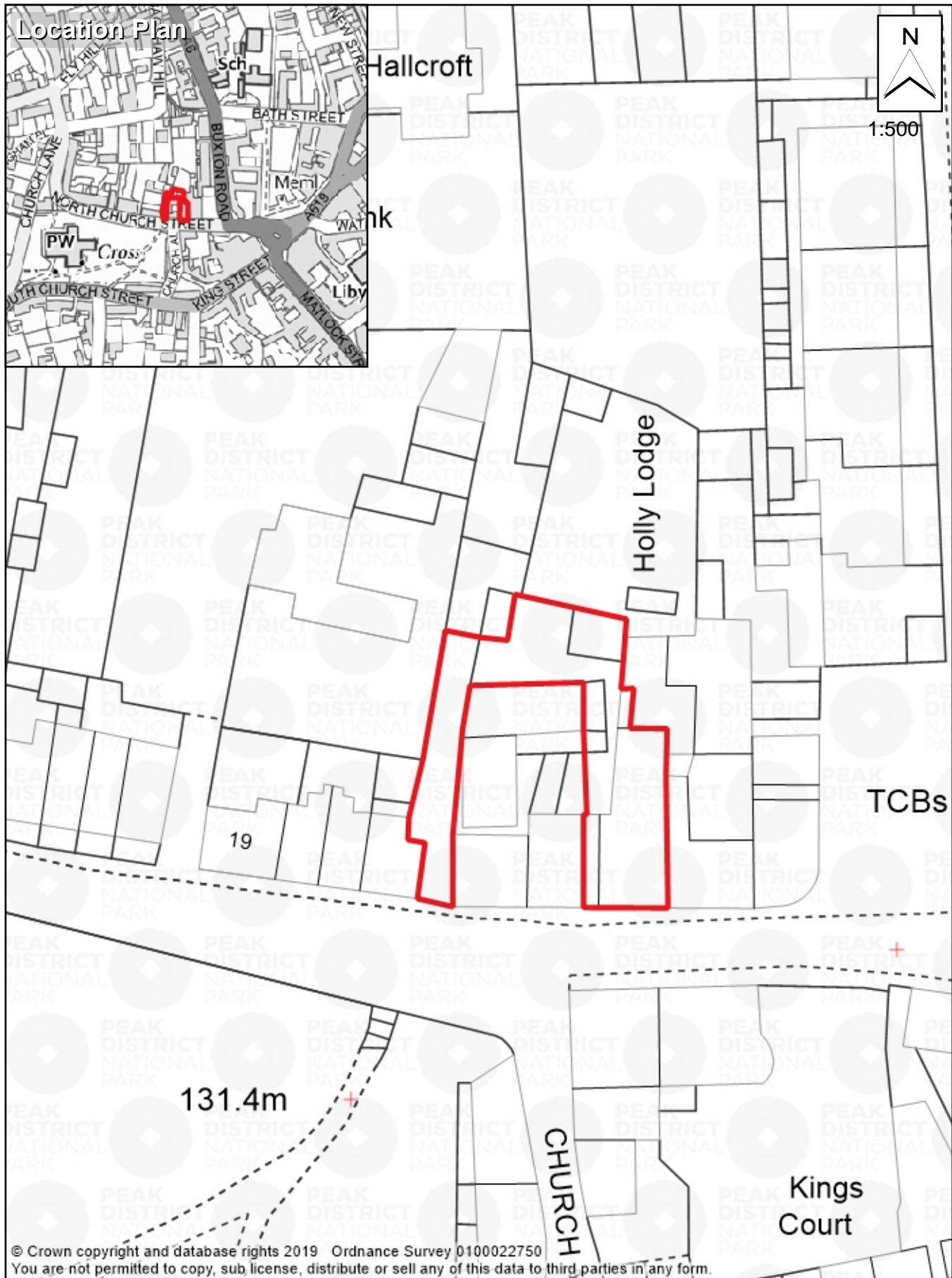
Human Rights


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

List of Background Papers (not previously published)

- 65. Nil

Report Author: Mark Nuttall, Senior Planner (South)



Committee Date:	10th January 2020	Title: Cambridge House North Church Street Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 8		
Application No:	NP/DDD/1119/1175		
Grid Reference:	421667, 368508		

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9. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2020 **(A.1533/AJC)**

Introduction

1. This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (October – December 2019).
2. Most breaches of planning control are resolved voluntarily or through negotiation without resorting to formal enforcement action. Where formal action is considered necessary, the Head of Development Management and Head of Law have joint delegated powers to authorise such action whereas authority not to take formal action is delegated to the Head of Development Management, the Monitoring and Enforcement Manager and Area Planning Managers.
3. The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so, having regard to planning policies in the development plan and any other material considerations. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. When we take formal action it must be proportionate with the breach of planning control. It must also be clear that resolving the breach would be in the public interest.
4. The National Planning Policy Framework states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. Many, but by no means all, LPAs have published a Plan. In March 2014 we published our Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to the attention of the Authority, what matters may or may not be investigated and the priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches. The Local Enforcement Plan is available on the Authority's website.

RECOMMENDATION:

That the report be noted.

Summary of Activity

5.	<u>Notices issued</u>	
15/0036 Land north of Hope Road Edale	Siting of a static caravan used for human habitation	Enforcement Notice issued 23 July 2019 – came into effect 6 September 2019 – compliance dates 2 November 2019 (cease use); 2 December 2019 (remove caravan) and 2 January 2020 (remove stored items, equipment, materials and fencing)
17/0095 Land at Big Marnshaw	(1) Erection of a building; (2) excavation of land and installation of a piped water	Enforcement Notice issued 2 October 2019 –

Head Longnor	supply; and (3) excavation and re-profiling of the land	came into effect 15 November 2019 – compliance dates 15 January 2020 (building removal), 15 March 2020 (land restoration) and first seeding season after completion of land restoration (reseeding)
15/0138 Land opposite Dale Bottom Cottage Hopedale Alstonefield	Erection of a building	Enforcement Notice issued 11 November 2019 – came into effect 18 December 2019 – compliance date 18 March 2020
17/0179 Land off Summer Cross (Otherwise known as Ingledene) Tideswell	Erection of a building	Enforcement Notice issued 18 November 2019 – due to come into effect 10 January 2020

6. Prosecution

The former owners of The Lodge, Main Street, Winster (a grade II listed building) were sentenced at Derby Crown Court on 25 October 2019 in relation to unauthorised works carried out to the building, including the removal and replacement of a cruck truss, oak ceiling beams and purlins. A joiner who was involved in carrying out the work was sentenced at the same time. This was the culmination of a detailed investigation and eventual prosecution by the Authority which commenced in March 2017 and entailed significant input of resources from the Monitoring and Enforcement Team, Cultural Heritage and Legal Services. The three defendants had each pleaded guilty to five charges at a hearing in Chesterfield Magistrates Court in April 2019.

The two former owners were each fined £1000 and each ordered to pay £5000 costs whilst the joiner was fined £250 and ordered to pay £1000 costs. The owners were also ordered to pay £20,000 each under the Proceeds of Crime Act 2002. This legislation provides for the confiscation of proceeds gained by criminal activity so could be used in this case as unauthorised works to a listed building are an offence. The confiscation order was calculated on the basis of the increased value of the property resulting from the unauthorised works as assessed by an independent valuer appointed by the Authority.

7. Breaches resolved

19/0146 Church Farm Creamery Lane Parwich	Listed Building - Demolition of curtilage wall	Duplicate record
14/0118 Naze Farm Cottage Maynestone Road Chinley	Change of use from holiday let to full-time dwelling and change of use from agricultural building to business purposes	Uses ceased
15/0086 Stanley Moor	Agricultural building	Immune from enforcement action

Near Grindlow
Great Hucklow

19/0073 Leam Farm Grindleford	Agricultural building	Planning permission granted
19/0144 Windy Ridge Tideswell Lane Eyam	Non-compliance with planning permission (NP/DDD/1118/1023) for reconstruction of driveway and replacement garage	NMA granted
17/0033 Four Lane Ends Barn Monyash Road Bakewell	Breach of conditions on planning permission (NP/DDD/0714/0734) for conversion of barn to dwelling	Section 73 application granted and complied with
17/0158 E&B Turkish Barbers 2 Buxton Road Bakewell	Display of advertisements	Advertisements removed
19/0149 Land west of Hassop Roundabout Hassop	Use of land for car parking	Use ceased (likely to be seasonal)
16/0062 George Inn Leek Road Waterhouses	Use of pub as a dwelling	Use ceased
17/0039 Land off Lane Head Road Little Hayfield	Replacement windows	Enforcement notice issued and complied with – building removed
19/0135 2 Victoria Cottages Buxton Road Bakewell	Listed Building – installation of windows	Windows replaced with approved design
19/0160 Bank Farm, Fox Lane Holmesfield	Residential static caravan	Planning permission granted for barn conversion, unilateral undertaking signed for removal of caravan
19/0190 Riley View The Green Curbar Calver	Erection of garden office	Permitted development
19/0072	Listed Building – replacement front door	Listed building consent

Hill View Alport		granted
13/0114 Hurst Nook Farm Derbyshire Level Glossop	Construction of hardstanding and walls	Immune from enforcement action
19/0169 29 Cote Lane Hayfield	Listed building - satellite dish and flue	Case merged with 19/0188
19/0175 New Colshaw Farm Golling Gate Hollinsclough	Siting of shepherd hut for holiday use	Duplicate record
19/0101 Devonshire Arms Hernstone Lane Peak Forest	Residential static caravan	Ancillary to pub so no breach of planning control
19/0126 Land At Town End Taddington	Unacceptable stonework used in construction of four local needs dwellings (NP/DDD/1216/1259)	Remedial work carried out
17/0024 Land above Gratton Lane/Burycliffe Quarry Gratton	Use of land for motorbike trials	Immune from enforcement action
13/0010 Land adjacent A621 Between Baslow and Fox Lane	Display of advertisements for the Fox and Goose Inn, Wadshelf	Advertisements removed
14/0120 Lapwing Farm Kettlethulme	Erection of timber shelter	Immune from enforcement action
19/0177 64 Top Cottages Cressbrook	Listed building – installation of oil tank	Oil tank removed
13/0009 Birch Lea Hollow Meadows Sheffield	Breach of condition regarding maximum number of employees attached to planning permission NP/S/0110/0072 for change of use of part of garage to office	Condition now being complied with
14/0548 Land opposite the former Flouch Public House, Whams Road, Hazlehead	Construction of access	Immune from enforcement action

19/0182 Junction of A515/A5012 Newhaven	Erection of a structure for the display of advertisements	Structure removed
18/0147 Weir Bridge The Crescent Bakewell	Display of advertisement	Advertisement removed
15/0059 Field adj to the Village Hall Main Street Calver	Erection of building	Immune from enforcement action
19/0047 Land West Of Village Hall Main Street Calver	Construction of hardstanding	Hardstanding removed
06/0103 Council Offices Mill Lea Road Low Bradfield	Listed building – non-compliance with listed building consent for installation of access ramp (NP/S/1204/1373)	Not expedient to take enforcement action
17/0114 Former Warslow Industrial Estate Leek Road Warslow	Non-compliance with approved plans for erection of four dwellings (NP/SM/1116/1180)	Development now in accordance with approved plans
18/0023 Swallow Holme Caravan Park Station Road Bamford	Erection of fence	Not expedient to take enforcement action
17/0187 Middle Barmoor Farm Dove Holes Buxton	Residential static caravan	No change of use as caravan is within curtilage of dwelling

Workload and performance

8. The table below provides an overview of the Monitoring & Enforcement Team's caseload and performance in the quarter. The figures in brackets are for the previous quarter. Our main performance target is to resolve 120 breaches of planning control each year. In the latest quarter (October – December 2019) we resolved 33 breaches and so far this year (i.e. since 1 April 2019) 117 breaches have been resolved so we are currently on track to significantly exceed our annual target.
9. In the latest quarter, 80% of enquiries were investigated within 30 working days, which is equivalent to our performance target of 80%.

10. Enquiries from different sources but relating to the same issue are logged as separate enquiries and included in the overall figure below of 101 received. Over this quarter there have been 9 of these 'duplicate' enquiries so if these are discounted then the number of issues on which enquiries have been raised is 92.

	Received	Investigated/Resolved	Outstanding
Enquiries	101 (126)	105 (98)	79 (83)
Breaches	36 (48)	33 (50)	611 (608)

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

1. APPEALS LODGED

There have been no appeals lodged during this month.

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/1018/0893 3235248	Change of use from a storage unit to a self-contained holiday accommodation with a two storey side extension at Folds Lane, Calver.	Written Representations	Dismissed	Delegated

The Inspector stated the main issues were the effects of the proposal on the character and appearance of the host building; the Conservation Area and the National Park, and on the living conditions of the occupiers of the neighbouring property. The Inspector expressed concerns regarding the front elevations of the proposed side extension and the existing building, in particular regarding the fenestration and total glazing of the cart entry as overly domestic and unsympathetic to the host building's origins. The proposed rooflights on the rear elevation were excessive and out of character. These factors would cause harm to the character of the building and the wider conservation area. The projection of the external staircase beyond the front elevation would also cause further harm to the character of the building. The Inspector concluded that the proposal would fail to preserve or enhance the character and appearance of the host building, the Conservation Area or the National Park. The development conflicted with policies. With regard to the effect of the development on the neighbouring property the Inspector noted that the proposed external staircase and part glazed door would introduce potential overlooking at a higher level, either through the window or the door if left open. Although the appellant had offered to obscure glaze or seal shut the door the Inspector was not convinced that a requirement to keep the door shut was reasonable or enforceable. The decision concluded that the proposal would cause harm to the neighbouring property by overlooking and loss of privacy and therefore conflicted with policies. The appeal was dismissed.

NP/S/0519/0529 3239468	Conservatory on existing flat roof of original house at Crawshaw Lodge, Hollow Meadows, Rodside, Sheffield, S6 6GN	Householder	Dismissed	Delegated
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The Inspector stated the main issue was the effect of the proposed development on the character and appearance of the host property and the area. The Inspector noted that the prominent location, extent of glazing and overly large size of the conservatory would make it a dominant and conspicuous feature. Nearby trees would provide some screening but could not be relied for future screening. The proposal would result in significant harm and conflict with policies. The Inspector concluded that the scheme would conflict with the development plan and that there were no other considerations that outweighed the conflict so the appeal was dismissed.

4. **RECOMMENDATION:**

That the report be received.