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**PEAK
DISTRICT
NATIONAL
PARK**

Our Ref: A.****
Date: Thursday 2 October 2014



NOTICE OF MEETING

Meeting: **Planning Committee**
Date: **Friday 10 October 2014**
Time: **10.00 am**
Venue: **Board Room, Aldern House, Baslow Road, Bakewell**

JIM DIXON
CHIEF EXECUTIVE

AGENDA

- 1 **Apologies for Absence**
- 2 **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.
- 3 **Minutes of previous meeting** (*Pages 1 - 12*)
- 4 **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.
- 5 **Urgent Business**
- 6 **Full Application – Erection of One 50kw Wind Turbine, 24.6m to Centre of Hub and Base to Blade Tip Height of 34.2m and Ancillary Building at Slipper Low Farm, Aldwark.** (*Pages 13 - 28*)
(NP/DDD/0614/0661 422003/356836 P.5299 SPW/18/08/2014)
- 7 **Full Application – Erection of Local Needs Dwelling on Land North of Lapwing Farm, Across The Lea, Meerbrook** (*Pages 29 - 40*)
(NP/SM/0814/0847, P2412, 361358 398817, 26/09/2014/CF)
- 8 **Full Application – Erection of Agricultural Building on Land off Bramley Lane, Hassop Common, Calver** (*Pages 41 - 56*)
(NP/DDD/1213/1144, P.2382, 422989/ 373287 1/9/2014&30/09/2014/CF)

- 9 Full Application – Erection of One New Local Needs Dwelling on Land Between Spring Cottage and Brook Roads, Warslow** (Pages 57 - 64)
(NP/SM/0814/0825, P10859, 408496/358579, 29/09/2014/CF).
- 10 Monitoring & Enforcement Quarterly Review – October 2014** (Pages 65 - 80)
(A.1533/AJC)
- 11 Designation of Dore Neighbourhood Area** (Pages 81 - 84)
- 12 Full Application: Renewal of Consent to Continue Underground Mining of Fluorspar and Associated Mineralisation from the Hucklow Vein System: Application to Vary Conditions 2, 3, 9, 11, 13, 41 and 42 of Planning Permission NP/DDD/1298/620 to Extend the Operational Life of the Mine, Increase Annual Output, Increase Daily Lorry Movements and Extend the Period in which to Undertake and Complete the Final Restoration and Aftercare Provisions, Milldam Mine, Great Hucklow** (Pages 85 - 108)
(NP/DDD/0913/0838, M5534, 417650 378011, 17/09/2013 /APB)
- 13 Environment Act 1995 Section 96 Schedule 13: Review of Minerals Planning Permissions – Application for Determination of Conditions, Shire Hill Quarry, Woodcock Road, Glossop: Review of Old Mineral Permission Application** (Pages 109 - 140)
(NP/HPK/1197/168, M9104, 537/9436, 23/07/2012, NH)
- 14 Full Planning Application – Replacement of 20m Mast with New 20m Mast, Complete with New Antennas, New Dish Antenna, and Associated Works, Surrey Farm, Hollow Meadows** (Pages 141 - 144)
(NP/S/0814/0859, P.3743, 12/8/2014, 425857 / 387797, MN)
- 15 Full Planning Application – Alterations and Extensions to Hollowford Outdoor Activity Centre, Robinlands Lane, Castleton** (Pages 145 - 152)
(NP/HPK/0414/0381, P.5910, 14/4/14, 414823 / 383603, JK)
- 16 Planning Appeals** (Pages 153 - 154)
(A.1536/AMC)

17 Exempt Information S100(A) Local Government Act 1972

The Committee is asked to consider, in respect of the exempt item, whether the public should be excluded from the meeting to avoid the disclosure of Exempt Information.

Draft Motion:

That the public be excluded from the meeting during consideration of Agenda Item No. 18 to avoid the disclosure of Exempt Information under S100 (A) (4) Local Government Act 1972, Schedule 12A, Paragraph 6 "Information which reveals that the Authority proposes —

a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment".

PART B

18 Prohibition Order (Pages 155 - 164)
(M6568 NH/DGB/JB)

Site Visits

Please note that any of the above planning applications may be subject to an informal site visit by Members of the Committee. The site visits will normally take place on the Thursday preceding the Friday Committee meeting.

Applicants will all be aware that a site visit may occur but they will only be specifically notified of the site visit if it is necessary for Members to gain entry to the land involved.

Delegated Items

Delegated decisions on planning applications can be viewed on the Authority's website at www.peakdistrict.gov.uk/index/living-in/planning/planning-search/delegated-items

Viewing Application Plans on the Website

The detailed plans relating to applications can be viewed on the Authority's website at www.peakdistrict.gov.uk/index/living-in/planning/planning-search

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 Committee will decide whether or not to continue the meeting. If the Committee 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 Background Papers referred to in each report are divided into PART A and PART B. PART A papers are available for inspection by the Public, by appointment. PART B papers contain 'Exempt or Confidential Information' and are not available for Public inspection. An appointment can be made to inspect the PART A background papers at the National Park Office, Bakewell by contacting Mrs K Zubertowski on 01629 816336.

Public Participation

Anyone wishing to participate at the Committee meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Resources 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, fax number 01629 816310.

Speakers at the Committee meeting should ensure that their comments are restricted to material planning considerations. Speakers may wish to endorse points made by other speakers but should avoid repeating detail. The Chair has the discretion to intervene if statements are repetitive.

Recording of Meetings

The Local Government Act 1972 does not require the Authority to permit the recording of meetings by sound, video, film, photograph or any other means this includes blogging or tweeting, posts on

social media sites such as facebook or publishing on video sharing sites. However, in the interests of helping the wider public observe and understand Authority decisions, requests to record and report on Authority and its Committees held in public will be allowed by the Monitoring Officer or their deputy providing it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance. Please contact Democratic Services in advance of the meeting if you intend to record or report on a meeting.

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. The recordings will usually be retained only until the minutes of this meeting have been confirmed.

Submission of Information

The public and applicants/agents should not circulate information at the Committee meeting. In exceptional cases this may be allowed at the discretion of the Chair.

Written Representations

Written representations received on items are summarised in the published report. Except for statutory consultees, all representations including those from applicants received after 12 noon on the Wednesday before the Friday meeting will not be reported unless exceptionally, in the case of factual information received from applicants, it is the officer view that this information needs to be reported in the interests of proper decision making.

Where representations are received after the publication of the Committee report and prior to the Wednesday 12 noon deadline and the representee wishes to speak at the Committee meeting, officers will not summarise the contents of the representation.

General Information for Members of the Public Attending Committee Meetings

Information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the 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 P Ancell
Vice Chair:	Cllr D Birkinshaw
Cllr P Brady	Cllr C Carr
Cllr D Chapman	Cllr A R Favell
Cllr Mrs H Gaddum	Cllr Mrs N Hawkins
Cllr H Laws	Cllr A McCloy
Ms S McGuire	Mr G Nickolds
Cllr Mrs K Potter	Clr Mrs L C Roberts
Cllr Mrs J A Twigg	Cllr S Wattam
Cllr D Williams	Members
Members	

Part A Copies for information to:

Constituent Authorities
Natural England
Secretary of State for the Environment

Tel: 01629 816200
 Fax: 01629 816310
 E-mail: customer.service@peakdistrict.gov.uk
 Web: www.peakdistrict.gov.uk
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AGENDA ITEM No. 2

MINUTES

Meeting: **Planning Committee**

Date: 12 September 2014 at 10.00 am

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

Chair: Cllr D Birkinshaw

Present: Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr Mrs N Hawkins,
 Cllr H Laws, Cllr A McCloy, Ms S McGuire, Mr G D Nickolds,
 Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg,
 Cllr S Wattam, Cllr D Williams.

Apologies for Absence: Mr P Ancell, Cllr A R Favell, Cllr Mrs H M Gaddum,

109/14 CHAIR'S ANNOUNCEMENTS

It was noted that Cllr D Birkinshaw was chairing the meeting in the absence of the Chair, Mr Paul Ancell

The Chair reported that item 8 on the agenda had been withdrawn.

110/14 MINUTES

The minutes of the meeting held on 8 August 2014 were approved as a correct record. Cllr Mrs Potter supported approval of the minutes except for minute number 97/14.

111/14 PUBLIC PARTICIPATION

The Chair reported that 11 members of the public had given notice to speak.

112/14 MEMBERS' DECLARATION OF INTERESTS

The following Members declared interests in items on the agenda:

Item 6

- Cllr A McCloy, prejudicial interest as he knew the applicant. He stated he would leave the room and take no part in this item.
- Cllr P Brady, personal interest as he had received an email from Mr J Youatt
- Cllr Mrs K Potter, personal interest as a member of CPRE
- John Scott, the Director of Planning, declared that he had worked for the applicants on a previous case and would therefore leave the room and take no part in the discussions for this item.

Item 7

- Ms S McGuire, personal interest as she had co-written the 2007 Stanton Moor Conservation Plan with the Authority's Cultural Heritage Manager
- Cllr Mrs K Potter, personal interest as a member of CPRE

Item 9

- Cllr D Chapman, disclosable pecuniary interest as he carried out grassland management for the applicant. He stated that he would leave the room and take no part in this item.

Item 10

- Cllr D Chapman, disclosable pecuniary interest as he carried out grassland management for the applicant. He stated that he would leave the room and take no part in this item.

Item 13

- Cllr Mrs K Potter and Cllr Mrs J A Twigg, personal interests as they had received correspondence from Mr A Critchlow who they also knew as a former Member of the Authority
- Cllr D Chapman, personal interest as he had received correspondence from Mr A Critchlow
- Cllr H Laws, personal interest as a member of English Heritage

Item 15

- Cllr H Laws, personal interest as a member of English Heritage

Item 20

- It was noted that all Members had received correspondence from Dr P Owens.

113/14 6. FULL APPLICATION – ERECTION OF A SINGLE EARTH-SHELTERED DWELLING, THE CHASE, COLDWELL END, YOULGRAVE (NP/DDD/0414/0419, P4421, 420514 364036, 16/04/2014/KW)

Cllr McCloy and the Director of Planning left the room before consideration of this item.

The officer reported that since the report was written further discussions had been held and an extra condition was proposed for the construction phase stating no development until work schedule, including vehicle movements during construction phase, storing and disposal and compound be submitted to and agreed by the National Park Authority.

The following spoke under the public participation scheme:

- Mr A Baker, applicant

The recommendation for approval subject to conditions and including the additional condition was moved and seconded.

It was noted that the issue of tree protection was covered by condition 3. The motion was then voted on and carried.

RESOLVED:

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

- 1. The development hereby permitted shall be commenced within three years of the date of the permission.**
- 2. The development shall not be carried out otherwise in complete accordance with the submitted plans and specifications subject to the following conditions:**
- 3. No development shall take place until a revised scheme of landscaping has been submitted to and agreed in writing by the National Park Authority. The submitted scheme shall include: (i) details of all trees to be retained and protection for those trees during the construction phase of the proposed development; (ii) precise details of all hard and soft landscaping including details of any seeding or planting, surfacing materials and boundary treatments; (iii) precise details of the provision and undergrounding of services; and (iv) precise details of an amended vehicular access and parking provision within the site curtilage. Thereafter, the proposed development shall be carried out in complete accordance with the approved landscaping scheme, which shall be completed prior to the first occupation of the dwelling hereby permitted.**
- 4. No works shall commence on the erection of the newly-built dwelling hereby permitted until samples of the materials to be used in the construction of the external surfaces of the dwelling, including samples of the stone, quoins, sills, lintels, and surrounds to be used in the construction of the external walls, samples of all roof coverings and rain water goods, and samples of all external door and window frames, have been submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no ancillary outbuildings or other structures incidental to the enjoyment of the dwelling other than those expressly authorised by this permission shall be erected.**
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or alterations to the newly-built dwelling shall be carried out.**
- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or doors other than those expressly authorised by this permission shall be constructed on any elevation.**
- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no walls, fences, or solar panels other than those expressly authorised by this permission shall be erected or installed on the site.**
- 9. No development until work schedule, including vehicle movements during construction phase, storing and disposal and compound be submitted to and agreed by the National Park Authority.**

Cllr A McCloy and the Director of Planning returned to the meeting after consideration of this matter at 10.20am

- 114/14 14. FULL APPLICATION: RIVER BANK REINFORCEMENT AND STABILISATION, INSTALLATION OF SAFETY BARRIERS AND RESURFACING OF SECTIONS OF TRACK ALONG PRIVATE ACCESS ROAD (AND PUBLIC BRIDLEWAY NO.12) BETWEEN WYEDALE CAR PARK AT TOPLEY PIKE AND BLACKWELL MILL (NP/DDD/0714/0752, P.441, SK107725, SK111726, SK104725 25/08/2014/CF)**

The recommendation for approval subject to conditions was moved, seconded, voted on and carried.

RESOLVED:

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

- 1. The development hereby permitted shall be commenced within 3 years of the date of the permission.**
- 2. The development hereby permitted shall be carried out in complete accordance with the amended plans, including the amended specifications for the working platform.**
- 3. The development hereby permitted shall be carried out in in complete accordance with the mitigation measures set out in the submitted protected species survey other than no works shall take place in the river unless it is supervised by an appropriately qualified ecologist.**

- 115/14 15. LISTED BUILDING APPLICATION: ALTERATIONS TO FORMER RANGERS' BUNGALOW INCLUDING NEW DOOR TO BE FORMED IN ARCHWAY TO MAIN CORRIDOR, NEW DOOR TO BE FORMED IN ARCHWAY OUTSIDE OF WC, BLOCKING UP ARCHWAY IN MAIN OFFICE, AND ERECTION OF RADIO AERIAL ON TO EXISTING ANTENNA, ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/0714/0755 26/08/2014 P.2760 421961/369440 CF)**

The recommendation for approval subject to conditions was moved, seconded, voted on and carried.

RESOLVED:

That the application be APROVED subject to the following conditions/modifications:

- 1. The works hereby permitted shall be commenced within three years of the date of the permission.**
- 2. The works hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans and specification.**

- 116/14 17. FULL APPLICATION – ERECTION OF REPLACEMENT DWELLINGHOUSE AT FRIDEN BUNGALOW, FRIDEN 9NP/DDD/0614/0604, P5886, 417291 360997, 29/05/2014/KW**

It was agreed to add a footnote to the recommendation regarding any signs of bat habitation.

In response to Members' queries regarding condition 6, removal of permitted development rights, it was agreed to amend this by removing reference to walls, fences and satellite dishes.

The recommendation for approval subject to conditions as amended was then moved, seconded, voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. 3 year implementation time limit**
- 2. In accordance with the submitted plans.**
- 3. Submit and agree sectional/ground levels plans showing the rear wall of the dwelling set into the sloping ground levels.**
- 4. Existing outbuildings and other structures, including the caravan to be removed from the site prior to the commencement of the replacement dwelling works.**
- 5. Existing bungalow to be demolished and removed from the site prior to the first occupation of the replacement dwelling.**
- 6. Remove pd rights for extensions, alterations and outbuildings, porches and solar panels.**
- 7. Retain existing trees.**
- 8. Submit and agree hard and soft landscaping scheme.**
- 9. Restrict domestic curtilage to area edged red on attached plan.**
- 10. Submit and agree any details of spoil removal arising from the dwelling/outbuildings demolition works.**
- 11. Development to be built to a minimum of Code Level for Sustainable Homes required of RSLs.**
- 12. Submit a copy of the summary score sheet and Post Construction Review Certificate verifying that the minimum Code Level shall be achieved.**
- 13. Stonework to be in natural limestone. Sample panel to be agreed.**
- 14. Roof to be clad in natural blue slate.**
- 15. Each light of the sash window frames to be subdivided with a single vertical glazing bar.**
- 16. No external lighting without prior approval from the Authority**
- 17. Provide and maintain 2.0m x max achievable visibility sightlines across the site frontage.**
- 18. Submit and agree hard-surfacing details in respect of the access and access track.**

19. **Parking and manoeuvring spaces to be provided and maintained.**
20. **Any new service lines to the property to be underground.**
21. **Submit and agree details of disposal of foul and surface waters.**
22. **Minor design details.**
23. **Submit and agree details of construction compound to be installed prior to commencement of the construction of replacement dwelling**

Footnote:

If any signs of bats are found work would have to stop immediately and Natural England be contacted.

117/14 7. STANTON MOOR MINERAL LIAISON GROUP (JEN)

The Chair proposed that this item be deferred as not all Members of the Committee knew what the Stanton Moor principles were and also the minutes of the Liaison Group, which were attached to the report, were not yet an authorised record. This was moved, seconded, voted on and carried.

RESOLVED:

That consideration of the report be DEFERRED to allow for authorisation of the Liaison Group minutes and for Members of the Planning Committee to be made aware of the Stanton Moor principles.

The meeting was adjourned at 10.50am for a short break and reconvened at 11.00am.

118/14 9. CONSTRUCTION OF AGRICULTURAL (CATTLE) SHED WITH ASSOCIATED HARD AND SOFT LANDSCAPING, HARROP HOUSE FARM, MACCLESFIELD ROAD, RAINOW (NP/CEC/0514/0558, P655, 22/05/2014, 397249/378350, JRS)

Cllr D Chapman had declared a disclosable pecuniary interest in this item and the following item and therefore left the room.

The Director of Planning stated that as this and the following item were closely linked they would be considered together but the decisions made separately.

The following spoke under the public participation at meetings scheme regarding both this item and the following item:

- Mr Bolshaw, applicant

It was agreed to amend condition 2 of the recommendation by adding 'amended specification required regarding Yorkshire boarding' and to amend condition 4 by including landscaping protection.

The recommendation as amended was moved, seconded, voted on and carried.

RESOLVED:

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

1. **The development hereby permitted shall be commenced within 3 years of the date of the permission.**

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and amended specification regarding Yorkshire boarding.

3. Prior to commencement, a phasing scheme shall be submitted to and approved by the Authority, setting out a schedule for construction of the building in conjunction with the building approved by NP/CEC/0514/0553; once approved the development shall be carried out in accordance with the schedule

4. Carry out landscaping scheme in first planting season including landscaping protection.

5. Building to be used for agricultural purposes only and to be removed from the site when no longer required for the purposes of agriculture

119/14 **10. CONSTRUCTION OF AGRICULTURAL (SILAGE) SHED WITH ASSOCIATED HARD AND SOFT LANDSCAPING, HARROP HOUSE FARM, MACCLESFIELD ROAD, RAINOW (NP/CEC/0514/0553, P655, 22/05/2014, 397249/378350, JRS)**

Cllr D Chapman had declared a disclosable pecuniary interest in this item and the previous item and had therefore left the room.

It was agreed to amend condition 2 of the recommendation to include submission of plans regarding the building being 1m lower and condition 4 to include landscaping protection.

The recommendation for approval subject to conditions as amended was moved, seconded, voted on and carried.

RESOLVED:

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

1. The development hereby permitted shall be commenced within 3 years of the date of the permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans and submission of plans reducing the height of the building by 1 metre.
3. Prior to commencement, a phasing scheme shall be submitted to and approved by the Authority, setting out a schedule for construction of the building in conjunction with the building approved by NP/CEC/0514/ 0558; once approved the development shall be carried out in accordance with the schedule
4. Carry out landscaping scheme in first planting season including landscaping protection.
5. Building to be used for agricultural purposes only and to be removed from the site when no longer required for the purposes of agriculture

Cllr D Chapman returned to the meeting after consideration of this matter at 11.46am.

120/14 **11. FULL APPLICATION – CHANGE OF USE OF BARN TO AGRICULTURAL WORKER’S DWELLING AT, BASSETTS BUILDING, LONGNOR (NP/SM/0514/0502, P.11320, 406842 363524, 09/05/2014/KW)**

The following spoke under the public participation scheme:

- Cllr Mrs G Heath, supporter
- Cllr J Hails, supporter

A motion for approval was moved and seconded. However some Members felt that more information on the agricultural justification was required, therefore a motion for deferral was moved and seconded. The motion for approval was withdrawn and the motion for deferral was voted on and carried.

RESOLVED:

That consideration of the application be DEFERRED to allow for further discussion on whether the current application be withdrawn, and a resubmission considered.

The meeting was adjourned at 12.25pm for a short break and reconvened at 12.30pm.

121/14 18. FULL APPLICATION - ERECTION OF REPLACEMENT DWELLING AT SHALDON, CALVER SOUGH, CALVER (NP/DDD/0614/0697, P.5037, 423896 / 375064, 28/08/2014/AM)

Cllr S Wattam declared a prejudicial interest in this item as he knew the occupants of a neighbouring house and therefore left the room before consideration of this matter.

The recommendation for approval subject to conditions was moved and seconded. This was then voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions.

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**
- 3. Removal of permitted development rights for external alterations, extensions outbuildings, hard standing, walls, fences and other means of enclosure to approved dwelling.**
- 4. Development shall be built to a minimum of the Government's Code Level for Sustainable Homes Level (or its successor) required of Registered Social Landlords at the time of commencement of the building works.**
- 5. No development shall take place until a design stage assessment (under the Code for Sustainable Homes or its successor) has been carried out and a copy of the summary score sheet and Interim Code Certificate indicating that the development can achieve the stipulated final Code Level (or any such national mechanism that replaces this) have been submitted to and approved in writing by the National Park Authority.**
- 6. Prior to the occupation of the dwelling hereby approved, a copy of the summary score sheet and Post Construction Review Certificate (under the Code for Sustainable Homes or its successor) shall be submitted to the Authority verifying that the agreed standards have been met.**

7. **Prior approval of detailed scheme of landscaping (including planting, earth mounding, re-seeding, walls, gates and hard standing) to be implemented as part of the development.**
8. **Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, frameless glass system, roof materials, windows and door design and finish and rainwater goods.**
9. **Prior approval of space within the site for accommodation, storage of plant, materials and parking for site operative's vehicles during construction works.**
10. **Prior approval of bin storage space.**
11. **Parking and turning areas to be laid and constructed prior to occupation and maintained in perpetuity.**
12. **Access shall not be gated within 5m of the highway limits and open inwards only.**
13. **Access drive shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.**

Footnote re: protected species.

Cllr S Wattam returned to the meeting after consideration of this matter.

122/14 19. FULL APPLICATION – GROUNDWORKS ASSOCIATED WITH THE INSTALLATION OF PIPE LOOPS FOR GROUND SOURCE HEAT PUMP, NORTH LEES CAMPSITE, HATHERSAGE (NP/DDD/0614/0627, P.9804, 423536 / 383448, 21/08/2014/AM)

The Director of Planning reported that the wrong Parish Council had been consulted on this application, however this had now been corrected and if Members were minded to approve the application it would be subject to no contrary views being received from the Parish Council. He also reported that a footnote regarding an archaeological inspection should be added to the recommendation.

The recommendation for approval subject to conditions as amended was moved and seconded. Members suggested that photographs of the works in progress should be taken and used to encourage others to consider similar works. The motion was then voted on and carried.

RESOLVED:

That, subject to no contrary views being received from the Parish Council consultation, the application be APPROVED subject to the following conditions or modifications. If there are contrary views that these be delegated to the Director of Planning to consider in consultation with the Chair and Vice Chair of the Committee:

1. **Statutory three year time limit for implementation.**
2. **Development not to be carried out otherwise than in accordance with approved plans.**
3. **All pipe work associated with the development, shall be placed underground and the ground shall be re-instated to it former condition and the earth re-seeded before heat pump is first brought into use.**

Footnote: Archaeological inspection

123/14 12. FULL APPLICATION - SITING OF A CARAVAN AS AN AGRICULTURAL WORKER'S DWELLING FOR A TEMPORARY PERIOD OF THREE YEARS, MORRIDGE TOP FARM, BLAKELOW ROAD, ONECOTE (NP/SM/0614/0617 P.3314 404725/354678 1/9/2014/CF)

The following spoke under the public participation at meetings scheme:

- Ms S Harpur, applicant and Mr C Barks, agent, shared the 3 minute speaking allocation.

In response to a Member's query the Director of Planning stated that a copy of the report was sent to the Parish Council and they were also encouraged to attend the Committee meeting.

The recommendation for approval subject to conditions was moved, seconded, voted on and carried.

RESOLVED:

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

- 1. This permission for siting a static caravan on land at Morridge Top Farm, as proposed in the submitted application, shall be for a limited period expiring on 31 October 2017. On or before that date its use for accommodation as proposed in the submitted details shall cease and the caravan shall be permanently removed from the site.**
- 2. The occupation of the caravan, as proposed in the submitted application, shall be limited to a person solely or mainly employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, and to any resident dependants.**

124/14 21. FULL PLANNING APPLICATION – REPLACEMENT OF 10M FLEXICELL POLE WITH 12.5M POLE AND ADDITION OF 2 CABINETS AT EXISTING TELECOMMUNICATIONS SITE, SUMMER CROSS, TIDESWELL (NP/DDD/0714/0791, P.7053, 28/07/2014, 414866 / 375646, MN)

The recommendation for approval subject to conditions was moved, seconded, voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. Standard time limit**
- 2. To be completed in accordance with submitted plans**
- 3. The pole mast and all ground level equipment cabinets, including existing ones, to have a dark green coloured matt finish (BS colour ref 12B29) before the new mast is brought into use**
- 4. All equipment to be removed from the site when no longer required for telecommunication purposes**

5. Unless otherwise agreed in writing, the mast and associated equipment shall be permanently removed and the site shall be reinstated to its former condition if any of the adjacent trees, upon which the mast relies for screening, are felled.

The meeting adjourned at 1.00pm for a lunch break and then reconvened at 1.30pm.

Chair: Cllr D Birkinshaw

Present: Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr Mrs N Hawkins, Cllr H Laws, Cllr A McCloy, Ms S McGuire, Cllr Mrs K M Potter, Cllr S Wattam, Cllr D Williams, Cllr Mrs J A Twigg.

125/14 13. FULL APPLICATION – ERECTION OF AGRICULTURAL BUILDING ON LAND OFF BRAMLEY LANE, HASSOP COMMON, CALVER (NP/DDD/1213/1144, P.2382, 422989/ 373287 1/9/2014/CF)

The following spoke under the public participation at meetings scheme:

- Mr J Church, Agent
- Mr A Critchlow, supporter

In response to Members' queries, the Planning officer stated that no detailed agricultural justification had been received and that the preferred site for the proposal was not available. A motion for deferral for a site visit and to allow for further agricultural details to be submitted was moved and seconded. This was then voted on and carried.

RESOLVED:

That the application be DEFERRED pending a site visit and to allow for submission of further agricultural details.

126/14 16. FULL APPLICATION – GLAZING DETAIL TO SOUTH FACING GABLE END OF THE DWELLING AT STONEBRECK, LONGNOR (NP/SM/0614/0662 408832/364911 P.8337 SPW 12/08/2014)

Ms S McGuire left the meeting during consideration of this meeting at 2.10pm.

The following spoke under the public participation at meetings scheme:

- Mr M Travis, applicant

In response to Members' queries the Director of Planning confirmed that the Parish Council had been notified but the notification had not been received. A further notification had been sent by registered post and this should have been received in time for the Parish Council to make comments but none had been received.

Members were sympathetic to the proposal and a motion for approval subject to a condition that prior to the installation of the glazing, details of glass panels shall be submitted to the Authority to be agreed.

The motion was then voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following condition:

- 1. Prior to installation, details of glazing panels to be submitted to the Authority to be agreed.**

127/14 20. RETROSPECTIVE APPLICATION FOR THE REPLACEMENT OF AN AGRICULTURAL BUILDING – LAND ADJACENT TO CORNERWAYS, CURBAR LANE, CURBAR (NP/DDD/0714/0735, P.2918, 11/7/2014, 424824 / 374518, MN)

The Planning officer reported a letter from the farmer that confirmed he had been a tenant of the applicant's land for the past 10 years as part of 27 acres he farms in the Curbar area. The tenant farmer had 80 sheep and lambs on the whole of the Curbar area and stored equipment, hay and feed in the previous building as well as using it for lambing. The planning officer then summarised a letter from the agent which confirmed that the existing stable block whilst currently being used for domestic and agricultural storage is to be utilised again in the near future as the applicant's grandchildren are interested in having a pony.

The Planning officer summarised a letter of objection received from the Chair of Curbar Parish Council for the Committee.

The following spoke under the public participation at meetings scheme:

- Dr P Owens, objector
- Mr J Oldfield, Agent

Members were concerned that the existing building had been erected without authorisation and with the lack of full agricultural justification. Therefore a motion for refusal due to unsatisfactory agricultural justification was moved and seconded. This was then voted on and carried.

RESOLVED:

That the application be REFUSED for the following reason:

1. **Unsatisfactory agricultural justification.**

128/14 8.1. PLANNING APPEALS (A.1536/AMC)

Members considered and noted appeals lodged and decided during the month.

RESOLVED:

1. **That the report be received.**

The meeting ended at 2.40pm.

6. FULL APPLICATION – ERECTION OF ONE 50KW WIND TURBINE, 24.6M TO CENTRE OF HUB AND BASE TO BLADE TIP HEIGHT OF 34.2M AND ANCILLARY BUILDING AT SLIPPER LOW FARM, ALDWARD. (NP/DDD/0614/0661 422003/356836 P.5299 SPW/18/08/2014).

APPLICANT: PHILIP HARDY

Site and Surroundings

Slipper Low Farm is a working farm located in the open countryside approximately one kilometre to the west of Aldward. The site for the turbine is approximately 150-200m to the north east of the main group of farm buildings, and would be sited on higher ground above the farmstead as the land slopes up to the north east. The group of farm buildings take a linear form following the road.

The site is relatively close to Minning Low Hill which is approximately 1.3km to the north west of the site. Minning Low Hill has a scheduled ancient monument (Minning Low) at its summit. The hill is an important feature within the landscape, recognisable easily as a circle of trees, at the summit of the hill, with larger trees at its centre.

The immediate landscape setting of the site is also intersected by public rights of way, including routes that lead from close to Slipperlow Farm and onto the High Peak Trail. On this route there is also a link via a concessionary footpath onto Minning Low Hill which provides access to the Scheduled Ancient Monument. A footpath also runs along the access road to Tithe Farm and then onto Aldward. Tithe Farm is a grade 2 listed building, comprising a farm house and range of traditional barns, which lies on lower ground within approximately 465m from the site.

Proposal

A single wind turbine is proposed in the field to the north east of Slipper Low Farm, approximately 200m to the north east of the farm house, and approximately 150m away from the nearest farm building. The turbine would have a base to blade tip height of 34.2m and the centre of hub height would be 24.6m relative to the adjacent ground levels.

The submitted plans show that the turbine would be a horizontal axis turbine with 3 blades, each blade measuring approximately 9.6m in length (blade tip to centre of hub), whilst the area swept by the blades would have a diameter of approximately 19.2m. The submitted plans show that the tower for the turbine would be approximately 2m wide at the base and would diminish in width to approximately 0.7m wide. The external finish for the wind turbine, including the tower and blades, would be a light grey colour (RAL 7035).

An ancillary building and concrete base are also required for the turbine. The building would be a control cabinet finished in a dark green colour, sited next to the proposed turbine, measuring 2.25m high with a footprint measuring approximately 2.01m x 1.25m. The submitted plans also show the detail of the connection to the grid. The concrete base for the turbine would measure 6m x 6m. The grid connection for the turbine would be underground, running back to the farm buildings; the trench required for this is 25cm wide.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **By virtue of its size, scale and its siting, the proposed development would have a significant adverse visual impact on its landscape setting and would significantly harm the scenic beauty and other valued characteristics of the National Park. The proposed wind turbine would also detract from the setting of a grade II listed building and the setting of a scheduled ancient monument. Therefore, the proposals are contrary to Core Strategy policies GSP1, GSP3, CC2, L1 and L3, Local Plan policies LC4 and LU4 contrary to guidance in the Authority’s adopted Supplementary Planning Document Climate Change and Sustainable Building and the Landscape Strategy and Action Plan, and contrary to national planning policies in the National Planning Policy Framework and government guidance in the associated Planning Practice Guidance.**
2. **By virtue of the adverse impact of the turbine on the outlook of the nearest neighbouring residential properties, the proposed development would harm the living conditions of these properties and unacceptably detract from their quiet enjoyment contrary to Core Strategy policy GSP3, Local Plan policy LC4 and national planning policies in the National Planning Policy Framework.**
3. **In this case, any environmental, economic and social benefits of approving the proposed development would be outweighed by the harm to the valued characteristics of the National Park identified above, and the adverse impacts of the proposed turbine cannot be made acceptable. Therefore, any approval would be contrary to the principles of sustainable development set out in Core Strategy policy GSP1 and national planning policies in the National Planning Policy Framework.**

Key Issues

- whether the proposed wind turbine can be accommodated without adversely affecting the landscape character and the valued characteristics of the local area.

History

The applicant’s agent sought pre-application advice on the current development proposals prior to any formal submission. Based on the details submitted with this initial enquiry, officers considered that installation of an Endurance E-3120 (50kW) wind turbine (24.6m hub height, 19.2m diameter rotor, total height to blade tip 34.2m) would have a significant impact on the surrounding landscape.

A formal screening opinion was also requested for the current proposals earlier this year and the Authority determined that an Environmental Statement was not required to support the application. The Authority’s screening opinion identified the potential landscape and visual impact of the proposed turbine, and concluded that the associated impact of the turbine on the setting of nearby heritage assets would be significant.

There is an extensive planning history held on file by the Authority for Slipper Low Farm, including planning permissions sought and obtained for a farm worker’s dwelling and various livestock buildings over a period of more than 30 years.

Consultation:

External Consultees

Brassington Parish Council – Support the application as renewable energy is important and that farming should be encouraged as it looks after the countryside; supporting the farmers will

enable them to retain a viable business.

Derbyshire County Council (Highway Authority) – Concern expressed that highway modifications may be required to facilitate delivery of the turbine and that there are no details included with the submitted application.

Derbyshire Dales District Council – No response to date.

English Heritage – No objection to the proposed turbine because they consider its modest height will not cause undue harm to the significance of Minning Low through development in its setting or the relationship it has with other adjacent prehistoric scheduled monuments.

MOD – No objection

NATS – No objection on air space safeguarding grounds.

Internal Consultees

National Park Authority (Senior Archaeologist) Recommends that the application be refused on the following grounds:

Minning Low is a well-known and iconic monument within the Peak District which can be seen from many viewpoints. To an extent, the setting of this monument has already been compromised by the plethora of large turbines which have been developed within, and on the edge of, this part of the National Park. The current proposals would exacerbate the harmful impact of the existing turbines on the setting of the Scheduled Ancient Monument taking into account the turbines (existing and proposed) would be very noticeable on the approach to the site from the west, and the trees which screen views of the site and the existing turbines from other viewpoints are gradually being thinned as part of a National Park woodland management scheme.

National Park Authority (Conservation Officer) - Recommends that the application be refused on the following grounds:

If the wind turbine is constructed in the proposed location, to the south-east of Tithe Farm, it will have a detrimental impact on the setting of the listed building. The proposed location for the turbine is at a much higher ground level than Tithe Farmhouse and the strong vertical emphasis of the turbine would make it an especially prominent and visually intrusive development within the setting of the designated heritage asset especially when seen from public vantage points to the north of the site.

National Park Authority (Ecology) – No objections because a bat survey is not required for this application as it is 50m away from features and there are no further ecological issues to consider in this case.

National Park Authority (Landscape Architect) – Recommends that the application be refused on the following grounds:

The turbine, located on a hill above the farm, will dominate the farm and the associated domestic buildings; it will be seen in isolation from the buildings and existing trees and is completely out of scale with its surroundings. Existing trees will have limited screening effect from specific local viewpoints. The turbine will also be clearly visible from Minning Low and will have a substantial impact on the setting of the scheduled ancient monument, noting that there are currently proposals to thin the surrounding woodland and open up viewpoints from Minning Low.

The submitted application indicates the clear possibility that the turbines will be seen from a large

section of the National Park from a large number of viewpoints. Despite the presence of other turbines within the local area, from many view points the proposed turbine would actually be seen in isolation.

From many of these viewpoints from which the proposed Slipper Low farm turbine would be seen it will not include any other wind turbines within the visual framework. In these respects, the turbine will be situated within the Limestone Plateau Pastures Landscape Character type and is in a rolling upland plateau with long distance views. There are few vertical elements within the area, mainly confined to power lines and telecommunication masts. It is important to note that although they are visible, the eye is not drawn to them as they are not moving unlike a turbine blade, which attracts visual attention.

In summary, the Authority's landscape architect concludes that the turbine will introduce an unacceptable adverse feature within this area of the National Park and that proposed mitigation is very limited visually to a small area and will not reduce the impact of the turbine on the wider landscape view. Moreover, the turbine will be seen from areas outside of the National Park boundary and would have a substantial visual impact from these viewpoints adversely affecting the setting of the National Park.

Representations:

At the time of writing this report, the following representations made on behalf of organisations with an interest in the current application has been received by the Authority.

Derbyshire Green Party – Support the scheme

The Derbyshire Green Party states that the harm that has been identified by the proposed wind turbine is subjective and without evidence, and greater weight should be given to the social and economic benefits than to the landscape change, whether deemed harmful or not.

Friends of the Peak District – Recommend refusal

Having visited the site and surrounding area to judge the impact on the landscape, and accepting that there are environmental and socio-economic benefits of the scheme, the Friends of the Peak District do not find that these outweigh the significant landscape impact given the exposed ridge top location for the turbine. As such it is recommended that the permission be refused.

National Trust – Objects to the scheme

The National Trust considers that the information submitted with the planning application provides evidence of far-reaching landscape and visual impacts due to the location of the turbine high on the limestone plateau. These impacts will extend across a substantial area within the National Park and also outside of the Park boundary to the south where the whole turbine may be visible across a large area. This clearly contradicts the assertion at page 24 of the Design and Access Statement that 'visual impacts will be mainly localised'. The cumulative impacts are also particularly pertinent.

Other Representations - The following representations have been received from households, farmers and other individuals with an interest in the current application. At the time of writing, there have been 30 representations made in support of the current application. The points raised in support of the current proposals in these representations include:

- wind turbines are a natural progression of farming looking after the landscape;
- will support the economics of the farm helping it to remain a viable business;

- harvesting the wind is a valuable extra crop for the farm;
- the renewable energy will help to offset the farm's carbon footprint;
- precedent has already been set by allowing the 4 large wind turbines outside the National Park at Carsington Pastures;
- there will be minimal impact in the vicinity from this proposal;
- important to produce wind energy for the sustainability of the electricity supply; and
- wind turbines are better than nuclear energy.

A further 20 representations raising objections to the current proposals had been received by the Authority. These representations raise the following issues:

- the applicant has clearly ignored PDNPA pre application advice that this turbine would be in an unacceptable location;
- the proposal is contrary to the National Park Authority's Core Strategy and Climate Change and Sustainable Building SPD as well as National Planning Practice Guidance for renewable energy which states 'the need for renewables does not automatically override environmental protections';
- harm to the local economy because of adverse impact on tourism; visitors who come to the area for the stillness and tranquillity which it provides for them will be deterred from visiting;
- the turbine, by virtue of its incongruous design in the context of the particular landscape character and setting, height, rotor diameter (19.2m), movement and elevated position, would be a harmful, prominent and dominant feature; a new turbine at Slipper Low Farm is not acceptable and could not be made so by mitigation because of the impact and harm to the landscape and the cumulative effects of a new turbine on the setting of Minning Low;
- detrimental effect on Scheduled Ancient Monuments in the area including Minning Low and Listed Buildings; the proposal will have a negative effect on the historical and archaeological features of the area; the site is close (approx. 5km radius) to 43 designated Scheduled Ancient Monuments (cultural and heritage assets) including the outstanding Neolithic Minning Low (1.2km) where at least four pre-historic burial chambers exist. In a local context Minning Low is just as important as Stonehenge and there is public access via a concessionary public footpath, the hill is a viewpoint and landmark for miles around and the proposed turbine site would be visible from and be seen in the context of Minning Low;
- concern expressed that photomontages do not provide an accurate view of the impact of a turbine as the turbine is a moving feature, and because the photomontages are limited in their numbers; all the photo montages show the turbine skylining it will dominate the area;
- the scheme is in direct contradiction with Peak Park SPD CCSB section 9.7 as the landscape character type 'Limestone Plateau Pastures' of the 'White Peak' is highly sensitive to all scales of wind turbines, so this type of renewable energy technology is not

advisable in this landscape character type;

- these fully engineered industrial structures are alien in the protected landscape of the National Park and their movement considerably worsens their impact and they significantly harm the scenic beauty of the National Park; large industrial structures like this should not be allowed in or around the protected Landscape of the Peak District; due to its structure, size and form this proposal will be an incongruous structure in the landscape, having no correlation with any natural feature whilst the moving blades will attract the eye, making the turbine the initial focus, thereby detracting from the natural landscape and its historical features;
- detrimental effect on the landscape around Dovedale, Thorpe Pastures National Trust Nature Reserve, area around Hartington and Wolfscote Dale;
- the extent of the public consultation carried out by the planning agent prior to submission of the application is inadequate under the S61W of the planning act 1990 because the impact of the wind turbine will be far wider than the immediate parish and only the local vicinity has been consulted with regards to the application.
- the turbine costs around £300k and will attract feed in tariffs of over £1.2million, as such, if the planning authority sanction this they are thus sanctioning a £1.5million project at the cost of the people through electricity energy bills; objection in principle to collecting the Feed in Tariffs as these drive up wider energy prices;
- the carbon benefits of the proposed scheme are challenged as these are based on traditionally fuelled power stations;
- the proposal would result in harm to social, economic and community factors, there would be an increase in electricity bills (due to subsidies having to be paid out) causing fuel poverty; increase in carbon emissions due to power station becoming inefficient; lack of job creation; negative impact on tourist based businesses;
- the proposal is not sustainable development;
- adverse impact on the setting of the Peak District National Park both from within and outside the park boundary;
- over-saturation and cumulative impacts, there are already 4 x 100m high turbines at Carsington Pastures, 2 x 100m high turbines consented at Ryder Point, 1 x 100m high turbine consented at Viaton (sibelco), 2 x turbines at Parwich and a single, smaller installation at Hoe Grange;
- there are further proposals for 5 x 102m high turbines at Griffie Grange;
- the proposal in such an elevated position would have the effect of joining up the Carsington and Parwich wind turbines, and would give the impression that a significant portion of the Southern end of the Peak District National Park is a wind farm;
- could set a precedent, making it easier for more turbines in the future;
- light flicker and the moving of the blades and flashing takes away from the peace and tranquillity of that landscape, is disturbing, distressing and creates cognitive functioning difficulties making the area inaccessible for persons with a medical condition and/or disability;

- the turbines at 34.2m base to tip, is out of scale with the dairy sheds which are reported to be 3.5 and 8.4m tall;
- the applicants stated £1200 a month electricity bill does not take account of the returns that they get for from the sale of their milk nor does it address way in which the farm could reduce its energy use;
- Lack of consideration for alternatives, there are opportunities for solar panels (photo voltaics) on the roof of modern agricultural buildings; with so many agricultural building on site it is surprising that the applicant is seeking planning permission for wind energy when there is so much opportunity for solar panels on the roofs of the existing buildings at the farm;
- the heating and hot water requirements could easily be addressed by other means of renewable source, for example, ground source heat pumps; and
- an alternative 'Solar Energy' has been written off by the applicant as it is stated to be expensive and complex but it is neither of these things and has come down 60% in price in recent years.
- the destruction of the stillness and tranquillity of the landscape in this area will have a severe detrimental impact on the health and amenity of the writer's daughter who suffers with ME/CFS and for many other people who visit and live in this outstanding and beautiful landscape;
- inadequate information to ascertain if noise from the turbine would be harmful to public health and further concern expressed about the impact of infrasound, that is sound that is below the frequency range of human hearing and the application offers no protection against Wind Turbine Syndrome;

Main Policies

National Planning Policy Framework ('the Framework')

At paragraph 17, the Framework says core land-use planning principles should underpin both plan-making and decision-taking, and sets out 12 core planning principles. One of these 12 core planning principles encourages local planning authorities to support delivery of renewable resources through the planning system. Accordingly, at paragraph 98, the Framework says when determining planning applications for renewable energy development, local planning authorities should approve the application if its impacts are (or can be made) acceptable unless material considerations indicate otherwise.

In this case, the Framework makes it clear that the fact that the turbine would be located within a National Park is a highly relevant material consideration in terms of national planning policies. For example, paragraph 115 in the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

In terms of wildlife interests, paragraph 109 of the Framework says, amongst other things, the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. In terms of cultural heritage, one of the twelve core planning principles in the Framework requires local planning authorities to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

This guidance on renewable energy development in the Framework is also supported by the more recently published Planning Practice Guidance (PPG). The section on renewable and low carbon energy in this guidance reaffirms that the need for renewable energy does not automatically override environmental protections, or the need to conserve and enhance landscape, wildlife and cultural heritage especially within a National Park.

The government's Planning Practice Guidance closely reflects the thrust of the following Development Plan policies, which are the most relevant to the current application, and are generally considered to be consistent with the above guidance in the Framework because they support the take up of renewable energy development where its impacts would be acceptable.

Key Policies

Relevant Core Strategy policies: CC2

Relevant Local Plan policies: LU4

These policies relate directly to renewable energy development in the National Park and the recently adopted *Climate Change and Sustainable Building* Supplementary Planning Document (SPD) offers further guidance on the application of these policies. The guidance in this SPD and the provisions of policies CC2 and LU4 are also supported by a wider range of design and conservation policies in the Development Plan listed below:

Wider Policy Context

Relevant Core Strategy policies include: DS1, GSP1, GSP2, GSP3, GSP4, L1, L2 and L3.

Relevant Local Plan policies include: LC4, LC6, LC15, LC16 and LC17.

The Authority's Landscape Strategy and Action Plan (adopted in 2009) gives further guidance on the landscape conservation objectives within the National Park, which policy L1 seeks to achieve. The landscape conservation objectives set out in the Authority's Landscape Strategy and Action Plan should therefore guide the assessment of development proposals that are likely to affect the landscape character of the National Park.

Assessment

Policy Framework

Policies in the Development Plan and in the Framework are generally consistent because both are supportive - in principle - of low carbon and renewable energy development in the National Park provided that it can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics or other established uses of the area as set out in Core Strategy policy CC2 and Local Plan policy LU4.

Within Development Plan policies there is a presumption in favour of the conservation of the landscape character, biodiversity and cultural heritage of the National Park, the FRAMEWORK confirms that great weight should be given to conserving the landscape and scenic beauty in National Parks and makes a presumption in favour of the conservation of heritage assets and wildlife interests in accordance with the provisions of Core Strategy policies GSP1, GSP3, L1, L2 and L3 and Local Plan policies LC4, LC6 and LC17.

Planning Practice Guidance published recently by the government confirms that the need for renewable energy does not automatically override environmental protections and great care should be taken to ensure that heritage assets and National Parks are conserved. In short, the desire to encourage the take up and delivery of renewable energy development does not override the conservation purposes of the National Park. Therefore, the key issue in the determination of this application is considered to be whether the proposed turbine would conserve the landscape character, cultural heritage assets or other valued characteristics of the National Park including its biodiversity.

Policy Guidance on Renewable Energy Development

The Authority's adopted Supplementary Planning Document (SPD) for *Climate Change and Sustainable Building* was adopted after public consultation in March 2013 and should therefore be given substantial weight in the determination of the current application. The Authority's SPD offers advice on renewable energies, including wind turbines. It explains that wind turbines are the most challenging of all types of low carbon and renewable energy to accommodate in the National Park landscape. Therefore, the SPD promotes a 'Landscape First' approach to choosing a site for a wind turbine.

In these respects, Landscape Sensitivity Assessment has been carried out which is appended to the SPD and provides guidelines on the sensitivity of different landscape character types to various scale of wind turbines. As established in the Landscape Strategy and Action Plan the site is within the landscape character area of the 'White Peak', within the landscape character type of 'Limestone Plateau Pastures'. The SPD says that the first step to take in assessing wind turbine proposals is to identify whether the landscape type has opportunities for this type of renewable energy development, and could accommodate the scale of the turbine being proposed with reference to the Landscape Sensitivity Assessment.

With reference to the Landscape Sensitivity Assessment, the wind turbine proposed in the current application is a medium sized turbine, but it would be located in a landscape highly sensitive to all scales of wind turbines because of its open character, strong historic field patterns, lack of settlement and development, and long views to the surrounding uplands and valued archaeological and historic features. Moreover, the SPD says that a turbine that breaks the ridgeline of a hill when viewed from a distance will have significant impacts, and goes on to say wind turbines that would be seen on the skyline should be avoided.

The Authority's Landscape Strategy and Action Plan gives further guidance on wind turbine development and the application of the "landscape first" approach promoted by the Authority's 'Climate Change and Sustainable Building' SPD.

Landscape Strategy and Action Plan

The Authority's Landscape Strategy and Action Plan was adopted in 2009 following public consultation and therefore it is important to give significant weight to the degree to which the development proposals would achieve landscape conservation objectives in this document when determining the current application.

The Authority's Landscape Strategy and Action Plan was adopted in 2009 after public consultation and, therefore, should also be given significant weight in the determination of the current application. This document illustrates that the application site is located within the landscape character area of the 'White Peak' and specifically within the landscape character type of 'Limestone Plateau Pastures'. This is a planned agricultural landscape, derived from the enclosure of former commons around and beyond older settled core of the village farmlands. The Landscape Strategy and Action Plan says that in general developing small-scale renewable energy for local needs is not a priority but may be considered in some locations.

For example, when discussing the issues of changes to the landscape arising from the demand for renewable energy development, the Landscape Strategy and Action Plan says that: *"there is an increasing national demand for renewable energy schemes, particularly wind power. In additions there is increasing potential for solar and water power, and other renewable sources. Inappropriate wind generation projects could adversely impact on landscape character, the setting of historic features and landscapes, amenity value and tranquillity."*

With reference to the SPD and the Landscape Sensitivity Assessment the specific guidance for the 'Limestone Plateau Pastures' is that this landscape is highly sensitive to all scales of wind turbine, because of its open character, strong historic field patterns, lack of settlement and development, and long views to the surrounding uplands and valued archaeological and historic features and lack of modern development. Some of the landscape attributes of 'Limestone Plateau Pastures' that are particularly sensitive to wind turbines are:

- the gently rolling, plateau landform;
- strong and distinctive field pattern;
- open character with little tree cover and wide views, including to the surrounding uplands; and
- the presence of important archaeological features including prehistoric monuments, dewponds, lead mining and mill heritage remains.

Therefore, it is reasonable to conclude that the character of the landscape at the application site is highly sensitive to change, and that the turbine, by virtue of its size and scale, may be difficult to accommodate in its proposed location.

Landscape and Visual Impact

In this case, the submitted details, including the Zone of Theoretical Visibility (ZTV) and the photomontages, help to illustrate the potential landscape and visual impact of the proposed turbine. The submitted ZTV identifies where the proposed turbine is likely to be seen from and suggests that the turbine would not only be open to view throughout the immediate landscape setting of Slipper Low Farm, but also across a significant area of the National Park, together with a range of viewpoints from outside the National Park boundary.

The visual impact of the proposed turbine would therefore be significant. This is primarily because of the siting, and size and scale of the proposed turbine. The proposed turbine is 34.2m tall (from base to blade tip) with a blade diameter of 19.2m and would be sited 200m away from the main group of buildings, on higher ground. It would also be a medium scale turbine in a landscape character type that is highly sensitive to all scales of wind turbine, and therefore, the turbine is not of a size or scale that would be readily assimilated into the surrounding landscape.

The submitted photomontages include a variety of vantage points at various ranges and the turbine would break the skyline when seen from each of these viewpoints, which would serve to increase its potential visual impact. According to the submitted photomontages, the turbine would be seen on the skyline from various locations including Bonsall Lane, Elton Common, Longcliffe, Minning Low, and Stanton Moor. Notably, the proposed turbine would be seen in the context of the existing large wind turbines at Carsington Pastures and of Minning Low from various vantage points. The proposed turbine would also be seen in the context of the existing wind turbines at Carsington Pastures from Minning Low itself.

In these respects, the information submitted with this application including the Landscape and Visual Impact Assessment does not properly address the cumulative impact of the turbine proposed in this application and the existing turbines at Carsington Pasture on the setting of Minning Low or the wider landscape setting of Slipper Low Farm. The information submitted with this application also fails to address the impact of this turbine in connection with other existing turbines such as the two similar turbines at Hill Top Farm, Parwich, or the consented turbines at Ryder Point and the 'Viaton' site, or the turbines proposed at Griffie Grange.

Officers therefore consider that the submitted application underplays the significance of the potential cumulative visual impact of various turbines apparently grouped together in this part of the National Park from a wide range of vantage points, or the successive impacts of seeing turbines in isolation from different viewpoints within and without the National Park. For example, different medium and large scale turbines, including the turbine proposed in this application, would be seen together or in isolation at various points when moving along the High Peak Trail, walking the footpath network in and around this area of the National Park, or simply driving through the National Park.

The potential cumulative and successive impacts of seeing various turbines in this part of the National Park would seriously detract from the landscape character of this part of the National Park and have an especially harmful impact on the quiet enjoyment of the scenic beauty of the surrounding landscape. Officers are also concerned that if turbines were increasingly to become part of the established landscape character of the 'White Peak' then clearly future proposals could become increasingly difficult to resist as turbines could become an 'accepted' feature of the landscape in the same way large modern farm buildings are now accepted – in principle - across the National Park. It is noted that some landscape and visual impact assessments are already referring to the acceptability of wind turbines in landscapes characterised by the presence of existing wind turbines.

In addition to these concerns, the proposed turbine would have a harmful impact in its own right. By virtue of its siting in an elevated location away from the existing group of buildings at Slipper Low Farm, the proposed turbine would be an especially prominent, isolated, and therefore visually intrusive development that would break the skyline and detract from the tranquillity of the surrounding landscape, and the quiet enjoyment of the local area. The potential visual impact of the turbine would be exacerbated its size and scale and by the motion of the blades, which would make the turbine even more noticeable in a landscape that is sensitive to change.

The proposed turbine would detract from the scenic beauty of the Limestone Plateau Pastures and would increase the physical presence of turbines across a wider area of the White Peak than is already influenced by the presence of the large turbines at Carsington Pastures, or the medium sized turbines at Hill Top Farm, Parwich. In these respects, the proposals would not meet the requirements of Core Strategy policies GSP1, GSP3, L1, and CC2 or Local Plan Policies LC4 and LU4 and the proposals would conflict with the Authority's adopted guidance in the SPD on Climate Change and the Landscape Strategy and Action Plan because the turbine would detract from the valued characteristics of the National Park landscape.

Moreover, the proposed turbine will be sited on much higher ground than the nearby Grade II listed Tithe Farm, and the turbine would have a significant impact on the setting of this listed building. The strong vertical emphasis of the turbine, combined with the movement of its blades, would make it an especially prominent and visually intrusive development within the setting of the designated heritage asset especially when seen from public vantage points to the north of the site. The turbine would also adversely affect the setting of the scheduled ancient monument at Minning Low.

Minning Low is an iconic feature in the landscape recognisable by the ring of perimeter trees and larger trees at its centre. This site is open to view from many surrounding vantage points. The proposed turbine would adversely affect this heritage asset because it would be a visually intrusive and an overtly engineered feature within the setting of the monument that would diminish an appreciation and understanding of its significance. Therefore, the proposals also conflict with the specific criteria of policies GSP1 and L3 in the Core Strategy and national planning policies in the Framework that seek to promote and encourage development that would conserve and enhance the cultural heritage of the National Park.

It is acknowledged that English Heritage do not necessarily support this view but the impact of the proposed turbine at Slipper Low on the scheduled ancient monument has been subject to further scrutiny by the Authority's landscape architect.

The Authority's landscape architect reiterates that the associated trees and wood at Minning low forms an important landscape visual feature that can be identified and seen over a wide area. The management of the trees on Minning Low in the long term is to maintain a recognisable characteristic landscape feature of trees whilst restoring views from the scheduled ancient monument to other surrounding archaeological features. The Authority's landscape architect considers that this aim has already been compromised by the turbines at Carsington and Parwich whereby sections of wood will need to be retained to screen these turbines from views from Minning Low and maintain the special qualities of the scheduled ancient monument.

The Authority's landscape architect goes on to say when standing on the eastern side of the monument outside of the group of trees on Minning Low, the turbines at Carsington and Parwich can be clearly seen. The proposed turbine at Slipper low will extend the visual area that turbines can be seen from this viewpoint. In addition the distance from the viewpoint to the proposed turbine and the turbines at Carsington would have the effect of both the existing and proposed turbines appearing to be of a similar size and scale. Therefore, officers consider that a contrary view to English Heritage is justified in this case because the proposed turbine would have a substantial and adverse visual impact in its own right alongside a harmful cumulative impact on the special qualities of an exceptionally rich archaeological landscape that has significant historic interest.

In this case, there are no other obvious alternative sites in the locality that could better accommodate a wind turbine of this scale, nor is it possible to mitigate the impact of the turbine by other means such as planting, which would be an alien feature in its own right in this landscape setting. Equally, whereas a planning condition could mitigate the potential for the turbine to disturb ground features on the application site itself, the proposed colour for the turbine, or any grading or other alternative colour schemes, would not significantly reduce the visual impact of the turbine.

Therefore, taking into account policies in the Development Plan, the Authority's adopted planning guidance and government guidance in the Framework and the supporting Planning Practice Guidance For Renewable And Low Carbon Energy, the current application warrants refusal of planning permission on landscape and visual impact grounds because the impacts of the turbine are unacceptable, and cannot be made acceptable.

Ecology

Whilst the landscape and visual impact of the proposed turbine would be significant, the Authority's Ecologist has confirmed the turbine would not have a substantial impact on any nature conservation interest. In particular, the turbine is sited far enough away from the nearest boundary treatments to avoid any potential impact on local bat populations, and there are no records of any priority bird species using the local area as habitat.

Amenity

Amenity issues have been raised in representations, including potential hazards to the public through infrasound, and there are some concerns that the noise arising from 'blade swish' would disturb the tranquillity of the local area. However, the certification provided with the application indicates that noise levels associated with the turbine would be within recognised and acceptable limits, and the turbine would be far enough away from the nearest neighbouring residential properties to avoid noise levels associated with the turbine disturbing the quiet enjoyment of these properties.

Shadow flicker has also been raised as a concern in the representations and this can occur up to 10x the blade diameter away from the site to receptors that are 130 degrees either side of north relative to the turbine. It is generally only an issue in buildings, and not usually an issue in the open air. In this case the blade diameter is 19.2m so that means that properties within 192m of the site could be at risk if they are within the affected zone. There are no dwellings within this zone, so this is not a significant issue in the determination of this application.

Nonetheless, it is considered that the amenities of the nearest neighbouring properties at Tithe Farm, including the Grade 2 listed farm house, the outbuildings which are being converted to dwellings, and a bungalow, would be at risk of substantial harm from the turbine by virtue of disturbance from its visual impact. In this case, it is considered that by virtue of the scale, siting and movement of the turbines blades, the proposal would have an adverse impact on the on the residential amenities of this group of dwellings.

The proposed turbine would be a dominant, obtrusive feature adversely affecting the outlook from these properties including their gardens. These impacts would be exacerbated by the movement of the blades, which would draw the eye to the turbine. Therefore, the turbine would substantially detract from the quiet enjoyment of these properties and adversely affect the living conditions of the current and future occupants of the dwellings, contrary to Local Plan policy LC4, policy GSP3 of the Core Strategy and specific government guidance in the Framework, which are only permissive of development where it would not detract from the residential amenities of properties likely to be affected by the development proposals.

Benefits

Whilst the above report sets out the substantive reasons for refusal of the current application on landscape and amenity grounds, the Framework states very clearly that applications for renewable or low carbon development should be approved if the impact of the development is acceptable, or can be made acceptable, and also requires the Authority to weigh the harm of the proposal against its public benefits.

CC2(C) says that the social, economic and environmental benefits of renewable energy development will not be taking into account where the proposals would compromise the valued characteristics of the National Park. The current proposals, as set out in the above sections of the reports, would significantly compromise the valued characteristics of the National Park. Nonetheless, the provisions of the Framework constitute relevant planning considerations that must be addressed in the determination of the current application.

In this case, it is said that the turbine will produce electricity for the farm which will help to support the existing farming enterprise. At the average wind speed of 7.7m/s the turbine will generate approximately 33kw. This will produce approximately 250,000kWh of electricity per annum. The difficulties dairy farms face is said to be well documented, without necessarily giving specific examples of the farm's current viability. Notwithstanding this, it is also recognised that any renewable energy projects provide a valuable contribution to cutting greenhouse gas emissions and in this case. In comparison to the energy exported from the grid, the turbine would replace 111 tonnes of carbon dioxide annually. The scheme would therefore provide some benefits to the financially involved farm (i.e. Slipper Low Farm) and some wider benefits to the environment.

However, in the first instance, the government's recently published Planning Practice Guidance reaffirms that, depending on their scale, design and prominence, a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset. The Planning Practice Guidance also reaffirms that the need for renewable energy does not automatically override environmental protections, or the need to conserve and enhance landscape, wildlife and cultural heritage especially within a National Park. This stance was also supported in a recent decision (APP/M9496/A/12/2179436). This appeal involved the erection of a wind turbine to support what was reported to be the largest dairy farm in the Peak District at Hill Top Farm, Parwich. The appeal was dismissed.

Notably, at paragraph 33 in the appeal decision, the Inspector explains that in balancing the impact of the scheme on the National Park against the benefits of the scheme in supporting the viability of the farm, there was an inescapable fact that the site is in the Peak District National Park where it is the statutory duty to conserve and enhance the natural beauty of the landscape. The proposed turbine would not have done this; it would have caused significant harm to the natural beauty of the landscape. The Inspector reasoned that in such a situation, greater priority must be given to conserving the natural beauty of the landscape.

Similarly, officers consider that the reported economic benefits of the proposed turbine towards the maintenance and viability of Slipperlow Farm, and the associated benefits of providing renewable energy development, do not outweigh the significant harm to the landscape character and scenic beauty of the National Park landscape that would result from the turbine. In these respects, the proposals do not constitute sustainable development anticipated by policy GSP1 of the Core Strategy or the Framework, taken as a whole and read in conjunction with Planning Practice Guidance. This is because the benefits of allowing the turbine would be far outweighed by the unacceptable adverse impacts associated with the proposals.

Other Considerations

As noted immediately above, it is acknowledged by officers that even small-scale renewable energy developments can contribute to reducing dependency on non-renewable energy and contribute to reducing household bills, or the viability of rural enterprises. There are, however, alternative less damaging options available to the applicants, given that a turbine is not the only way to reduce energy costs.

In this case, there are many potential roof slopes on the large complex of modern buildings at Slipper Low Farm, including south west and south east facing roof slopes. Placing solar panels on the roofs of these buildings should not be ruled out as an alternative to the proposed wind turbine because this approach could enable the site to produce renewable energy without harming the scenic beauty of the National Park landscape. However, the applicant has chosen to pursue wind energy primarily because the energy generated will be needed day and night, especially at times in the early morning when the milking parlour operates.

Clearly, when it is dark, solar panels would not be producing energy, but it should be noted that

there is an increasing uptake of solar panels amongst the farming community and a growing body of evidence that demonstrates solar panels can meet the energy requirements of large dairy farms, and other large-scale energy consumers. Equally, the turbines would not generate electricity when low wind speeds do not turn the blades.

In these respects, an essential need for the proposed turbine to meet the farm's energy requirements has not been demonstrated. Therefore, the submitted application fails to demonstrate that the private or public benefits of granting permission for the proposed turbine would offset or outweigh the harmful impacts associated with this turbine that would be sited in a landscape of exceptional value, which the nation has chosen to safeguard because of its scenic beauty.

Conclusion

It is therefore concluded that there are no other material considerations that would otherwise indicate that the potential benefits of allowing the scheme would outweigh, or offset the harm arising from the substantial adverse impacts arising from any approval of the current application. In these respects, the proposed development cannot be considered to constitute sustainable development that might otherwise be promoted and encouraged by GSP1 and the Framework

In this case, the proposed development would have a significant adverse visual impact on its landscape setting, it would harm the scenic beauty of the National Park, and it would detract the setting of nearby heritage assets by virtue of its size, scale and siting. The turbine would cause additional harm to the valued characteristics of the National Park by detracting from the tranquillity of the area and harming the living conditions of the occupants of the nearest neighbouring residential properties.

The current application is therefore considered to be contrary to Core Strategy policies GSP1, GSP3, L1, L3, and CC2 and Local Plan policies LC4 and LU4, contrary to guidance in the Authority's adopted SPD on Climate Change and Sustainable Building and the Authority's Landscape Strategy and Action Plan, and contrary to national planning policies in the Framework and government guidance in the associated Planning Practice Guidance.

Accordingly, the current application is recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil

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FULL APPLICATION – ERECTION OF LOCAL NEEDS DWELLING ON LAND NORTH OF LAPWING FARM, ACROSS THE LEA, MEERBROOK (NP/SM0814/0847, P2412, 361358 398817, 26/09/2014/CF)

APPLICANT: MR BEN BARLOW

Site and Surroundings

The application site is located in the north western corner of a parcel of agricultural land, approximately 100m to the north of a property known as Lapwing Hall Farm, which is located in open countryside approximately 0.7km to the north of the small settlement of Meerbrook. The application site has covers around 600m² in area and is broadly rectangular in shape. Access to the site is from an unclassified road known as 'The Lea' on the western side of the site. The Lea leads northwards from Meerbrook past the application site and then on towards The Roaches.

The application site itself is relatively flat and is bounded by a mature hedgerow on the laneside and along the northern boundary. There is group of mature trees on the northern boundary of the site. At present, there is an unauthorised 'chalet' sited on the application site, which is occupied as a permanent dwelling without the benefit of planning permission. The chalet is constructed in dark stained timber boarding under a sheeted roof. It has 3 bedrooms and a footprint of around 100m². An area of hardstanding has been created to the west of the chalet.

Proposal

The current application proposes the erection of a detached five-bedroomed dwelling for local needs. The dwelling would be two storeys in height and would be constructed in natural stone under a Staffordshire clay tile roof with painted timber windows and doors. It would have an internal floor area of 150m² and would be set within a domestic curtilage defined by a new post and rail fence. The existing chalet would be demolished once the new dwelling is habitable.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The application site is not within or on the edge of a named settlement as defined in Core Strategy policy DS1 and therefore the proposals would represent an unsustainable form of development that is contrary to policies GSP1 and HC1 of the Core Strategy, contrary to saved Local Plan policy LH1, and contrary to national policies in the National Planning Policy Framework.**
- 2. As proposed, the dwelling is not of a size and type that would be affordable to local people of low to moderate incomes, contrary to Core Strategy policy HC1, contrary to saved Local Plan policy LH1 and contrary to advice in the Authority's adopted supplementary planning guidance 'Meeting the Needs for Affordable Housing.'**
- 3. As submitted, the proposed house would not be provided with a safe access to the highway, contrary to saved Local Plan policy LT18.**

Key Issues

- whether the applicant is in housing need and whether the need can be met by the existing housing stock;

- the acceptability of the design of the proposed house, and its landscape and visual impact;
- whether the size and type of the proposed house means it would be affordable in perpetuity to local people on a low or moderate income; and
- the acceptability of the location of the site and the sustainability of a newly-built dwelling sited in open countryside to meet local needs.

History

November 2010 – Mobile home sited on the application site. The mobile home was subsequently clad and extended, which resulted in its current chalet style appearance.

September 2011 – Authority’s Monitoring and Enforcement Team notified the applicant that retrospective planning permission would be required for operational development and a change of use of the land from agricultural to domestic use.

June 2013 – Section 330 Notice served requiring information to be submitted with regard to interests in the land, including ownership and occupation details.

October 2013 – Pre-application advice given by planning officers that an application for a local needs dwelling would be contrary to adopted policies because the site is not within a designated settlement.

February 2014 – Planning permission refused for a six-bedroomed house for the current applicant.

Consultations

Highway Authority – Recommend the current application be refused because the proposed house would obstruct visibility and make the current access unsafe.

District Council – no response.

Parish Council - as a majority, support the proposals on the following grounds:

- whilst the site is in open countryside, the visual impact of the development would be low;
- the Authority’s policies on affordable housing only refer to dwellings for up to 5 persons and this application is for a family of 7, and believe this application should be treated as an exception; and
- as families of 7 are uncommon these days, the Parish Council believes any approval for the current application will not set a significant precedent.

Representations

No further representations were received by the Authority during the statutory consultation period.

Main Policies

Local and National Housing Policies

National policies in the National Planning Policy Framework (‘the Framework’) and local policies

in the Development Plan set out a consistent approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly new residential development should normally be built within existing settlements within the National Park. Core Strategy policy DS1 B states that the majority of new development (including about 80% to 90% of new homes) will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

DS1 C states the forms of the development that will be acceptable in all settlements and in the countryside outside the Natural Zone. DS1 D lists named settlements where, amongst other things, new build development for affordable housing is acceptable in principle. In this case, there is some residential development in and around Meerbrook but Meerbrook is not a named settlement for the purposes of DS1 and the application site is within open countryside for the purposes of local and national planning policies.

Paragraph 8.6 in the pre-text to CS policy DS1 helps to explain why Meerbrook is not a named settlement saying that the choice of named settlements reflect their role as part of a Park-wide network of communities and their need and capacity for new development, particularly for new affordable housing. This is a sustainable approach based on national and local policy, reflecting a consensus at all levels for low levels of new development in the National Park with most going to larger settlements in neighbouring areas.

Paragraph 8.23 goes on to say that the remaining settlements such as Meerbrook are very small, and policy DS1 clarifies the limited opportunities for development appropriate to these places. Paragraph 8.25 states that an over-supply of new development outside of named settlements would adversely affect the sustainability of the area. It would exacerbate problems for service providers, and potentially place more people in remote locations where social interaction and service provision is more difficult, particularly for less mobile members of society, both young and old.

Meerbrook otherwise lies within the South West Peak and Figure 7 in the supporting text to policy DS1 says the Authority anticipates policies in the Core Strategy will be able to support the provision of between 30 and 130 homes in named settlements within the South West Peak and an additional 30 outside of these settlements as agricultural dwellings and change of use or conversion. These figures are illustrative rather than representing housing targets but the focus on providing new housing in named settlements also reflects the provisions of national policy that set out very clearly local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (paragraph 55 of the Framework).

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements.

Core Strategy policy HC1 also sets out the exceptional circumstances where new housing can be accepted in open countryside. These exceptional circumstances are where the new house would be for key workers in agriculture, forestry or other rural enterprises (in accordance with Core Strategy policy HC2), or where the conversion of an existing building is required for the conservation and enhancement of a listed building or building with vernacular merit, or where the conversion of an existing building would be for affordable housing to meet local need.

National policies do not suggest any further exceptional circumstances where an isolated new house would be acceptable in the open countryside other than where the house would be of ground breaking design, or where a new house would give rise to significant enhancements. In this case, it should be noted that the enhancement provisions in national policy would not apply to unauthorised development that has been carried out without planning permission, and is not otherwise immune from planning control.

Affordable Housing Policy

In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy, policy LH1 of the Local Plan says that, exceptionally, residential development will be permitted either as a newly built dwelling in or on the edge of Local Plan Settlements (Policy LC2) or as the conversion of an existing building of traditional design and materials in the countryside provided that:

- (i) there is a proven need for the dwelling(s). In the case of proposals for more than one dwelling, this will be judged by reference to an up to date housing needs survey prepared by or in consultation with the district council as housing authority. In the case of individual dwellings, need will be judged by reference to the circumstances of the applicant including his or her present accommodation;
- (ii) the need cannot be met within the existing housing stock. Individuals may be asked to provide evidence of a search for suitable property which they can afford to purchase within both their own and adjoining parishes;
- (iii) the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2). In the case of proposals for more than one dwelling, where the intended occupants are not specified, a satisfactory mechanism to ensure compliance with the local occupancy restriction will be required - normally a planning obligation;
- (iv) the dwelling(s) will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity;
- (v) the requirements of Policy LC4 are complied with.

Policy LH2 of the Local Plan sets out criteria to assess local qualification for affordable housing whilst the supporting text to LH1 and the Authority's supplementary planning guidance (SPG) offers further details on size guidelines, need and local qualifications to support the assessment of applications for local needs housing against the criteria set out in LH1. LC4 sets out design and landscape conservation priorities, as noted below.

Design and Conservation Policies

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Policy GSP3 of the Core Strategy and Policy LC4 of the Local Plan are also directly to the current application because they set out the design principles for all new development in the National Park, seeking to safeguard the amenities of properties affected by development proposals, and setting out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park. Policy CC1 of the Core Strategy and the associated supplementary planning document on climate change and sustainable development encourage incorporating energy saving measures and renewable energy into new development.

Policy L1 of the Core Strategy is also especially relevant to the current application because it reiterates the priorities for landscape conservation in the National Park. L1 also cross refers to the Authority's Landscape Strategy and Action Plan.

The Authority's adopted Landscape Strategy and Action Plan illustrates that the application site is within the South West Peak, and specifically within the Upper Valley Pastures landscape type.

In these respects, the application site and its landscape setting is characterised as a settled pastoral valley landscape with scattered trees along hedgerows, around settlements and following streams. Fields of permanent pasture are divided by hedgerows and occasional drystone walls. This is a settled landscape with dispersed gritstone farmsteads with stone or clay tile roofs and views along the valley and to surrounding hills are filtered through scattered trees.

Taken together, L1 and Landscape Strategy and Action Plan seek to ensure development proposals would not harm the landscape character of the Upper Valley Pastures or the scenic beauty of the National Park.

Assessment

Whether the applicant is in housing need and whether the need can be met in the existing housing stock

Policies DS1 and HC1 of the Core Strategy and LH1 of the Local Plan policy state that housing that addresses eligible local needs can be accepted in or on the edge of named settlements. Local Plan policy LH1 also sets out five criteria for local needs housing, all of which must be met before a scheme can be deemed to be compliant with the Authority's housing policies.

Of these five criteria, LH1(i) states that applications must demonstrate that there is a proven need for the dwelling, and in the case of an individual dwelling, need will be judged by reference to the circumstances of the applicants including his or her present accommodation. LH1(ii) also states that the applicant must demonstrate that the need cannot be met within the existing housing stock. LH1(iii) says that the intended first occupants of newly-built affordable dwelling shall meet the Authority's local occupancy criteria as set out in Policy LH2.

In this case, the submitted Design and Access Statement explains that the applicant had lived at the adjacent Lapwing Hall Farm all his life until setting up home in the unauthorised dwelling in 2010, with his wife and five children. The applicant and his father (who still lives at Lapwing Hall Farm) operate a business delivering milk in the local area and the applicant also works in agriculture at Lapwing Hall Farm. Two of the older children also work locally.

Therefore, the applicant fits into criteria (i) of policy LH2 in that he is a person with 10 years residence who is living in accommodation that is unsatisfactory taking into account that the application is currently living with his family in an unauthorised chalet. He could also fit into criteria (iii) of LH2 – a person with 10 years residence who would be setting up a household for the first time. Furthermore, a recently completed Parish Needs Survey identifies that the applicant and his family are in need of affordable housing.

In these respects the applicant meets the requirements of LH1(i), LH1(ii) and LH1(iii) in terms of demonstrating need and a local qualification, and the Parish Needs Survey demonstrates the applicant's need for housing cannot be met from within the existing stock. These conclusions were also drawn in the determination of the previous application, but the recently completed Parish Needs Survey now adds further weight to these conclusions.

Design, Amenity and Landscape Conservation Issues

Policy LH1(v) states that proposals for affordable housing must comply with the requirement of policy LC4 in terms of detailed design, amenity and landscape conservation objectives. As noted above, LC4 fits within a wider range of design and conservation policies including GSP3 and SPD, which set out design criteria for new development; L1, which states that development must conserve and enhance valued landscape character; C1 and associated SPD that require new development to be energy efficient and resilient to climate change; and LT11 and LT18, which deal with access and parking provision.

In this case, the application site is screened from the adjacent road by a high hedgerow so the proposed dwelling would not be especially prominent from the road. There is a network of public rights of way to the south east and north east of the site, but because the site is in a slight dip in the landscape and due to the intervening hedgerows and trees the dwelling would not be unduly prominent. In wider views from the higher land to the east at the Roaches, it would be difficult to pick the dwelling out in the landscape due to the distances involved.

As such it is not considered that there would be any significant impact on the established landscape character of the area as set out in the Landscape Strategy. In these respects, the current proposals do not conflict with Core Strategy policy L1 and Local Plan policy LC4 and therefore meet the requirements of LH1(v) in terms of the landscape and visual impact of the development proposals.

In terms of detailed design, and compliance with Local Plan policy LC4, Core Strategy policy GSP3 and the Authority's adopted design guidance; the dwelling is different to that proposed in the previous application but the dwelling proposed in this application would continue to have a fairly traditional appearance, being constructed in natural stone under a tiled roof, with its gable end addressing the road.

In common with the previous application and by virtue of the scale of the accommodation being proposed, the gable of the property would still be some 7.4m in width which would result in a building that would not be wholly in keeping with the local building tradition (the Design Guide advises that gable widths are traditionally a maximum of 6m wide). In this respect, whilst the proportions of the proposed house could be modified if necessary to reflect the more modest building traditions of the Staffordshire Moorlands area, the form and massing of the house does not give rise to overriding objections to the proposals.

Similarly, the residential curtilage would also be more appropriately defined by a native hedgerow rather than a post and rail fence but this could be required as part of landscaping scheme. Therefore, subject to appropriate planning conditions, the detailing of the current proposals would generally meet the requirements of the Authority's adopted design policies and guidance in accordance with LH1(v)

In this case, there are no specific environmental management measures proposed as part of the development. However, in accordance with advice in the adopted SPD a condition could be appended requiring the development to be built to a minimum Code Level for Sustainable Homes Level required to RSLs at the time of commencement of the building works. As such, the proposals could comply with Core Strategy policy CC1 and associated SDP on climate change and sustainable buildings subject to appropriate planning conditions.

The nearest neighbouring property to the proposed dwelling is Lapwing Hall Farm which is some 105m to the south of the application site. By virtue of the separation distance involved there would be no impact on the privacy or amenity of that property as a result of the proposals, therefore the proposal would not be unneighbourly and in this respect, also meet the requirements of Local Plan policy LC4 and GSP3.

However, visibility from the existing vehicular access is not entirely within adopted standards and the Highway Authority recommends that the current application be refused because the house would be sited within the visibility splay of the access. Although vehicle volume and speeds on the highway at this point are low, the house would need to be resited in the interests of highway safety. Provided the road-side hedgerow is maintained, the proposals are otherwise considered to accord with Local Plan policies LT11 and LT18 because on-site parking provision would meet the needs of the occupants of the proposed dwelling, and the access could be made safer.

It is therefore considered that the proposals could comply with the specific requirements of LH1(v) and LC4 and other relevant policies in the Development Plan because the new house would not harm the general amenities of the local area and would have a limited impact on the surrounding landscape and the proposals are capable of being made acceptable in design terms, subject to conditions and resiting the house within the red-edged application site. However, the acceptability of the design of the house does not override or offset concerns that it would be simply too big to be considered to be affordable.

Size and Type

Local Plan policy LH1 subsection (iv) states that local needs dwellings must be affordable by size and type to people on low to moderate incomes. The SPG on affordable housing and supporting text in the Local Plan explains that the most affordable housing is likely to be modest both in terms of floor space and curtilage. SPG and supporting text in the Local Plan also states that dwellings of up to 87m² are likely to remain more affordable whilst Para 4.24 of the SPG states that houses for more than 5 persons are less likely to be affordable and that larger houses will be judged by individual circumstances.

One of the fundamental concerns officers have about the current proposal is that the proposed dwelling would have a floor area of 150m², which far exceeds affordability guidelines, even taking into account the applicant's personal circumstances. Notably, the internal floor area for the new house remains almost identical to that proposed in the previous application but the number of bedrooms has been reduced from six (in the previous application) to five (in the current application).

In these respects, the Design and Access Statement explains that an initial design was drawn up for an 87m² property (i.e. the 'size limit' for an affordable house for five people) with two additional bed spaces. However this was considered to be unworkable because extra living, as

well as sleeping, space is required for a large family. The Housing Corporation's 'Housing Quality Indicators for Affordable Homes' gives a guideline of 115m² for a 7 person home (the space standard is actually 108m² to 115m²). However, the applicant still did not feel that this was large enough to meet his needs because as a 'farming family' they have special requirements for storage of farm dirty clothes, for example. The proposed floorspace therefore exceeds that 115m² guideline by another 35m².

In this case, it might be reasonable to argue that a house of between 108 and 115m² would not serve the immediate individual circumstances of the applicant if, for example, the house was justified under an essential need for an occupational dwelling, for example. However, the applicant's agent has stated that there is insufficient land and stock held at Lapwing Farm to support an application for an agricultural worker's dwelling for the applicant. Therefore, the issue for determination is whether the house would meet affordability criteria rather than whether the size of the dwelling would be commensurate with the needs of a farm holding.

In these respects, a house of 150m² is unlikely to remain affordable to people on low to moderate incomes and the additional floorspace proposed is not justified. In addition, the dwelling would be detached and the proposed residential curtilage would be substantial at approximately 500m² (excluding the footprint of the house). A valuation has been submitted from a local firm of Estate Agents, who estimated the market value of the six bedroomed property proposed in the previous application to be £320,000 upon completion. With a 30% discount reflecting a local occupancy restriction, the six bedroomed property proposed in the previous application would be 'worth' around £224,000.

It is likely that the house proposed in this application would have a similar value and as such, the proposals would be directly contrary to LH1 (iv) in that the dwelling might meet the immediate needs of the current applicant but it would not remain affordable to people on low to moderate incomes in perpetuity. Moreover, the agent has submitted a 'build costs' estimate for the proposed dwelling, from a local building company. This estimated build cost is £127,350 which is £37,800 more than the mortgage offer the applicant has received. Therefore, it is not clear that the applicant can actually afford to build the proposed dwelling at this stage.

Notwithstanding this, the recently completed Parish Needs Survey does identify a need for a five-bedroomed property in the parish, but goes on to say that a five bedroom affordable property would be unusual and exceptional in terms of affordable housing provision and may not meet with future District housing needs, therefore an option to readily convert the accommodation ought to be considered.

The current application addresses this point by illustrating how the proposed house could be sub-divided into two separate houses: one with two bedrooms; and one with three bedrooms. This is an important consideration because the subdivided houses would be affordable (in policy terms) and both the Parish Needs Survey completed recently in this parish and the Parish Needs Survey completed recently in the adjoining parish of Quarnford identify at least two young households in each parish that require affordable housing.

However, the weight that can be given to this consideration is diminished in the absence of any mechanism or other information that establishes at what point either of the two small houses could or would be made available to the wider community. Therefore, greater weight must be placed on the conclusion that the dwelling 'as proposed' is not of a size and type that would be affordable to local people of low to moderate incomes. In these respects, the submitted application is contrary to Core Strategy policy HC1, contrary to saved Local Plan policy LH1 and contrary to advice in the Authority's adopted supplementary planning guidance 'Meeting the Needs for Affordable Housing.'

Location of Site and Housing Policy

This is a fundamental issue which is, in itself, considered to be of sufficient concern to justify refusal of the application. Aside from the size of the proposed dwelling, the main issue with both the previous application and the current proposals is the fact that the site is not located within a named settlement. It is located in an isolated position in open countryside. In the determination of the previous application members of the Authority's Planning Committee indicated these concerns may be addressed by moving the proposed house closer to the existing dwelling at Lapwing Hall Farm but the red-application site has instead been retained in an almost identical location to that shown in the previous application.

In this case, the red-edged application site is located in open countryside some 0.7km outside of Meerbrook, which itself is not a named settlement for the purposes of the relevant policies in the development plan. Core Strategy policies DS1 and HC1 set out the development strategy for the National Park in relation to housing. These two policies taken together clearly set out that outside of named settlements there is no provision for any new build housing development unless it provides for key workers in agriculture, forestry or other rural enterprises in accordance with Core Strategy policy HC2. LH1 otherwise says all new build local needs dwelling must be located in or on the edge of a named settlement. The proposals for a new build local needs dwelling in this location are therefore fundamentally contrary to these policies, regardless of the landscape impact of the development.

In this case, it is considered that there is no conflict between policies in the Development Plan and the more recently published National Planning Policy Framework because both seek to promote housing to meet local need in sustainable locations and restrict new isolated homes in the countryside. The Authority's Core Strategy Housing policies have been consistently supported by the Planning Inspectorate on appeal. It is acknowledged that there are no suitable traditional buildings within the curtilage of Lapwing Farm that could be converted to a dwelling. There is another site closer to Lapwing Hall Farm, in a field to the south of the application site. Whilst this site would bring the new dwelling closer to other built development at the farm, the dwelling would still be located in open countryside contrary to CS policies DS1 and HC1 and Local Plan policy LH1.

Moreover, Meerbrook is a small dispersed settlement centered around a crossroads. It has a pub, church, village hall and youth hostel, but there are only around 12 residential properties 'in' the hamlet and there are no other services within the settlement e.g. convenience shop or primary school. Therefore, officers consider that DS1 correctly identifies Meerbrook as a settlement with little capacity for development, which means Meerbrook is an unsustainable location for newly-built local needs housing.

In these respects, it is considered that a large, new build dwelling in the proposed location would actually place people in a remote location where social interaction and service provision is more difficult, particularly for less mobile members of society, and a house in this isolated location at a distance from any existing service centre would exacerbate problems for service providers serving the local area. Furthermore, the future occupants of the dwelling would be dependent on a car for access to work, services, such as schools, doctors and so on, and for basic day to day requirements such as food shopping.

Therefore, the house would not be sited in a sustainable location contrary to the presumption in favour of sustainable development in national policy, as set out in the Framework, and policy GSP1, which underpins the requirement for new residential development to be sited within existing settlements in housing policies in the Development Plan.

It is also acknowledged that the settlement is within the parish of Leekfrith which comprises mainly dispersed farmsteads and one of a cluster of parishes in the Staffordshire Moorlands,

which do not contain any ‘named settlements’ as defined in the Core Strategy. The only named settlement within a Parish ‘adjacent’ to Leekfrith, and within the National Park, is Flash in Quarnford. The nearest service centre is Leek, which is adjacent to Leekfrith Parish and about 4km away. Therefore, there are very limited opportunities for new housing within the local area and this has significant implications for the longer term vitality and viability of the dispersed community living in and around Meerbrook.

In these respects, the applicant’s circumstances are not unique and the recently completed Parish Needs Survey identifies that there are others in the local area who are in a similar situation to the applicant i.e. people with a local qualification and in need of affordable housing. The fact that there are otherwise no opportunities open to the applicant to convert an existing building in or around the local area means it is likely that the applicant would have to move out of the National Park to meet his housing needs if the current application were to be refused. This is a dilemma faced by others in the parish and adjoining parishes.

Consequently, if these proposals were accepted, there is a reasonable expectation that similar applications would follow, and the Authority would need to make a similar judgement on other such proposals in the future. In these respects, whilst the Authority may not be bound by ‘precedent’, it would have to consider approval of this application would be a relevant and material consideration that would weigh heavily against the strict application of local and national housing policies in similar circumstances.

Therefore, whilst the applicant undoubtedly has strong connections to the local area and the dwelling, despite its size, would not be unduly intrusive in the landscape and is of a reasonable design subject to it being resited to make the access safe, these factors are not considered to be sufficient to outweigh the fundamental policy objections to new-build affordable housing outside of any recognised settlement or offset the risk that approval of this application would undermine the Authority’s ability to avoid new isolated homes in open countryside in the future.

Unilateral Undertaking

A draft unilateral undertaking has been submitted with the application, which aims to limit the occupancy of the new house to local people. If this draft legal agreement were to meet the tests in the Framework as being necessary and reasonably related to the proposed development then it could be capable of being a further material consideration in the determination of the current application.

However, the document lacks detail, is imprecise and does not follow the Authority’s standard template for affordable dwellings so can only be considered to be void for reasons of uncertainty. As such, the draft unilateral undertaking carries little weight in the determination of the current application. If permission were to be granted for the new house then it should be subject to the section 106 agreement similar to Authority’s standard template with the applicant as the first named occupier, and clear provisions in respects of subsequent occupiers and the subdivision of the proposed house.

Conclusion

In this case, the applicant meets the criteria laid out in Local Plan policies LH1 and LH2 insofar as it has been demonstrated that he is in housing need, he meets the local criteria and there does not appear to be any existing property available at present within his price range within the Parish or adjoining Parish. However, the application site lies in open countryside, in a relatively isolated location contrary to national policies in the National Planning Policy Framework and contrary to Core Strategy policies DS1, GSP1 and HC1 and Local Plan policy LH1.

In addition, as proposed, the dwelling would be of a size and type that would not be affordable to local people on low to moderate incomes giving rise to further conflict with policy HC1 of the

Core Strategy and policy LH1 of the Local Plan and contrary to the Authority's adopted supplementary planning guidance. The absence of any satisfactory mechanism to provide for the subdivision of the proposed house or any indication when either of the two smaller houses might be made available to the wider community offsets the benefits that might result from granting planning permission for a house that meets the current needs of the applicant but which could meet the needs of the wider community in the future.

The dwelling would not be unduly intrusive in the landscape and, with some modifications to its overall proportions, the design of the house would be in keeping with the local building tradition and the access could be made safe. However, these considerations are not sufficient to outweigh the fact that the proposed dwelling is fundamentally contrary to Development Plan and Framework policies that aim to avoid isolated new houses in the open countryside and to achieve a sustainable approach to development by focusing new affordable housing into larger settlements that have service facilities and capacity for new development.

In these circumstances, any approval for the current application would represent a clear and substantial departure from the Development Plan, and a clear and substantial departure from national policies in the Framework. Accordingly, the current application is recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil

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FULL APPLICATION – ERECTION OF AGRICULTURAL BUILDING ON LAND OFF BRAMLEY LANE, HASSOP COMMON, CALVER (NP/DDD/1213/1144, P.2382, 422989/373287 1/9/2014&30/09/2014/CF)

APPLICANT: COVERLAND UK LTD

Introduction

This application was considered at the meeting of the Authority's Planning Committee on 12 September 2014. However a decision was deferred on the application pending a site visit and pending submission of an agricultural appraisal, which members considered would give further clarification on the justification for the proposed development. The revised application proposes the erection of two farm buildings and associated yard area on a bare field site in open countryside.

However, at the time of writing, the agricultural appraisal requested by members had still not been received by the Authority but officers have been advised this information will be received in advance of the meeting on 10 October 2014. Therefore, the original report follows below because the original officers' recommendations and the discussion of the planning merits of the proposed development and policy considerations remain unchanged in the absence of any additional information. It is intended to publish a supplementary report addressing any further issues arising once the agricultural appraisal has been received and assessed.

Site and Surroundings:

The application site comprises a field parcel accessed from Bramley Lane that is located in open countryside in an elevated position on Hassop Common. The field parcel has previously been worked for minerals but has been restored to grazing land. A public right of way runs through the application site and there is some planting along the southern boundary of the field adjacent to Bramley Lane, which is an unmade road which runs between Calver and Longstone Edge.

The application site is otherwise located within a rolling upland plateau setting formed by pastoral farmland enclosed by limestone walls with open views to surrounding higher ground to the north and north east in particular. In these respects, the application site lies within the Limestone Hills and Slopes character type in the White Peak but the application site is also seen in the context of many other landscape character types including the Limestone Village Farmlands, Limestone Plateau Pastures and the Limestone Dales.

Proposal:

As submitted, the current application proposed the erection of a large modern farm building and the creation of a yard area. The submitted plans showed that the building proposed in the original application would have measured 27.4m x 32m (i.e. a footprint of 876.8m²) with eaves at 3.353m and ridge 6.87m above the adjacent ground level. The original application did not include any details of hardstandings that would otherwise have been reasonably required to facilitate the use of the proposed building. Following officer advice that this building would not be recommended for approval, the application has been revised and amended plans have been submitted.

Amended Plans:

The amended plans show the erection of two portal framed agricultural buildings and the creation of a yard area on a reasonably level area of the application site. The buildings would be sited close to an existing plantation between Bramley Lane and the site of the proposed development, and access to the buildings would be from an existing track leading off Bramley Lane.

The buildings would also be sited parallel to each other just over 9m apart with a concrete yard

area provided in the space between the two buildings. Building A, which would be closest to Bramley Lane, would be used to store agricultural implements and fodder. Building B would be an open fronted building used to accommodate livestock. The open sided elevation of Building B would face towards Building A, and towards Bramley Lane beyond Building A.

Building A would measure just over 27.4m x 16m and provide 439m² of secure storage space. It would have an eaves height of 4m and a ridge height of 5.8m above the adjacent ground levels. The ridge of the roof over Building A would run broadly parallel with Bramley Lane, and its rear (south facing) elevation would run along the edge of the plantation between Bramley Lane and the proposed site of the building.

This building would have a shallow pitched roof clad with coloured fibre cement sheeting coloured slate blue. Its vertical cladding would be dark stained treated Yorkshire lap boarding, and its below cladding would be a stone-faced limestone wall. The elevation facing Building B and the elevation facing the access track would both have openings measuring 4.8m wide x 3.7m high and both openings would incorporate sliding doors.

Building B would also measure just over 27.4m x 16m but would incorporate an overhanging canopy. This means the width of the gable of Building B that would be treated with solid cladding would be slightly narrower than the solid clad width of Building A (i.e. 14.2m compared to 16m). The materials that would be used in the construction of Building B would match those proposed for Building A, namely a dark slate fibre cement roof, vertically clad Yorkshire boarding with a stone-faced below cladding and its design would be very similar other than Building B would be open fronted with a canopy, as noted above. Building B would also have a gated opening facing towards the access track.

The amended block plans show there would be a hard surfaced yard area treated with bound, rolled and consolidated limestone between both buildings and the access track. Access to this yard area would be from the existing track off Bramley Lane but this yard area would otherwise be mostly separated from the existing track by an existing line of what appear to be self-seeded trees and shrubs. This yard area would also provide access to the concrete yard area between the two buildings, noted above, and the openings proposed in the gables of both buildings would open on to the hard standing.

The amended plans accurately reflect suggestions made by officers to help overcome objections to the original submission. The applicant has subsequently requested that the current application be determined on the basis of the amended plans.

Supplementary Information

Alongside requesting amended plans, additional information was requested relating to the requirement for a building with a floor area of 836.8m², as submitted (the buildings shown on the amended plans would have a covered floor area of 838m²). In response to this request for additional information, the applicant's agent advises that the size of the building was arrived at after careful consideration of the optimum floor space and the applicant does not wish to create buildings, from a cost management point of view, that are larger than is absolutely necessary.

The applicant's agent goes on to say splitting the buildings into their two distinct components will, however, mean that there will be greater capacity to store fodder and straw on site whilst providing for secure undercover storage for agricultural machines and other equipment whilst the functional open sided building will house livestock and will be readily sub-dividable to provide optimum space at the time of greatest need, such as during lambing or over wintering cattle.

Further information was also requested by officers on (1) traffic management measures to address concerns raised by Rowland Parish Meeting and local residents in representations (2) mitigation measures for great crested newts because of the proximity of their habitat to the

application site (3) enhancement measures for the nearby schedule ancient monument taking into account the application site lies within its setting, and (4) removal of two farm buildings on land within the applicant's control but would no longer be required if permission were to be granted for this application.

On local concerns relating to increased traffic movements through Rowland to land in the applicant's ownership on Hassop Common, the applicant's agent says the development proposed in this application should ensure that vehicle movements associated with the applicant's activities on land on Hassop Common can be minimised because adequate facilities will be available to securely store vehicles and plant that would otherwise have to pass up and down the highway through Rowland.

On mitigation measures for great crested newts, the applicant's agent has advised that the applicant would be prepared to carry out the mitigation and enhancement measures outlined by the Authority's Ecologist in her comments on this application. The applicant's agent has also confirmed that the applicant is willing to carry out works to protect the periphery of the scheduled ancient monument, and provided confirmation that both farm buildings now specified on plans received by the Authority would be removed before any works commenced on the buildings proposed in this application.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. By virtue of its siting and scale, the proposed development shown on the amended plans would have a substantial adverse visual impact and would significantly harm the scenic beauty of the National Park, contrary to Core Strategy policies GSP1, GSP2, GSP3 and L1, Local Plan policies LC4 and LC13 and national policies in the National Planning Policy Framework.**
- 2. The information submitted with the application fails to demonstrate that the benefits of granting permission for the revised application would significantly and demonstrably outweigh any adverse impacts of doing so when assessed against the policies in the Development Plan and National Planning Policy, as a whole, and therefore the proposals do not constitute sustainable development that would otherwise be supported by policy GSP1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework.**

Key Issues:

In this case, the nearest residential property to the application site is a dwelling known as Bleaklow, which is located some 800m to the west of the site, and there is a significant amount of mature planting between the application site and this property. Therefore, there is no realistic likelihood that the proposed development would detract from the quiet enjoyment of the nearest neighbouring residential property.

Although the Parish Meeting and local residents are concerned about the potential for these proposals to exacerbate existing traffic problems in Rowland (around 1.2km to the south west of the application site), the Highway Authority does not object to the proposals providing the use of the development is restricted to agricultural purposes associated with the surrounding controlled land, with there being no future sub-letting or selling off.

Therefore, there are no sustainable reasons for refusal of this application on highway safety grounds, also taking into account it is considered the increase in traffic through Rowland experienced by local residents is attributable to unauthorised works carried out to improve the track from the end of the built-up area of Rowland to the bottom of the recently improved access

track to Bleaklow Farm, and the roughly surfaced track that leads to the application site. The improvements to the track from Rowland have otherwise been addressed in an application previously determined by the Authority's Planning Committee relating to the replacement dwelling granted planning permission at Bleaklow Farm.

It should also be noted that one alternative access to Bleaklow Farm and Hassop Common is a much longer route via Great Longstone and along Moor Lane. A further alternative access to Hassop Common from Bramley Lane is from a substandard access onto the B6001 to the north of Hassop that the Highway Authority considers to be dangerous.

It is also notable that the Highway Authority has resolved to take no further action against the works to the rough track from Rowland that include the provision of a tarmacadam (or similar) top surface, which is a non-classified road meaning that there are no restrictions on private vehicles using this track. In these respects, it is extremely difficult to consider that the Parish Meeting's request, also advocated by two local residents, to preclude access to the application site from Rowland would be reasonable in planning terms even though officers can understand why such a condition has been requested.

In terms of the other valued characteristics of the local area, there is a scheduled ancient monument on the opposite side of Bramley Lane, but the intervening trees and the general topography of the land would mean that the building would have a neutral impact on the setting of this heritage asset. The remote location of the site means that it is highly unlikely that the proposals would have any substantial impact on the setting of any other designated or non-designated heritage asset within the local area.

The application site has been so disturbed by open cast mineral works that there is no reasonable prospect that there is any archaeological interest that would be directly affected by the proposals and the buildings have been sited off the line of the scheduled ancient monument. This is important because the projected line of the scheduled Double Ditched Dyke can still be read in the landscape and this would no longer be possible if the buildings were sited on this line.

However, whilst it has been indicated that the applicant would be prepared to carry out works to preserve the periphery of the monuments, the type of works that the applicant would be willing to carry out have not been specified. There is also no heritage statement, or similar document that explains how any works the applicant may be willing to carry out would preserve or enhance the scheduled ancient monument and how these works would be reasonably related to the proposed development.

There are also records of great crested newts within the close vicinity of the application site but the Authority's Ecologist has no overriding objections to the proposals subject to appropriate mitigation measures. The disturbed nature of the land means that there is no ecological interest within the application site itself that would be disturbed by the proposed development. However, no survey work has been carried out that would help to ensure that the mitigation measures suggested by the Authority's Ecologist would be carried out prior to commencement of the proposed development. Moreover, the adjacent land to the north and east of the application site are particularly rich in ecological interest.

The part of the field which lies immediately to the east of the application site includes a range of grassland types and archaeological features in the main relating to a history of mineral exploitation. These are fragile features and include areas of species rich grassland of value to a range of plants and invertebrates. In addition, the application site lies immediately adjacent to field SK22735785 which supports a rich scrub/grassland mosaic which is important for a variety of plants, invertebrates and birds and is of particular importance because it lies adjacent to Coombs Dale SSSI and SAC.

The significance of these areas is such that both are recognised within the Environmental

Stewardship scheme in place on the holding with specific measures being included in Higher Level Stewardship to enhance the habitat in SK22735785 for invertebrates and birds. The yard area between the buildings and the track proposed in the revised application would fail to maintain the habitat available for the species of interest and would fail to maintain a buffer between the buildings and the areas of particular interest

Finally, it is acknowledged that the application site was once used for open cast mining but the land has been restored, and for planning purposes, the land should not be considered to be previously developed land. The land has been restored to grazing land but the application site is a barefield site that is not well-related to any existing farm buildings, or the nearest house at Bleaklow Farm. The application site lies in a remote location in open countryside and the elevated and exposed nature of this site means that it is visible from a wide range of distant viewpoints primarily to the north and north east. The application site is also not seen in the context of nearby modern mineral workings.

Consequently, the acceptability of the siting, design and layout and the landscape and visual impact of the proposed buildings and associated yard area are considered to be one of the key issues in the determination of this application.

A further key issue in the determination of the current application is whether mitigation measures for great crested newts and the ecological interest in the adjacent fields alongside enhancement of the nearby scheduled ancient monument can be secured if permission were to be granted for the current application.

The determinative factor in the determination of this application may otherwise be considered to be whether the benefits of granting permission for the proposed development would demonstrably offset or outweigh the adverse impacts of doing so taking policies in the Development Plan and the National Planning Policy Framework as a whole.

History

Planning permission refused in 2013 for an agricultural building proposed by the current applicant to house livestock and to store fodder and implements on land also in the current applicant's ownership off Bramley Lane around 500m to the north east of the current application site (NP/DDD/0713/0635). This application was refused for the following reasons:

- The proposed development would have a significant adverse visual impact and would significantly harm the scenic beauty of the National Park, contrary to Core Strategy policies GSP1, GSP2, GSP3 and L1, Local Plan policies LC4 and LC13 and the Authority's Agricultural Developments Supplementary Planning Document.
- In this case less damaging practicable options are also considered to be available to the applicant and the submitted application does not otherwise demonstrate that the proposed building constitutes sustainable development of the existing farm business
- In these respects, the submitted application fails to demonstrate that the benefits of granting permission for the current application would significantly and demonstrably outweigh any adverse impacts of doing so when assessed against the policies in the National Planning Policy Framework.

Consultations

Calver Parish Council: No comment on the original submission but have since confirmed that there are no objections to the amended plans.

Derbyshire County Council (Highways): No objection subject to use of development being

associated with surrounding tied land only with no future sub-letting or selling-off.

Derbyshire Dales District Council: No response to date,

English Heritage: No response to date on either the original application or revised submission but English Heritage have offered the following pre-application advice:

Firstly, English Heritage would have no objections to the proposals provided (1) that the buildings are not constructed on the projected line of the Double Ditched Dyke scheduled ancient monument that lies on the opposite side of Bramley Lane to the application site; and (2) provided that the following actions are taken:

- Complete scrub and bramble removal preferably in late Feb/early March so that any bare areas created quickly green up, together with subsequent and on-going into the future treatment of stumps/regrowth. Scrub removal should also take place on the land immediately to the east of the monument. English Heritage also commented that some of this work is beyond volunteers and needs tackling by a contractor.
- Removal of the big boulders used to prevent 4x4 access to the monument coupled with erection of deflector fencing i.e. half metre high posts with a single rail. However, there is concern that removing the boulders could invite access by 4x4s so it is important that all the actions take place in close succession to give impression of cared for monument in addition to the fence.
- Development and erection of an interpretation panel probably on the wall at the north east corner of the scheduled ancient monument (close to a footpath and its junction with Bramley Lane).

National Park Authority (Biodiversity Project Officer): In principle, supports the provision of a building on the land to support the applicant's ability to meet the terms of a recently agreed stewardship agreement. However, it is noted that the application site is adjacent to fields that hold particular important ecological (and archaeological) interest and whilst the agricultural buildings themselves are unlikely to have a significantly adverse effect on these areas of ecological importance, development of any kind surrounding the buildings and the central concreted yard is likely to impact detrimentally on the bird and invertebrate resource that is a recognised part of the interest.

In these respects, it is considered the development site needs to be restricted to the buildings, the concrete yard and an access track in order to maintain the habitat available for the species of interest and maintain a buffer between the buildings and the areas of particular interest. It is also noted that the initial justification for this building was made on the grounds of the demands of the Higher Level Stewardship scheme. This stipulates a need for 15 cows or 20 young cattle on Coombsdale. It is estimated that a single one of the proposed buildings could house 50 young cattle or 40 cows, and therefore, the development is beyond what is required by the scheme.

National Park Authority (Ecologist): No overriding objections to the proposals providing that various mitigation measures, enhancements to existing habitat, and compensatory habitat for terrestrial habitat that would be lost to the development are provided for. The Authority's Ecologist has outlined the measures that would be required in her comments on this application.

National Park Authority (Landscape Architect): On the amended plans, the Authority's landscape architect has commented that although the buildings will be seen against a backdrop of trees, the proposed development, including the large area of hard standing, will still be noticeable and the site is very open to views from the north and east. Therefore, the Authority's landscape architect has reservations about this proposed development not least in terms of its potential visual impact.

National Park Authority (Senior Archaeologist): Sets out a clear recommendation that the advice offered by the Authority's Biodiversity Project Officer (above) is followed but also suggests additional planting to the east and north of the buildings. The Authority's senior archaeologist has also confirmed that the buildings would be sited to the east of the line of the scheduled ancient monument.

Rowland Parish Meeting: No objections to the proposed building other than the local community's concerns are that increased traffic through Rowland would be extremely detrimental. The Parish Meeting went on to say Rowland comprises a single-track road (no passing places) with no safe pedestrian pavement or verge. There are two blind bends that make the road unsuitable for increased traffic use.

Therefore, the Parish Meeting request that, should permission be granted, a condition be imposed on that permission that requires vehicular access to the site, both during and after construction, to be via Bramley Lane and not through the small hamlet of Rowland.

Representations

Two letters of representations were received by the Authority during the statutory consultation on the original application from residents of Rowland. The two letters make almost identical observations namely that the developments by the current applicant at Bleaklow Farm have already brought about a considerable increase in the volume of unsuitable traffic through Rowland – farm vehicles and various contractors' vehicles – to the detriment of the fabric of the hamlet and danger to pedestrians and cyclists.

Both letters say that there are concerns that approval of this application will lead to further increase in traffic through the hamlet of Rowland and the single track road through Rowland has two 90 degree bends and no foot paths so it is simply not suitable for modern heavy farm vehicles.

Both letters go on to say previous farmers at Bleaklow Farm have used only Bramley Lane for access and it is not clear why this should change, therefore both letters conclude that if this application is approved, a condition should be attached that all vehicular access, both during and after construction, should be via Bramley Lane only and not through Rowland.

Policy Framework

Agricultural Development

Local Plan policy LC13 is directly relevant to the key issues at stake in the determination of the current application because it sets out specific criteria to assess the acceptability of new agricultural development within the National Park. LC13 states that new agricultural buildings will be permitted provided that they:

- (i) are close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features; and
- (ii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
- (iii) avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and

-
- (iv) do not require obtrusive access tracks, roads or services. These should be designed with particular respect for the landscape and its historic patterns of land use and movement, and any landscape change likely to result from agricultural or forestry practices.

The Authority's Supplementary Planning Guidance (SPG) on agricultural development offers further guidance on the design of modern farm buildings and makes a clear distinction between the acceptability of a modern farm building which is consistent with the character of a farmed landscape and a building of unacceptable design where there is no functional justification for its size and massing.

Paragraph 3.6.4 of the SPG also states that most modern farm buildings are now typically constructed from a portal frame and clad in timber or sheeting which are often of a subtle color that would allow the building to assimilate into the landscape, and these are the types of modern farm buildings the Authority is most likely to find acceptable under the provisions of LC13.

Wider Policy Context

The provisions of LC13 are supported by a wider range of design and conservation policies in the Development Plan including policies DS1, GSP1, GSP2, GPS3, and L1 of the Core Strategy and Local Plan policies LC4.

DS1 states that agricultural development is permissible within the National Park but farm buildings should also meet the requirements of landscape conservation policies GSP1, GP2 and L1 to ensure that the provision of new farm buildings does not result in conflict with the 'conservation purpose' of the National Park even where they may be reasonably required for the purposes of agriculture.

GSP3 and LC4 are applicable to all development in the National Park but are especially relevant to the current application because they reinforce the provisions of LC13 in respects of safeguarding the amenities of the local area, and they promote design solutions that would be sensitive to the distinctive character of both the natural and built environment of the National Park.

Landscape Strategy and Action Plan

In terms of assessing landscape and visual impact of proposed development in the National Park, the Authority's Landscape Strategy and Action Plan is also a material consideration. The Landscape Strategy and Action Plan says that that the application site is located in an area identified as Limestone Hills and Slopes, in the White Peak, which is characterised as a high pastoral landscape with a varied undulating topography and some steep slopes by limestone villages, set within repeating pattern of narrow strip fields bounded by dry stones walls within gently undulating plateau of pastoral farmland and wide open views to distant skylines.

The Landscape Strategy and Action Plan sets out the overall strategy for this area is to protect and manage the distinctive and valued historic character of this sparsely populated agricultural landscape by seeking opportunities to enhance the wild character and diversity of remoter areas. L1 of the Core Strategy otherwise requires development to respect and reflect landscape conservation priorities and objectives set out in the Authority's Landscape Strategy and Action Plan.

Ecology

The development proposals would affect nearby sites of biodiversity importance and the habitat of great crested newts, which are a European Protected Species. Therefore, L2 of the Core Strategy and policy LC17 of the Local Plan have particular relevance in the determination of the current application. Policy L2 states:

- A. Development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
- B. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

LC17 contains a range of detailed criteria that support the provisions of L2 including the requirements for detailed appraisal of the impact of development proposals on sites or species of biodiversity importance.

Archaeology

As noted above, the application site is close to, and within the setting of the scheduled ancient monument referred to as the Double Ditched Dyke. Therefore, L3 of the Core Strategy and Local Plan policy LC16 are also particularly relevant in the determination of the current application. L3 says development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings. LC16 says where development affecting a scheduled ancient monument is acceptable, the following will be required:

- i. the implementation of an appropriate scheme for archaeological investigation prior to and during development;
- ii. wherever practicable, the preservation of any feature of special interest in its original position, and appropriate opportunities for future access and examination taking into account the importance of the site or feature.

National Planning Policy Framework

The relationship between policies in the Development Plan and the National Planning Framework has also been considered and it is concluded that they are consistent because the NPPF promotes sustainable development sensitive to the locally distinctive character of its setting but also places great weight on the conservation of the scenic beauty of the National Park, its wildlife, and its heritage assets.

Background

In essence, the current application is a resubmission of the application refused in the latter part of 2013 for a new farm building to serve the needs of the applicant's land holding on Hassop Common. Land in the applicant's ownership on Hassop Common extends to 71.45ha (177 acres) and is run in conjunction with the applicant's agricultural business based at Ashford Hall.

The land at Hassop Common is used to rear approximately 500 sheep and 20 cattle along with the production of fodder. There is an existing small, run down timber framed building where a new building was proposed by the applicant in 2013, and a building close to the dwelling known as Bleaklow Farm on the applicant's holding. However, the applicant says these buildings would not adequately meet the needs of the holding also taking into account the holding is now subject to a Higher Level Stewardship (HLS) agreement.

This agreement underpins the need for a building that would facilitate appropriate land management of the holding taking into account land in the applicant's ownership at Hassop Common includes a significant part of the Coombs Dale Site of Special Scientific Interest (SSSI), which forms part of the Derbyshire Dales Special Area of Conservation (SAC), in addition to a smaller area of Biodiversity Action Plan (BAP) grassland.

In summary, the preferred option is for the SSSI, and the additional BAP area, to be grazed by both cattle and sheep. This is a departure from the existing grazing management by sheep only. The requirement for cattle grazing has been specified with the objective of controlling the ranker grasses, the scrub and bracken, all of which are detrimental to the future of the flower and invertebrate rich grasslands. Natural England agree that summer cattle grazing is key to their conservation objectives for the SSSI, together with the ability to remove them in the winter prior to the risk of poaching.

Therefore, the need for a building to house cattle on Hassop Common, alongside machinery, and the fodder for them in the winter is of some significance in respects of achieving nature conservation outcomes otherwise anticipated by the HLS agreement. The details submitted with the application suggest that the building would be of a sufficient size to accommodate sheep and cattle, alongside fodder and machinery required on the holding.

However, the building originally proposed in this application would have been significantly larger than that proposed in the previous application and refused planning permission 2013. In the determination of the previous application it was accepted that 585.29m² of covered floor area would meet the needs of the business based on the requirements of the HLS agreement. The building originally proposed in this application would have a covered floor area of 876.8m² which would have been an increase of around 50% of the covered floor area proposed in the original application. The two buildings proposed in the revised application would have a covered floor area of around 878 m²

The details submitted with the original application do not explain why a much bigger building was being proposed. The supplementary information provided by the applicant's agent provides some further explanation regarding the size and scale of the proposed development but this information is not as detailed as an agricultural appraisal of the holding, for example. Nonetheless, LC13 does not contain any functional tests that require the applicant to justify the size and scale of the two buildings proposed in the revised application. However, the size and scale of the development is likely to have a significant visual impact when it would be sited in a relatively isolated position and on an exposed and elevated site as proposed.

Therefore, as noted above, the acceptability of the site for the proposed buildings is one key issue in determining whether the building would meet the landscape conservation objectives set out in LC13 and the wider range of design and conservation policies in the Development Plan and the Framework.

Siting

In this case, the current application site has been chosen because of existing landscape features, most notably the mature planting and other plantations in the immediate vicinity of the application site. The existing trees and the topography of the surrounding landscape restrict views into the application site from vantage points broadly to the west and south of the application site. From vantage points broadly to the north, north east and north west of the application site, the proposed building would be seen against the backdrop of the trees.

Therefore, the application site has been chosen in an attempt to avoid harm to the area's valued characteristics including important local views by making use of what the applicant considers to be the least obtrusive or otherwise damaging possible location on his land at Hassop Common.

However, there is an area of land closer to Bleaklow Farm that is far more effectively screened than the application site, which is included within an entry level stewardship scheme that is associated with the HLS agreement. This land is stated by the applicant to be in separate ownership.

Notwithstanding this, officers would agree that the application site would otherwise be the best site for a new building on land within the applicant's control even when taking into account the various planning constraints on the land such as archaeological and ecological interest, the topography of the land, and the elevated and exposed nature of Hassop Common.

Design and Layout

The building proposed in the original submission would have had many features of a typical modern farm building, but its size and scale, and its form and massing would have been significantly different to a typical modern farm building. With a total gable width of 32 metres, the building would have been significantly wider than a typical farm building which would normally be the width of a single span of a steel portal frame i.e. around 13m. Therefore, amongst other things, officers requested amended plans to address concerns that the building proposed in the original application would not be sensitive to the locally distinctive character of its landscape setting.

The amended plans show two separate buildings that would be much more in keeping with the typical form and massing of modern farm buildings seen throughout the National Park. They would be constructed from appropriate materials and the external appearance of the buildings would reflect that they would be purpose-built to meet the functional requirements of the holding. Therefore, taken in isolation, the design of the buildings in the revised application does not give rise to any overriding objections.

The layout of the two buildings is also logical insofar as the land is served by an existing access track, they face each other and the yard area between the buildings would serve a useful function, and they are orientated to make best use of landscape features such as the existing plantation but off the projected line of the nearby scheduled ancient monument. It is therefore considered that the layout of the buildings would minimise the visual impact of the development as far as is practicable but this would be partially offset by provision of a yard area to the east of the buildings that is around 400m in area.

It has since been made in further submissions that this yard area is required to suit the operational requirements of the applicant noting both buildings have openings that would make use of this yard area. Notwithstanding this, whilst the design of the buildings is quite clearly suited to their purpose and the layout of the development would appear to meet the needs of the applicant's farm business, the overall size and scale of the proposed development on a 'bare field' site gives rise to potential objections to the proposals on landscape conservation grounds.

Landscape and Visual Impact

The proposed buildings and the yard area between the two buildings would cover an area of land measuring more than 1000m² and the buildings would both be relatively large modern farm buildings with a combined floor area of nearly 900m². The additional yard area to the east of the buildings would further extend the 'footprint' of the proposed development, which in turn, would increase the visibility of the development in its landscape setting. This is particularly significant because the landscape conservation priorities for this area are to protect and manage the distinctive and valued historic character of this sparsely populated agricultural landscape by seeking opportunities to enhance the wild character and diversity of remoter areas.

The application site is a barefield site that is not well-related to any existing farm buildings, or the nearest house at Bleaklow Farm. The application site lies in a remote location in open countryside and the elevated and exposed nature of this site means that it is visible from a wide range of distant viewpoints primarily to the north and north east. The application site is also not seen in the context of nearby modern mineral workings. Therefore, the application site is within a remote area that is of wilder character and set in a panoramic landscape of exceptional value that is relatively unspoilt by modern development despite the visible presence of 'quarrying operations' elsewhere in the vicinity.

In these respects, the restoration of the open cast workings have been successful because the site reads as part of the wider landscape, which means that the two farm buildings and associated yard areas would have a substantial impact on the character of their landscape setting, which has not been visibly scarred by mineral extraction. The proposed development would be seen as sporadic and isolated development in open countryside, and not least by virtue of its size and scale, the proposed development would have a substantial impact on the wilder character and scenic beauty of its landscape setting. This is especially the case because the surrounding settled agriculture landscape is not characterised by the presence of large upland farmsteads.

The visual impact of the development would be especially substantial when seen from the nearby public rights of way, but the scale of the development would also mean that it would be seen from various distant vantage points. The intervening distances might help to mitigate for the visual impact of the development, and the development would be seen against the backdrop of the plantation, which would also help to soften the visual impact of the proposed development. However, the introduction of two relatively large modern farm buildings and associated yard area would be particularly noticeable in this location and they would constitute visually intrusive developments that would be seen from a wide range of near and medium-distance vantage points and a wide range of long distance viewpoints.

Therefore, the proposed development would have a substantial visual impact on its landscape setting and any approval for the revised application would not necessarily achieve the landscape conservation objectives for the National Park set out in policies GSP1, GSP2, GSP3 and L1 of the Core Strategy, Local plan policies LC4 and LC13, and national planning policies in the Framework.

Although additional landscaping has been suggested by the Authority's senior archaeologist as a condition of any permission being granted for the current application, it is not considered that landscaping would not be appropriate mitigation for the visual impact of the building. On one hand, it would take a long time for trees to be sufficiently established to effectively screen the development. On the other, it is well-established principle that the ability to screen development is not a strong planning reason to accept development that would otherwise be inappropriate.

Moreover, it is not certain that additional planting would be appropriate when it would encroach into a landscape that is valued for its wilder characteristics and its open views, or that planting would be in the best interests of maintaining the biodiversity interest on the adjacent land. The Authority's landscape architect has not suggested additional planting would overcome his concerns about the current application. For these reasons, it is not considered that additional landscape secured by a planning condition would in itself make the development acceptable and therefore, any offer to carry out additional planting would not offset or outweigh clear objections to the proposals on landscape conservation grounds.

In this case, there would be some benefits from securing the removal of two redundant farm buildings on land within the applicant's control but these buildings are far more modest in size and scale than the proposed development, and whilst they do not contribute positively to their landscape setting, they are not especially conspicuous in the wider landscape or as visually intrusive as the proposed development is likely to be. Therefore, the landscape conservation benefits of securing the removal of the two existing buildings is not considered to be sufficient to outweigh the longer term harm that would arise from the grant of permission for the current application.

Ecology

In this case, it is not considered that the proposed development would be likely to harm the conservation status of great crested newts, which are a European protected species, subject to appropriate mitigation measures. Whilst it is clear the application site is within the range of

terrestrial habitat that could be used by great crested newts, the proposed development would not directly affect a water tank used by great crested newts in a nearby field parcel that is also owned by the applicant. In these respects, securing the restoration of this 'pond habitat' in the nearby field, and the long-term management of the surrounding terrestrial habitat by way of a condition attached to any permission for the current application would accord with the precautionary approach to nature conservation interests set out in Local Plan policy LC17 and policy L2 of the Core Strategy and achieve some degree of enhancement to the existing habitat for newts.

The Authority's Biodiversity Project Officer does however have further concerns that, aside from great crested newts, the proposed development could impact on the special nature conservation interest on land adjoining the application site. There is no appraisal of these impacts in either the submitted application or revised application albeit the original application did not show any details of any yard area. This issue has arisen since the submission of the amended plans showing an extensive yard area to the side of the proposed buildings. It is indicated that omission of this yard area and retention of the concrete yard area between the two buildings would adequately address the Authority's Biodiversity Project Officer immediate concerns.

However, it is accepted that the omission of the yard area would mean further amendments to the layout of the buildings would need to be made to allow the buildings to be used efficiently, and these amendments would be even more damaging. Nonetheless, the 'development footprint' would need to be constrained to the buildings and yard area in the longer term to prevent future development of the site encroaching into land that should remain as supporting habitat to maintain the biodiversity of the adjoining land including terrestrial habitat for newts. This would mean that permitted development rights for agricultural developments should be removed if permission was granted for the current application, and the surfacing materials for the yard would otherwise need to be carefully specified to reduce the visual impact of the proposed development.

Archaeology

The development proposals would also be situated close to a scheduled ancient monument but the intervening plantation means that the proposals would have a neutral impact on its setting. It is also clear that the orientation of the buildings would also preserve the setting of the monument insofar as they would avoid the projected line of the monument that can still be read in the landscape. Therefore, whilst there are no outright objections to the proposals in terms of whether it would adversely affect the fabric or setting of a scheduled ancient monument, the revised application does not specify any further works that might enhance or reveal the significance of the monument.

In pre-application discussions, English Heritage suggested that they would have no objections to the proposals provided that they were sited off the projected line of the monument, as proposed, and provided other works were carried out to the monument to enhance its setting, safeguard it from damage from 4x4 and other off-road vehicles, and provide interpretation. This advice has not been followed up by a formal response to consultation on either the original or the revised application and to date, it has not been set out clearly why these works are directly related to the proposed development or necessary to make the proposed development acceptable in planning terms.

This means that the proposals do not give rise to direct conflict with the objectives of L3 of the Core Strategy or Local Plan policy LC16 in terms of any potential adverse impact on the monument. However, the revised application does not accord within the provisions of L3 and LC16 insofar as it is not adequately set out in the revised application what benefits might be achieved if permission were to be granted for the current application. If the applicant were to submit an appropriate schedule of works to reveal and enhance the significance of the monument that met conservation and enhancement objectives then this issue would carry weight

in the determination of the current application because the public benefits that could be achieved these works would be substantial.

However, the revised application only contains a reference to a commitment to carry out works around the periphery of the monument, which does not allow the Authority or any other interested party to clearly understand what would be achieved if permission were to be granted for the application on this basis. Therefore, the benefits of granting planning permission in terms of seeking to enhance and/or reveal the significance of the nearby scheduled ancient cannot be seen to demonstrably outweigh the impact of the development on its wider landscape setting identified above, or offset concerns that the proposals would adversely impact on biodiversity interests on land adjacent to the application site.

Wider Conservation Benefits

As noted above, the initial justification for a building on Hassop Common was to achieve wider conservation benefits associated with a stewardship agreement and the appropriate management of designated nature conservation sites including a SSSI and land designated as SAC and BAP grassland. However, the size and scale of the proposed development far exceeds what would be required to over winter cattle (approximately 14 cows and followers) that would otherwise be used to facilitate better management of the nearby Coombs Dale Site of Special Scientific Interest.

The size and scale of the proposed development in the revised application also far exceeds the size of the buildings proposed in the previous application, which all parties seemed to agree would reasonably meet the needs of the farm in terms of meeting the requirements of the stewardship agreements. Therefore, the size and scale of the proposed development in the revised application is not in itself essential or reasonably necessary in terms of what might be required to facilitate an appropriate land management regime based on the stewardship agreements.

If the scale of the development were more proportionate to meeting the requirements of the stewardship agreements, which primarily relies on the introduction of summer grazing by cattle, then there would be much better opportunity to weigh the wider conservation benefits arising from the approval of the revised application against objections to the proposals on landscape conservation grounds. Equally, a development more reasonably related to the requirements of the stewardship agreements would be smaller and therefore may be more readily assimilated into the landscape in any event.

However, further information has since been received that sets out how it is intended to lamb approximately 500 ewes in the buildings next Spring subject to permission being granted for this application. Therefore, the buildings are required for more than simply over-wintering cattle to meet the terms of land management agreements already in place, and there are concerns that the buildings are required to establish a new farm holding away from the existing farm centre in the applicant's ownership at Ashford Hall.

In these respects, it is not clear that the buildings proposed in this application would be self-sustaining noting there is no muck store, for example, and the buildings lie in such an isolated location it is not clear that such a large quantity of livestock could be over wintered successfully without some degree of living accommodation on site. This is significant insofar as if further developments are necessary once this application is approved, then it is difficult to see how they could be accommodated without further landscape harm and further conflict with nature conservation objectives. Nonetheless, there is a certain logic to providing buildings that would contain fodder and other equipment alongside livestock accommodation to reduce vehicular movements between the application site and the applicant's farm centre at Ashford Hall.

However, arguments concerning the logistics, cost, pollution and pressure on the rural road

network that transporting livestock and forage between the two sites would cause are so easily repeated, they cannot be afforded such substantial weight that they fully justify the provision of new buildings in a remote and isolated location where the potential for significant landscape harm. Moreover, the applicant and the applicant's agent have failed to provide any evidence that the provision of a building for the cattle to overwinter in at Ashford Hall would be unfeasible rather than undesirable.

Finally, the removal of the two existing and redundant buildings on land within the applicant's control is a relevant consideration, but as noted above, this aspect of the proposals would only achieve some limited enhancements to the character and appearance of the local area.

Conclusions:

It is therefore concluded that the information submitted with the application fails to demonstrate that the benefits of granting permission for the revised application would significantly and demonstrably outweigh any adverse impacts of doing so when assessed against the policies in the Development Plan and National Planning Policy, as a whole, and therefore the proposals do not constitute sustainable development that would otherwise be supported by policy GSP1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework.

In this case, by virtue of its siting and scale, the proposed development shown on the amended plans would have a substantial visual impact and would significantly harm the scenic beauty of the National Park. Although it can be accepted the building would be in the least damaging practicable location on the holding, and concerns on ecological grounds can be mitigated, the exposed nature of the application site means the size and scale of the proposed development cannot be readily assimilated and the introduction of the proposed development in this sensitive location would have a substantial and wide ranging adverse impact on the landscape character of its setting.

Consequently, the revised proposals do not constitute the sustainable development of an existing farm holding and are contrary to the landscape conservation objectives set out in Core Strategy policies GSP1, GSP2, GSP3 and L1, Local Plan policies LC4 and LC13 and national policies in the National Planning Policy Framework.

Accordingly, the current application is recommended for refusal.

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

9. FULL APPLICATION – ERECTION OF ONE NEW LOCAL NEEDS DWELLING ON LAND BETWEEN SPRING COTTAGE AND BROOK ROADS, WARSLOW (NP/SM/0814/0825, P10859, 408496/358579, 29/09/2014/CF).

APPLICANT: MR JG DARBYSHIRE

Site and Surroundings

The application site is located within the northern part of a field that lies between Spring Cottage and the Grade II listed Brook Roods on Back Lane on the western edge of Warslow. The field is relatively flat and is bounded along its northern boundary by mature planting. There are clear views into the site from the Village Hall and Cheadle Road to the south. The site also lies within an important open space within the designated Warslow Conservation Area.

Proposal

The current application seeks outline planning permission for the erection of a detached three-bedroomed dwelling for local needs on the application site. All matters are reserved, which means that the precise details of the appearance of the house, means of access from Back Lane, landscaping, layout and scale have not been included with the submitted application and are reserved for subsequent approval.

However, indicative plans show the dwelling would be a traditional cottage constructed in local building materials and two storeys in height. The submitted Design and Access Statement says the house would have a maximum internal floor area of 87m², which is equivalent to the size guidelines for a five person affordable house.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The current application does not meet the requirements of either HC1, LH1(i), LH(iii), or LH2 because the submitted application does not demonstrate that the applicant has an eligible local need for a newly-built dwelling. The current application also fails to meet the specific requirements of LH1(ii) because it has not been demonstrated that the need for a newly-built house cannot be met by the existing affordable housing stock in the village.**
- 2. In the absence of detailed plans, it cannot be determined that the proposed house would meet the requirements of policies GSP1, GSP2, GSP3 and L3 of the Core Strategy and saved Local Plan policies LC4, LC5 and LC6 in terms of its potential impact on an important open space within a Conservation Area and the relationship between the new house, the surrounding built environment and the nearest neighbouring residential properties.**

Key Issues

- whether the applicant is in housing need and whether the need can be met by the existing housing stock; and
- whether an application for outline planning permission with all matters reserved allows for the proper assessment of development within an important open space within a designated Conservation Area within the National Park.

History

There is no history of any previous applications for planning permission being made for development of the current application site on the Authority's files. However, it is relevant to the current application that permission was granted in 2010 for the erection of 6 dwellings on Warslow Industrial Estate (NP/SM/0709/0597).

Consultations

County Council (Highway Authority) – No objections on highway grounds to the proposed development subject to conditions.

Parish Council – Recommend approval of this application on a one off basis with any future applications to be very closely examined. The Parish Council go on to say this application was supported because the house would meet the needs of a long time local resident having to leave his rented farmhouse but wanting to stay in the village.

Representations

One further letter of support was received by the Authority during the statutory consultation period from a County Councillor, which reiterated the case for the dwelling made by the applicant and stated that in the Councillor's view, the applicant's future needs for a modest home built on a plot of land that he owns in the village meets the policies that the National Park Authority have in place for affordable housing to meet local need.

Main Policies

Local and National Housing Policies

National policies in the National Planning Policy Framework ('the Framework') and local policies in the Development Plan set out a consistent approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly new residential development should normally be built within existing settlements within the National Park. Warslow is listed as a named settlement in policy DS1(D) where, amongst other things, new build development for affordable housing is acceptable in principle

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements. HC1(A)I says exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.

In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy; policy LH1 of the Local Plan says, exceptionally, residential development will be permitted either as a newly built dwelling in or on the edge of Local Plan Settlements or as the conversion of an existing building of traditional design and materials in the countryside provided that:

- (i) there is a proven need for the dwelling(s);
- (ii) the need cannot be met within the existing housing stock;
- (iii) the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2);
- (iv) the dwelling(s) will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity; and
- (v) the requirements of Policy LC4 are complied with.

Policy LH2 of the Local Plan sets out criteria to assess local qualification for affordable housing whilst the supporting text to LH1 and the Authority's supplementary planning guidance (SPG) offers further details on size guidelines, need and local qualifications to support the assessment of applications for local needs housing against the criteria set out in LH1. LC4 sets out design and landscape conservation priorities, as noted below.

Design and Conservation Policies

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Policy GSP3 of the Core Strategy and Policy LC4 of the Local Plan are also directly to the current application because they set out the design principles for all new development in the National Park, seeking to safeguard the amenities of properties affected by development proposals, and setting out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park. Policy CC1 of the Core Strategy and the associated supplementary planning document on climate change and sustainable development encourage incorporating energy saving measures and renewable energy into new development.

Policy L3 of the Core Strategy and saved Local Plan policy LC5 are also especially relevant to the current application because the application site is within the designated Warslow Conservation Area. Saved Local Plan policy LC6 is relevant insofar as the proposals would affect the setting of Brook Roods, which is a Grade II listed building which lies directly adjacent to the application site.

Policy L3 says development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest.

Policy LC5 says applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. LC5 goes on to say outline applications for development will not be considered.

Policy LC6 says planning applications for development affecting a listed building and/or its setting should clearly demonstrate (i) how these will be preserved and where possible enhanced; and (ii) why the proposed development and related works are desirable or necessary.

These policies are consistent with the core planning principles set out in the Framework including the Government's objectives to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations; securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

Assessment

An application for outline planning permission is normally used to establish whether the principle of a development would be acceptable before detailed plans are prepared. In this case, at pre-application stage, officers advised that the proposals were unlikely to be acceptable in principle because it was not clear that the applicant could demonstrate that he had a proven need for a newly-built house or that he could demonstrate that he had a local qualification.

This is important because policies DS1 and HC1 of the Core Strategy and LH1 of the Local Plan policy state that housing that addresses *eligible local needs* can be accepted in or on the edge of named settlements. Local Plan policy LH1 also sets out five criteria for local needs housing, all of which must be met before a scheme can be deemed to be compliant with the Authority's housing policies.

Of these five criteria, LH1(i) states that applications must demonstrate that there is a proven need for the dwelling, and in the case of an individual dwelling, need will be judged by reference to the circumstances of the applicants including his or her present accommodation. LH1(ii) also states that the applicant must demonstrate that the need cannot be met within the existing housing stock. LH1(iii) says that the intended first occupants of newly-built affordable dwelling shall meet the Authority's local occupancy criteria as set out in saved Local Plan policy LH2.

Policy LH2 sets out the definitions of people with a local qualification as follows:

- (i) a person (and his or her dependants) who has a minimum period of 10 years' permanent residence in the parish or an adjoining parish and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- (ii) a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the parish or an adjoining parish and is forming a household for the first time; or
- (iii) a person not now resident in the parish but with a proven need and a strong local connection with the parish, including a period of residence of 10 years or more within the last 20 years; or

- (iv) 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 age or infirmity; or
- (v) a person who has an essential functional need to live close to his or her work in the parish, or an adjoining parish within the National Park.

In this case, the submitted Design and Access Statement explains that the applicant has lived at Pump Farm for virtually his entire life, since his father took on the tenancy from the Harpur-Crewe Estate in 1952. The applicant took over the tenancy from his father at the same time as the ownership of the Harpur-Crewe Estate passed to the National Park Authority. Therefore, the applicant is currently living in tied agricultural accommodation which he will be required to vacate on surrendering his tenancy of the farm when he chooses to retire.

The applicant is now close to retirement but the Authority has confirmed that it will require the existing farmhouse to be made available with the farm to a new tenant on his retirement to secure the ongoing management of Pump Farm as a viable agricultural holding. The submitted Design and Access Statement goes on to say that the applicant has made some investments to provide for his retirement, but is unable to afford to buy a house on the open market in the local area without jeopardising his retirement income. However, he could afford to build a small house on land he owns separately from Pump Farm.

In these respects, the applicant is a long-established and active member of the local farming community and has strong connections to the village, but he does not have a local qualification in accordance with the definitions set out in LH2. It is also not clear that the applicant is unable to afford a house on the open market. The estimated costs of the new dwelling are said to be around £180,000, which would not necessarily be enough to buy a house outright on the open market, but would certainly represent a substantial deposit on a house within the local area. However, the applicant is close to retirement so it must be accepted that buying a property with a mortgage would not be an easy or a particularly appropriate option in this particular case.

However, the applicant's circumstances are not exceptional, not least because the Authority's housing policies do not provide specific support for new housing to meet the needs of retiring farmers, and these policies do not really address whether a distinction should be made between a person who owns their own home, or a person who lives in rented accommodation. There are also no provisions for people wishing to 'downsize' and give up a larger house but wish to remain in the local area. Consequently, it is often difficult to square the housing needs of an ageing population within the National Park and the requirements of LH1(i) and LH1(iii) with reference to the provisions of LH2.

In short, many people like the applicant are not able to demonstrate a proven need for a house (LH1(i)) or a local qualification (LH1(iii) and LH2), despite have long standing connections with their local area and despite the provisions of national planning policies that require a 'mix of housing uses'. National planning policies also require local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate and says to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Notwithstanding this, the indicative plans show that the proposed house would be a two-storey cottage with three bedrooms and not necessarily 'purpose designed' for an older person. For example, bungalows are easier to manage for older people who have mobility issues and as disability and illness become more common with age, it is more likely that a purpose designed house would be a step-free accessible home with features such as wide doors and hand rails. This is important because there are four three-bedroomed two-storey affordable houses standing empty in the village and the current application does not propose a house that is markedly

different from these existing properties.

These properties, together with a further two unoccupied two-bedroomed houses, are also subject to a local occupancy restriction and are located on the former site of industrial units on Warslow Industrial Estate. These six properties are close to have being completed in accordance with the permission granted in January 2010, but a registered social landlord is not involved in this development and they could be bought and sold on the open market to a person with a local qualification. In fact, they have already been marketed for sale but the submitted application makes no reference to these properties.

As noted above, the submitted application does say the cost of the house proposed in this application would be in the region of £180,000, but there is no further discussion of whether the existing affordable houses on the Warslow Industrial Estate are out of the applicant's reach in terms of cost. It is important to note that, if the applicant was considered not to meet the local occupancy criteria for these properties then he would not be able to demonstrate a local qualification for a newly-built house.

Therefore, the current application does not meet the requirements of either HC1, LH1(i), LH(iii), or LH2 because the applicant cannot demonstrate that he has an eligible local need for a newly-built dwelling. The current application also fails to meet the specific requirements of LH1(ii) because it has not been demonstrated that the need for a newly-built house cannot be met within the existing housing stock. Consequently, the proposals for a new house are not acceptable in principle and the current application should be refused planning permission.

Design, Amenity and Visual Impact

Policy LH1(v) states that the proposals for affordable housing must comply with the requirement of policy LC4 in terms of detailed design, amenity and landscape conservation objectives. As noted above, LC4 fits within a wider range of design and conservation policies including GSP1, GSP2, GSP3 and SPD, which set out design criteria for new development; C1 and associated SPD that require new development to be energy efficient and resilient to climate change; and LT11 and LT18, which deal with access and parking provision.

As noted above, an application for outline planning permission normally seeks to establish the principle of development and as such detailed plans will not normally be required although this is largely dependent on the nature of the application. As such, the indicative plans do not give rise to concerns that many of the requirements of the above policies could not be met subject to a range of conditions that would allow the precise external appearance of the house, means of access from Back Lane, landscaping, and layout to be dealt with as reserved matters if permission were granted for the current application.

In particular, the indicative plans submitted with this application show it is intended to construct a house broadly in keeping with the local building tradition on the edge of Warslow on a site where a house could read as infill development and could fit in with the dispersed pattern of development on this edge of the village (as described in the Conservation Area Appraisal for Warslow). However, a condition dealing with the scale of the development would also be needed to ensure the house would be affordable in terms of size and type if permission were to be granted for this application, and any permission would also need to be subject to a legal agreement that would retain the house as an affordable house to meet local need in perpetuity.

Notwithstanding this assessment, the absence of detailed plans does cause a problem in this case because the new house would be sited within an important open space within a designated Conservation Area and would affect the setting of a Grade II listed building. Saved Local Plan policy LC5 says very clearly outline applications for development in Conservation Areas will not normally be considered. L3 and LC6 re-emphasise the importance attached to the conservation and enhancement of the National Park's cultural heritage.

The lack of detailed plans only allows for a limited assessment of the proposals against the provisions of L3, LC5 and LC6 and this assessment is further complicated by the presence of overhead power lines running through the application site, which may or may not directly affect the siting and layout of the proposed dwelling. Equally, there are potential neighbourliness issues, which might determine the appearance, siting and layout of the new house, but these issues would be easier to assess if the application were supported with detailed plans.

Therefore, this is a case where an application for outline permission with all matters reserved does not allow for proper consideration of the planning merits of the proposed house in design terms or proper consideration of its potential impact on an important open space within a Conservation Area and the relationship between the new house, the surrounding built environment and the nearest neighbouring residential properties.

Consequently, as submitted, it cannot be determined that the proposed house would fully meet the requirements of policies GSP1, GSP2, GSP3 and L3 of the Core Strategy and saved Local Plan policies LC4, LC5 and LC6, and it would not be appropriate to deal with these issues as reserved matters when it is not clear whether the constraints on site would work against finding an acceptable design solution.

Conclusions

It is therefore concluded permission should be refused for the current application and a full application might be one way forward to allow further consideration to be given to the appearance, siting and layout of the proposed house taking into account that the application site itself may be able to accommodate development for affordable housing to meet local need. However, it is equally clear that an outline application has been submitted to determine whether the principle of a newly built house would be acceptable before committing to the cost of commissioning detailed plans.

In this case, the submitted application fails to demonstrate that the applicant has an eligible local need for a newly-built dwelling, or that the need for a three bedroomed affordable house cannot be met within the existing housing stock, notably the recently built scheme of affordable local needs housing at the site on Warslow Industrial Estate. Therefore, the submitted application does not meet the requirements of policy HC1 of the Core Strategy or the requirements of LH1 and LH2, which means the principle of the proposed development is not supported by the Authority's housing policies.

This conflict with the Authority's housing policies would not be resolved by the submission of detailed plans and the overall sustainability of the proposals is further undermined because there are 4 three bedroomed affordable houses to meet local need already standing empty in the village. This means the proposals would provide very limited public benefits and any approval for the current application would be a highly personalised decision that would not be in the best interests of the proper planning of the local area. Accordingly, the current application is recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil

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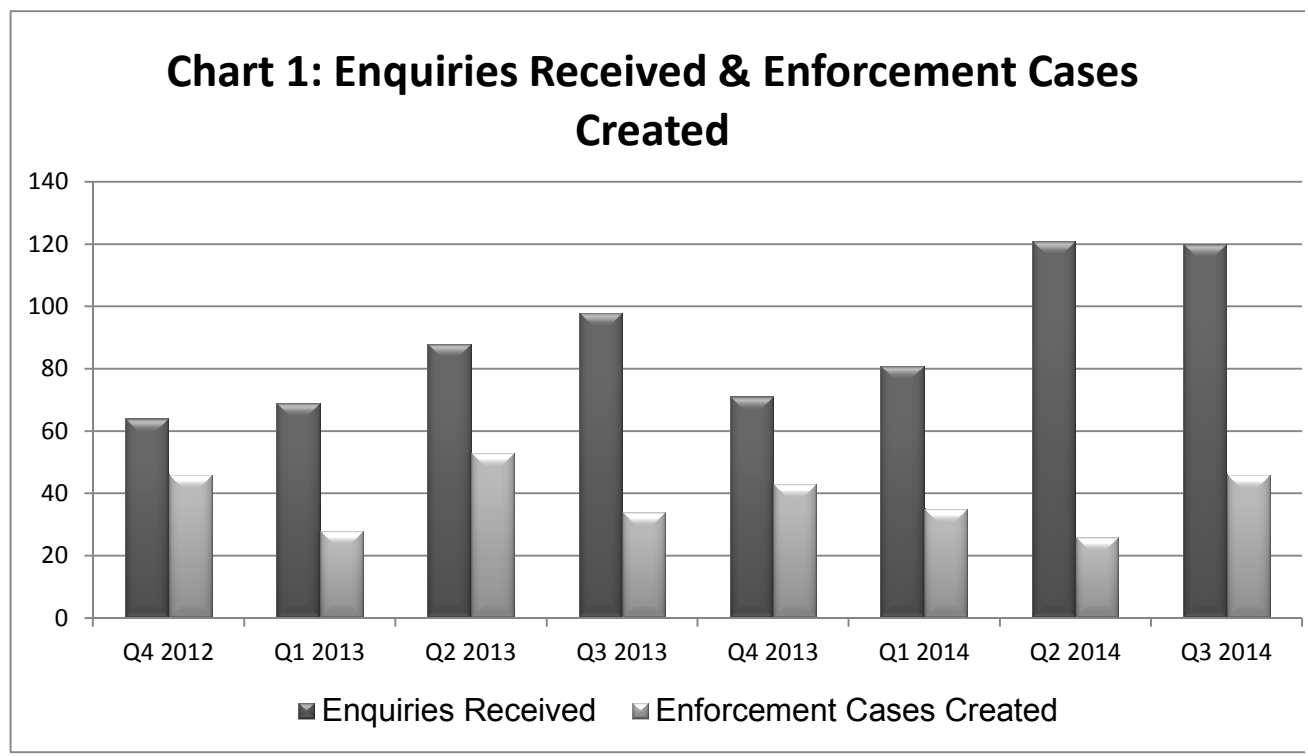
MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 2014 (A.1533/AJC)

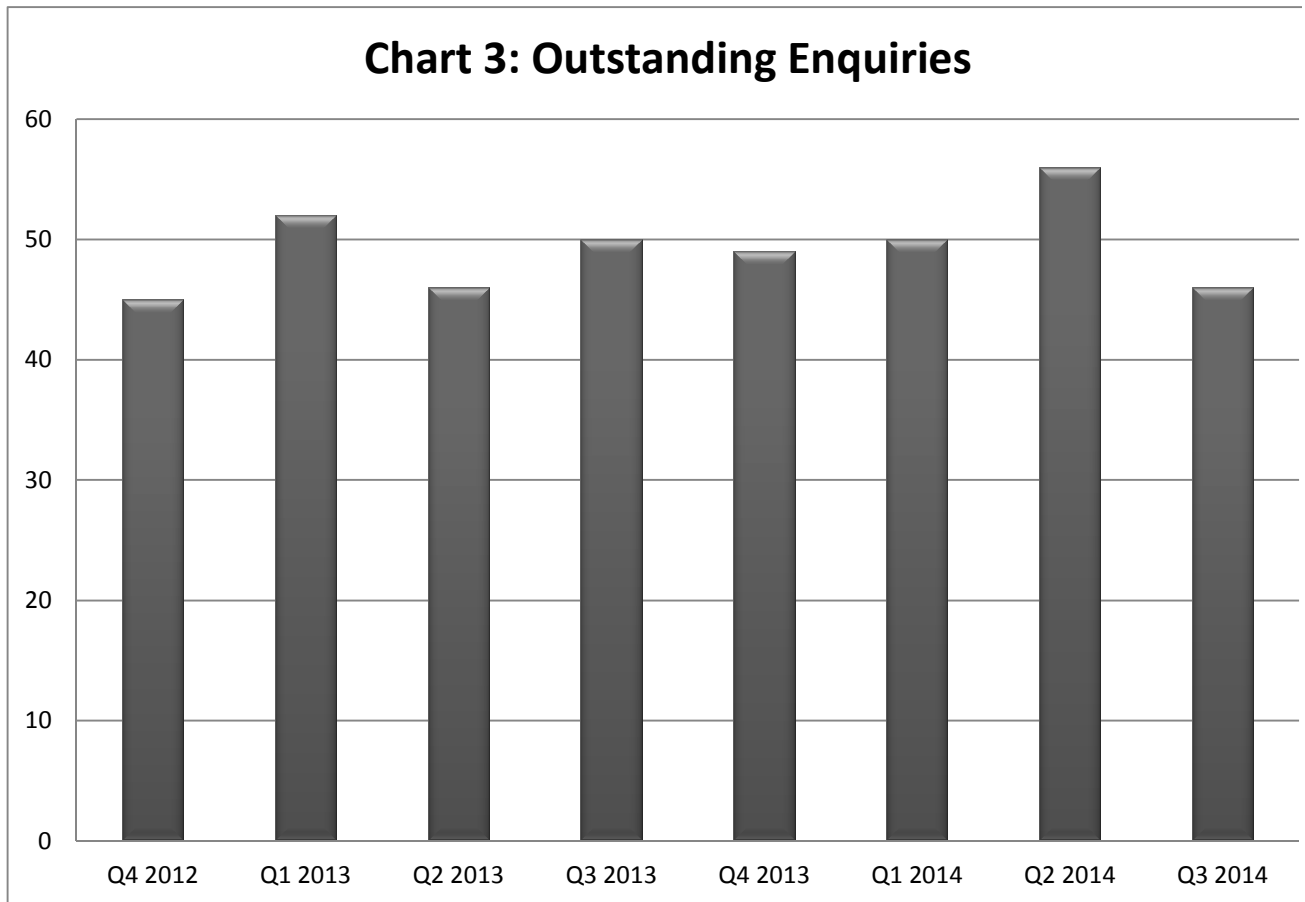
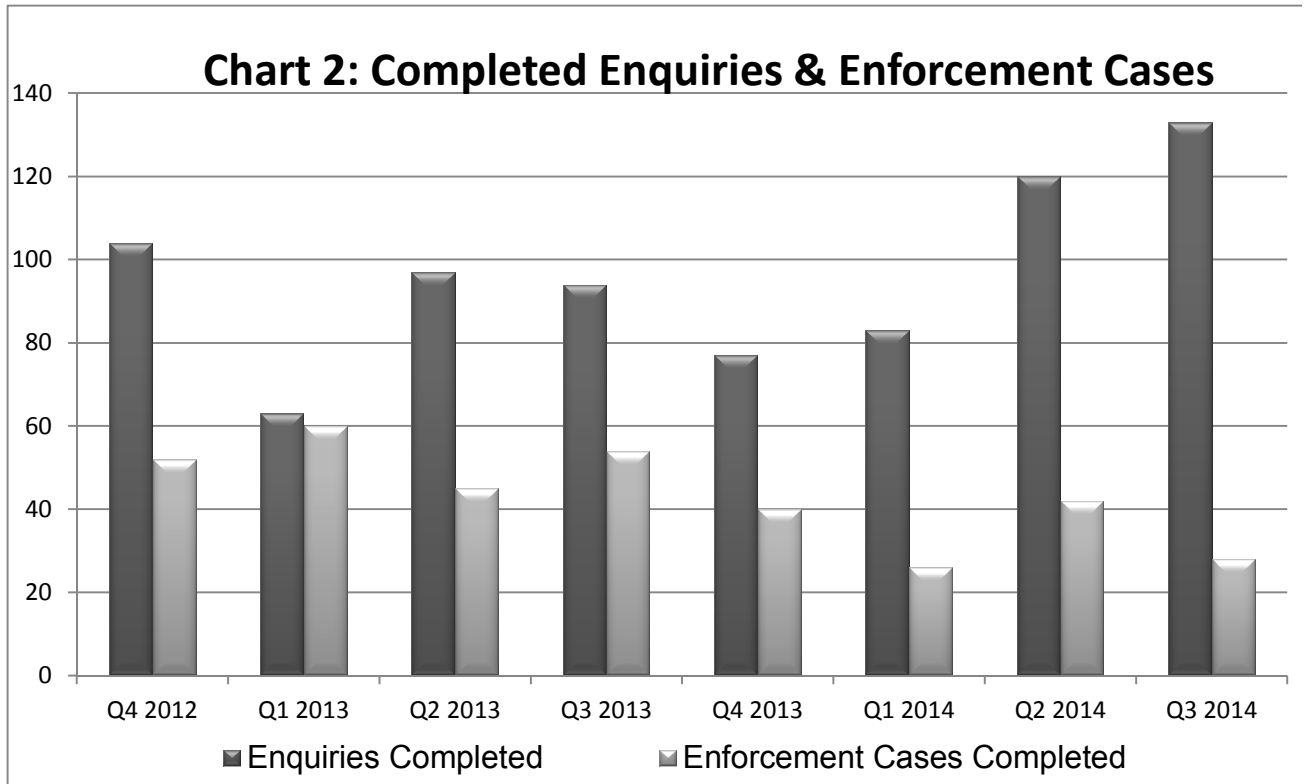
Purpose of the Report

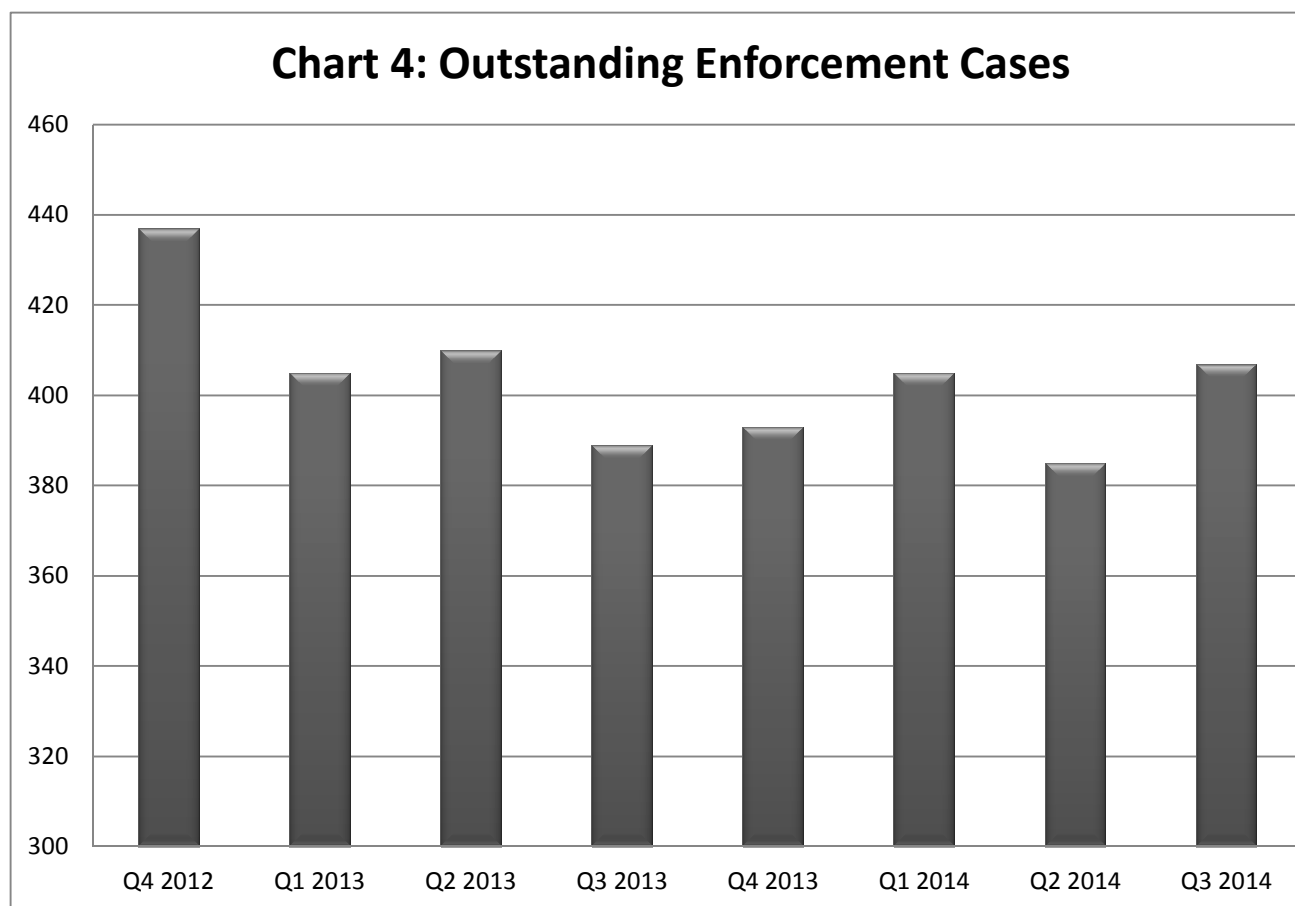
This report updates the Committee on the work being carried out by the Monitoring & Enforcement Team within the Planning Service. It includes a summary of enforcement activity over the last two years and an update on the high priority cases.

RECOMMENDATION:

That the report be noted.







Interpretation of Charts

The above charts show a summary of activity in the team over the last two year period and below is a brief analysis of each chart.

Chart 1 – Enquiries Received and Enforcement Cases Created

This chart shows the number of enquiries received and the number of enforcement cases created for each quarter over the last two year period.

New enquiries are logged and acknowledged by the Customer Service Team and then allocated to Monitoring & Enforcement Officers to investigate. Our target is to conclude the investigation within six weeks and in the quarter just ended, 95% of investigations have been concluded within that target period. If, on investigating an enquiry, a breach of planning control is identified then an enforcement case is created. This is the case for approximately half of all enquiries investigated.

In general the number of enquiries received is higher in the spring and summer, probably due to greater building activity, for example, and lower in the autumn and winter. For most of the last two years the number of new enquiries received each quarter has fluctuated between 60 and 100. However, at the Planning Committee in July 2014, it was reported that between April and June 2014 the number received had significantly increased to 121 and that if the seasonal trend continued it was likely that this high level would continue into the next quarter. This is the case as the number received in the latest quarter was 120.

As a result of the high number of enquiries received and the high rate of investigation, mentioned below, the number of enforcement cases created in the latest quarter (46) is also relatively high and is in fact at its highest level since the quarter ending in June 2013.

Chart 2 – Completed Enquiries and Enforcement Cases

This chart shows the number of enquiries and enforcement cases completed each quarter over the last two years.

Over the last two year period the team's performance on investigating and completing enquiries has exceeded the number of enquiries received. Similarly, the number of enforcement cases completed has been greater than the new cases created. In the latest quarter the performance on enquiries has been particularly strong, with 133 enquiries completed, exceeding all previous quarters over the last two years. For the corresponding quarter in 2013, there were 94 enquiries completed. The performance on completing enforcement cases in the latest quarter has not been as good, with 28 cases resolved, compared to 42 in the previous quarter. This is probably due to the full-time vacancy in the team, referred to below.

Chart 3 – Outstanding Enquiries

This chart shows the number of enquiries outstanding at the end of each quarter over the last two years. The number of enquiries outstanding reached a peak of 120 in the second quarter of 2012 but by the end of 2012 this had significantly decreased to around 40 and has been maintained at a relatively low level over the last two years. At the end of the latest quarter there were 45 enquiries outstanding – a reduction of seven from the previous quarter.

Chart 4 – Outstanding Enforcement Cases

In the fourth quarter of 2012 the number of outstanding enforcement cases was just under 440. There was a significant decrease to just over 400 in the following quarter and the number has been at or around that level since then. In the quarter ending June 2014 the number had reduced to 385, which was the lowest level since March 2010 when it stood at 371. The latest quarter has seen an increase to 407 outstanding cases which is partly as a result of the high rate of investigation of enquiries which has led to the creation of more enforcement cases and partly to the vacancy in the team over the last three months.

The Quarterly Enforcement Report

The quarterly enforcement report summarising activity on individual cases over the last three months is attached as an appendix to this report. It covers the period between 1 July and 30 September 2014.

Team Resources

The Monitoring & Enforcement Team permanent full-time establishment comprises a Team Manager, who also deals with casework, one Senior Monitoring & Enforcement Officer and two Monitoring & Enforcement Officers. Since 2010, additional funding has been used to create a temporary contract for an extra part-time Senior Officer post (0.6 FTE) and this currently runs until March 2015.

In July 2013 the full-time Senior Officer post became vacant following Chris Fridlington's temporary appointment as Area Planning Manager (South) to cover Sarah Foster's maternity leave. Additionally, in January 2014, the part-time Senior Officer, Alexandra Cotton, left the Authority. The resulting vacancies were only partially covered by a combination of appointing a replacement in the part-time Senior Officer role, and temporarily increasing the hours of that post and of other part-time posts in the Planning Service. Chris Fridlington returned to his full-time post in the team at the end of May but in July 2014 was permanently appointed to the post of Area Planning Manager (South) following Sarah Foster's departure. Since then the full-time Senior Officer post in the Monitoring & Enforcement Team has been vacant and, as mentioned above, this has had an inevitable impact on overall performance, particularly in relation to enforcement cases.

Following a recruitment process, it is anticipated that the vacancy will be filled in early November; the post has been offered to, and accepted by, the successful candidate following an interview in early September.

Summary of High Priority Cases

The cases listed below have been assessed as high priority, normally due to the significant landscape impact and/or level of public concern raised. In each case, a summary of the current position and the intended next step is given. In some cases only limited information is given because of the potential for legal or other action being taken. A map showing the location of the high priority cases is included at the end of this report.

1. New Mixon Hay Farm, Onecote – use of the site for storage of building materials etc.

Formal enforcement action has been authorised but this action has been held in abeyance since March 2013 following an agreement with the landowner that he would clear stored materials from significant parts of the land. Since then, officers have made a number of site inspections and a considerable area of land alongside the access track has now been cleared of stored materials.

Officers met with the owners at the site in September 2014 when the owners indicated that they were continuing to reorganize the site, so as to bring materials closer towards the main storage buildings adjacent to the farmhouse.

The chief views from the 'public zone' are from the road on top of the Morridge ridge at a distance of over 500 metres and the public rights of way near the site appear to be relatively lightly used. Given this, and the indication from the owners that they wish to continue making improvements to reorganize and tidy the site, it is intended to defer formal action at present and to continue to encourage the owners to improve the appearance of the site.

2. Tor Farmhouse, Middleton-by-Youlgreave – vehicle storage, alterations to the listed farmhouse, erection of agricultural building, erection of fence and untidy land

A site visit in December 2013 revealed that the agricultural building and fence had been dismantled and most of the materials removed. In addition, there had been some progress towards complying with the Section 215 Notice as the appearance of the top part of the site had improved. The occupier agreed to continue to tidy up the site and officers met with the owner at the site in September 2014 to review progress.

With regard to the overall appearance of the site, the situation is now much improved. The previous unauthorised agricultural building and unauthorised fencing have been removed and much of the top part of the site which had previously been used for storage of Trabant cars is now reasonably tidy and has the appearance of a domestic garden with vegetables and fruit trees being cultivated.

With regard to vehicle storage, there is now only a single Trabant on the site and this together with another 5 cars/vans and two touring caravans for the occupier's own use are situated in the front yard/driveway to Tor farmhouse. A large military truck remains on this part of the site but the occupier has indicated that he intends selling this as soon as practicable.

With regard to the UPVC window and door, the occupier agreed that he would consult with the Authority's Cultural Heritage team prior to agreeing how to resolve the listed building issues.

Given the very considerable improvements to the appearance of the property, officers consider that the only other significant issue remaining to be resolved concerns a collection of scrap material in the front yard/driveway. The occupier has indicated that he wishes to finish tidying the site, and therefore officers propose to continue to encourage the occupier to finish improvements at the property so that hopefully the case can be finally closed.

3. Midfield, Kettleshulme – siting and storage of residential caravan and storage of vehicles, vehicle parts, building materials and equipment

Following the death of the owner in January 2013, his son has taken over responsibility for the site and is in the process of clearing scrap vehicles, building materials and other items from the land in accordance with the enforcement notice. Officers have been making accompanied site visits approximately every three months to check on the clearance works.

The latest accompanied visit was made on 9 September 2014 when it was apparent that further significant progress had been made on clearing the land. In view of the progress that has been made over the past 18 months it is not currently proposed to take any formal action but to carry on with regular accompanied site visits, at least every three months, to ensure that appropriate progress continues to be made.

4. Middle Street Farm, Monyash – use of site as an agricultural/general contractor's base.

This case was initially added to the high priority list in February 2006 due to the significant landscape impact caused by the open storage of vehicles, equipment and materials associated with the unauthorised business use – resulting in a number of concerns being raised with the Authority. Between 2006 and 2010 the open storage was greatly reduced and was concentrated in the yard area close to the buildings which is largely screened from public viewpoints. The landscape harm has thus been mainly addressed and this is evidenced by the lack of public concern over the last four years.

In 2010, the owner submitted a planning application for continuation of the contracting use in the yard area incorporating use of one of the former agricultural buildings for workshop and storage purposes. Since then officers have been negotiating with the owner's agent regarding the terms of a possible legal agreement that could allow retrospective planning permission to be granted. Unfortunately, despite a number of requests for progress to be made the agreement was not completed. Given the time that had passed officers set a final deadline of 8 September 2014 for significant progress to be made towards completing the agreement. No progress was made by that date so the planning application has now been 'finally disposed of' and no further action will be taken on it.

In the next quarter, officers intend to make a site inspection and assess whether any formal enforcement action should be pursued. If it is considered that such action should be taken then that will be commenced.

5. Home Farm, Sheldon – storage of caravans, use of part of guest house as tea room and excavations and erection of building

In April 2013 an enforcement notice was issued with regard to an underground extension and excavations at the rear of the guest house. However, in November 2013 an appeal was allowed and planning permission granted for the development subject to conditions requiring a scheme of mitigating measures to be agreed and implemented. An application seeking to discharge the conditions was submitted in February 2014 but this did not satisfy all the appeal inspector's requirements. Further details were submitted and an approval was eventually issued by officers under delegated powers on 9 September 2014. As part of the work to complete the underground extension, the western half of the barn frame at the rear of the guest house was demolished and a further large hole excavated at the rear of the guest house during May 2014.

When it became apparent that the owner intended to continue further building operations within the newly excavated hole, a Temporary Stop Notice was served which took effect for the month of July, expiring on 1st August 2014. Since the issuing of the Temporary Stop Notice, no further building work has been carried out within the large hole except that required to complete the existing underground room as approved by the Planning Inspector. The finishing work to the underground room was completed during the last week in September, and therefore the underground room conditionally approved by the inspector now finally has the benefit of planning permission.

In August 2013, two further enforcement notices were issued seeking to address the use of part of the property as a tea room/cafe, temporary planning permission for which expired in April 2013. The notices came into effect on 27 September 2013 and were due to be complied with by 27 October 2013. In March 2014, a planning application to continue the tea room use was received but this was refused under delegated powers on 30 May 2014. The tearoom/café use is continuing to operate, but an appeal has been submitted, the outcome of which is awaited prior to pursuing any further enforcement action regarding the tearoom/café use.

Officers have had many meetings with the owner and his advisers and are continuing to seek a satisfactory resolution of the outstanding matters. Officers have also met with the Parish Meeting and are continuing to keep the Parish Meeting and village community updated.

6. Fernhill Cottage, Hollow Meadows – engineering operations and partial erection of building

At a court hearing in July 2012, the owner pleaded guilty to non-compliance with an enforcement notice, which requires restoration of the land and removal of walls, but he was conditionally discharged.

In February the Planning Committee considered a report, on the non-public part of the agenda, which set out the options for further action. It was resolved that authority be given in principle for direct action to secure compliance with the enforcement notice but that such action be deferred for a period of six months (that is, until mid-August 2014) to allow for negotiations with the owners over a suitable scheme and the submission and determination of a planning application. It was also resolved that, before taking any direct action, officers carry out an equality duty assessment.

Since February 2014 officers have continued to seek a meeting with the owners and have been in correspondence with the owners' solicitor. However, the owners have not agreed to a meeting date and have not entered into any meaningful negotiations with the Authority's officers. No proposals for an alternative scheme have been submitted.

Given the Planning Committee's resolution in February, officers are now making preparations for taking direct action to secure compliance with the enforcement notice.

7. Land and Buildings East of Lane End Farm, Abney – residential caravan, erection of access ramp and occupation of building in breach of holiday occupancy condition and highways conditions.

Two enforcement notices were issued in February 2012. Following appeals, which were heard at a public inquiry in August 2012, the residential caravan was due to be removed by 6 March 2013. In October 2013 officers met the owner's agent on site and it was apparent that the one remaining caravan (which is placed inside a building) was not in use for residential purposes. The owner's agent stated that it was being used as a shelter/messroom in connection with authorised activities on the site. A further meeting was held with the agent in early December 2013 at which the agent agreed actions to deal with other outstanding matters including the erection of a disabled access ramp and non-compliance with a number of conditions attached to the 2003 planning permission for conversion of barns to holiday accommodation

At the Planning Committee in December 2013, it was resolved to approve a planning application for conversion and change of use of the first floor of one of the traditional buildings to an open market dwelling, subject to a section 106 legal agreement. The legal agreement has not yet been completed although the terms of the agreement have now been established and it is likely the agreement will be signed in mid-November.

Once the legal agreement has been completed and the planning permission issued, officers will be pursuing resolution of the remaining issues with the owner/agent.

8. Shop Farm, Brandside, near Buxton – siting and storage of caravans, vehicles etc.

The Authority took direct action in September/October 2010 to remove a very significant quantity of derelict vehicles, scrap and general refuse to secure compliance with a previous enforcement notice. The enforcement case was then closed. The owner, who had been living elsewhere, subsequently moved back to the site and brought a number of items such as caravans, vehicles, old furniture and waste building materials onto the land. The landowner has also constructed a number of makeshift shelters, apparently for her sheep, from fabric, string and wood.

In terms of formal action, it appears that further direct action is the only realistic option open to the Authority. However, in view of the fact that the land owner is elderly and appears to be of limited means, officers do not consider that such action is appropriate at this stage.

Officers have been in contact with the owner and a site inspection was carried out in September 2014. The appearance of the site has not significantly deteriorated any further over the past two years and the overall impact upon the visual amenity of the area is certainly less severe than it was before direct action was taken in 2010. There have been no recent complaints from the public about the appearance of the site and officers therefore propose to continue to maintain a 'watching brief' to ensure the site does not deteriorate further.

9. Five Acres Farm, Wardlow – use of site for parking and maintenance of HGVs and trailers.

In March 2013, an enforcement notice was issued with regard to the parking and maintenance of heavy goods vehicles and trailers. The notice came into effect on 23 December 2013 following an unsuccessful appeal. A concurrent appeal against the refusal of planning permission for "*use of yard for parking 2 lorries for commercial use, recreational vintage lorry and recreational competition tractor hauling unit, all in addition to existing use of yard for agricultural purposes*" was also dismissed. The four-month period for compliance with the enforcement notice expired on 23 April 2014. On 15 April 2014, an application for a lawful development certificate in respect of the parking of HGV lorries with trailers was refused by the Authority.

The owner's agent informed officers at the beginning of May that no haulage lorries were being parked on the site, as required by the enforcement notice. Officers are continuing to make regular visits to check whether this is the case. So far the indications are that the notice is being complied with. Officers have observed lorries parked on the site but these appear to be either in use for legitimate agricultural purposes or are recreational vehicles parked within the residential curtilage. Officers are seeking to confirm this in writing with the owner/agent with a view to closing the enforcement case. In that event, the enforcement notice would remain in place so that action could be taken against any future resumption of the use, in breach of the notice.

Appendix 1 – Quarterly Enforcement Report

Appendix 2 – Map showing location of high priority enforcement cases

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Quarterly Enforcement Report

The following is a summary of planning enforcement activity in the three month period from 1 July 2014 to 30 Sep 2014. It is not a complete list of all current cases. If Members require further information on the cases listed or any other current case this can be supplied at or after Committee.

Authority For Enforcement Action Obtained		
Enforcement Reference	Unauthorised Development	Site Address
12/0040	Erection of replacement building	Wigtwizzle Barn Bolsterstone Sheffield S36 4ZA

Enforcement Notice or Other Formal Notice Served		
Enforcement Reference	Unauthorised Development	Site Address
14/0546	Allegation that current occupants do not satisfy local need occupancy condition - c.4 on NP/DDD/0200/066. PCN ISSUED	Ash Tree Cottage Hall Bank Hartington Buxton SK17 OAT
13/0171	Creation of dwelling round a static caravan base, change of use of land from agricultural to residential. PCN ISSUED	Thornyleigh Hall Farm Meerbrook ST13 8XW
11/0015	Operational development comprising (i) the carrying out of engineering operations, consisting of the excavation of the land; and (ii) the erection of a building TEMPORARY STOP NOTICE ISSUED	Home Farm Sheldon Bakewell

Enforcement Cases That Have Been Completed		
Enforcement Reference	Unauthorised Development	Site Address
12/0088	LISTED BUILDING - Installation of UPVC window LBC GRANTED FOR REPLACEMENT - WINDOW REPLACED IN ACCORDANCE WITH LBC.	The Old Forge Greaves Lane Ashford - in the - Water
14/0396	Creation of track PLANNING PERMISSION GRANTED	Land off Plackett Lane Winster
14/0377	Unauthorised fence PLANNING PERMISSION GRANTED	Oakenbank Farm Rainow

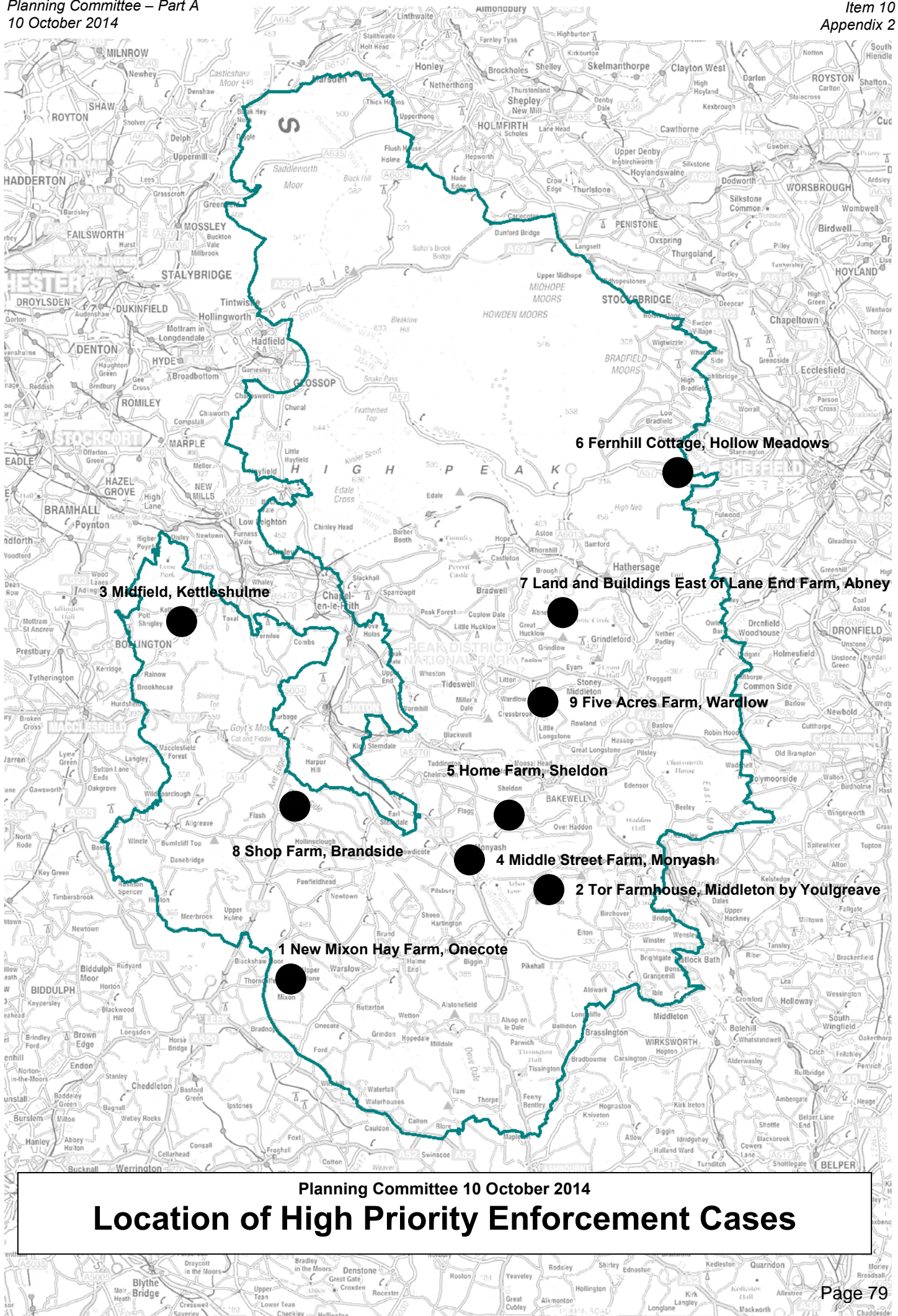
13/0078	LISTED BUILDING - External air conditioning unit PLANNING PERMISSION AND LBC GRANTED ACOUSTIC SCREEN FITTED IN COMPLIANCE WITH CONDITIONS	The Village Store Market Place Hartington
13/0167	Erection of timber shed SHED STAINED RECESSIVE COLOUR - NOT EXPEDIENT TO PURSUE.	Blythe Wood Alport
09/0177	Breach of conditions on planning permission for erection of six affordable dwellings NP/SM/0709/0597 CONDITIONS DISCHARGED & S.73 APPLICATION GRANTED	Warslow Industrial Estate Leek Road Warslow
12/0146	LISTED BUILDING Erection of conservatory and satellite dish on chimney, CONSERVATORY AND SATELLITE DISH REMOVED.	Goosehill Hall Castleton
09/0085	LISTED BUILDING - Installation of roof vents and window. External finish to windows/doors. ROOF VENTS REMOVED. EXTERNAL TIMBER FINISH RECTIFIED. WINDOW REPLACED.	The Mistal Highfields Farm Middleton Lane Stoney Middleton
14/0309	LISTED BUILDING Satellite dish on side elevation facing road SATELLITE DISH REMOVED	Sheffield House Longnor Buxton SK170PA
14/0119	Non-compliance with approved plans and conditions for erection of extension (NP/DDD/0710/0692) S.73 APPLICATION APPROVED. PLANNING PERMISSION GRANTED	Fiveways Maynard Road Grindleford
10/0114	Non compliance with conditions on planning permission for conversion of barn to holiday accommodaiton (NP/M/1207/1200) and installation of hydro electric cabinet PLANNING PERMISSION GRANTED	Oak Tree Cottage (AKA Pearls Barn) Midgeley Lane Wildboardclough Macclesfield
14/0478	Breach of planning conditions on permission for alterations and extension to dwelling (NP/DDD/0207/0090) NON MATERIAL AMENDMENT APPROVED	Lark Cottage Wardlow Buxton
10/0005	LISTED BUILDING - Double glazed windows and installation of a flue WINDOWS REPLACED WITH SINGLE GLAZED AND CONSENT GRANTED FOR FLUE	Hawkslee House Minn End Lane Windle
14/0435	LISTED BUILDING - Replacement windows and doors MERGED WITH ENFORCEMENT FILE 14/0551	Upper Fold Farm 20 The Village Holme Holmfirth
14/0547	Breach of condition on permission for extension to dwelling (NP/DDD/0710/0748) CONDITION COMPLIED WITH & NON-MATERIAL AMENDMENT ACCEPTED	Swallow Cottage 7 Main St Elton

11/0201	LISTED BUILDING - Sub-division of rooms, removal of stairparts, installation of external pipework and installation of windows SUBDIVISION OF BEDROOM GRANTED CONSENT, EXTERNAL PIPEWORK AND STUD PARTITION IN LOUNGE REMOVED, INFILL TO STAIRS COMPLETE. WINDOWS REPLACED IN ACCORDANCE WITH AGREED DESIGN	27 The Village Holme Holmfirth
13/0143	Erection of garage/shed RETROSPECTIVE PLANNING PERMISSION GRANTED ON APPEAL.	Rowan Close Peak Forest Buxton
13/0163	Change of use of land and an agricultural building to mixed agricultural and equestrian use. PLANNING PERMISSION GRANTED	Taddington Fields Farm Taddington
12/0015	Breach of condition 8 (closure of existing access) on NP/DDD/1010/1026 PLANNING PERMISSION AND LISTED BUILDING CONSENT GRANTED, MIRROR REMOVED, GRASS VERGE LAID	Longroods Farm Monsal Head
13/0164	Erection of timber shed not within the curtilage of a dwellinghouse. SHED STAINED MORE RECESSIVE COLOUR - NOT EXPEDIENT TO PURSUE	Brook House Parwich Ashbourne DE6 1QL
09/0032	Siting of static caravan and use for residential purposes. PLANNING PERMISSION FOR A DWELLING TO REPLACE CARAVAN GRANTED - UNILATERAL AGREEMENT THAT CARAVAN IS REMOVED - BUILD IS ON THE MONITORING LIST.	New Mere Farm Flagg
10/0100	Siting of portacabin for use as clients toilets, installation of septic tank. Siting of two-storey container storage. Change of use of farm to riding stables. Breach of condition 5 (occupancy of dwelling) on NP/BAR/573/43 LDC GRANTED FOR USE AS RIDING STABLES. BREACH OF OCCUPANCY CONDITION APPEARS TO BE IMMUNE FROM ENFORCEMENT ACTION TWO-STOREY CONTAINER OFFICE/STORE, TOILETS & SEPTIC TANK REMOVED	Haddon House Riding Stables Monyash Road Over Haddon DE45 1HZ
14/0495	Erection of timber greenhouse in breach of condition 10 (PD Rights removed) on NP/DDD/0708/0577. PLANNING PERMISSION GRANTED.	Town End Farm Chelmorton
10/0089	Engineering operations and extension of domestic curtilage PLANNING PERMISSION GRANTED FOR CHANGE OF USE OF LAND TO RESIDENTIAL, LANDSCAPING, SWIMMING POOL AND POOL ROOM.	The Priory Fenny Bentley Ashbourne DE6 1LF

14/0127	Display of freestanding advertisement sign ADVERTISEMENT SIGN REMOVED	The Bridge Inn Calver Hope Valley
13/0156	Demolition and re-build of agricultural building PLANNING PERMISSION GRANTED	Uppermoor Farm Parwich Ashbourne DE6 1QF
11/0106	Untidy land, storage of non-agricultural items, use of farm and agricultural building for storage of building materials/salvage and stone dressing USE OF AGRICULTURAL BUILDING FOR STONE DRESSING CEASED. STORAGE RESTRICTED TO YARDS AND BOTTOM OF TRACK, EVIDENCE SUBMITTED THAT USE OF THESE AREAS IS LAWFUL	Gradbach House Farm Quarnford
08/0097	Untidy Land -Storage of scrap and waste items SCRAP AND OTHER ITEMS REMOVED	Land opposite Glebe House, South side of B7540, Kettleshulme

Enforcement Cases Where Appeals Have Been Logged

Enforcement Reference	Unauthorised Development	Site Address
12/0042	Erection of a building and use as a dwelling house	Sheffield Pet Crematorium Hollow Meadows Sheffield S6 6GL



Planning Committee 10 October 2014
Location of High Priority Enforcement Cases

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DESIGNATION OF DORE NEIGHBOURHOOD AREA (AM)

Purpose of the report

1. To designate Dore neighbourhood area under the Localism Act 2011 Schedule 9. Designation of the neighbourhood area is the first part of the process of producing a neighbourhood plan.

Key issue

2. On 1 July 2013, Dore Village Society applied to Sheffield City Council and the Authority, to designate Dore neighbourhood area. Under Schedule 9, section 61G of the Localism Act 2011, the power to designate an area as a neighbourhood area is exercisable by the Authority when a 'relevant body' has applied. This power is exercisable by two or more local planning authorities if – as in this case – the area falls within the areas of those authorities. A relevant body means a parish council or an organisation or body which is, or is capable of being, designated as a neighbourhood forum.

Dore Village Society is a relevant body because: (i) the society has applied to be designated as a forum; (ii) the specified area is the same area as the proposed neighbourhood area; and (iii) the society is capable of being designated as a neighbourhood forum.

The designation of Dore Village Society as a neighbourhood forum is also a matter for joint consideration by Sheffield City Council and the Authority. In the case of the Authority, designation of a neighbourhood forum is delegated to the Head of Law, who has confirmed that it is capable of being so designated.

3. **Recommendation:**

That part of the proposed Dore neighbourhood area which lies within the national park, and as shown on the map in Appendix 2, be designated as a neighbourhood area under Section 61(I) Town and Country Planning Act 1990.

How does this contribute to our policies and legal obligations?

4. This is a legal obligation under the Localism Act 2011.
5. This proposal contributes to Corporate Objective 5: “work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.” A measure of success under this objective is working with communities/ parishes/ villages to support or develop their plans, including neighbourhood plans. If adopted, a neighbourhood plan would form part of the Local Development Plan for the National Park.

Background

6. In March 2013 Dore Village Society submitted simultaneous applications to Sheffield City Council, and the Authority, for designation of the Society as a neighbourhood forum, and for designation of a neighbourhood area. These applications were subsequently withdrawn, amended and resubmitted and have been subject to detailed

and protracted liaison between planning and legal officers at Sheffield City Council and the Authority, and Dore Village Society.

Dore Village Society's application to designate a neighbourhood area is valid as it includes:

- (i) a statement explaining why the proposed neighbourhood area is considered appropriate (see Appendix 1);
- (ii) a map identifying the proposed neighbourhood area (see Appendix 2);
- (iii) a statement that Dore Village Society is a relevant neighbourhood planning body (see Appendix 1)

7. Consultation

Sheffield City Council and the Authority jointly consulted on the area application from 2nd December 2013 to 20th January 2014.

Sheffield City Council advertised:

- on the website
- at Totley Library.
- at First Point at Howden House.
- via posters in the proposed neighbourhood area
- by letter or email to South West Community Assembly, Sheffield Local Plan contacts, Ward Councillors, Cabinet Lead, Planning and Highways Committee chairs, neighbouring planning authorities.
- via the Council's email alert system
- by tweet from @SCC_Planning_BC.

The Authority advertised:

- on the website
- via posters on site at Ringinglow
- via letters or emails to neighbouring parish councils and the Planning Committee Chair
- by joint press release

8. Consultation Responses

Eight responses were received concerning that part of the proposed area that lies within the National Park. (Comments concerning that part of the proposed area outside the National Park are not considered in this report.)

- Sheffield Conservation Advisory Group supports the application but object to the inclusion of Burbage Moor.
- Sheffield Campaign for Access to Moorland objects to the inclusion of any of the moorland areas in the national park. (2 emails)
- Two residents objected to the inclusion of the woodlands and moorlands which are within the national park (Blacka Moor, Lady Cannings Plantation, Burbage Moor and Houndkirk Moor).
- A resident objected to the position of the boundary around Blacka Dike, stating that Dore Village Society have misinterpreted the historic boundary between Dore and Totley and therefore wrongly included "a small but lovely part of Totley" in the Dore Neighbourhood Area. (See Appendix 3)
- The Local Access Forum has asked to be kept involved
- A resident wrote to agree with the proposed boundary

Proposal

9. In designating a neighbourhood area the Authority must consider the following (Town and Country Planning Act 1990, Section 61G and 61H):

(i) that the specified area is not one that consists of or includes the whole or any part of the area of a parish council.

Answer: the application is for an area that is wholly a non-parished area.

(ii) The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.

Answer: there are no existing adjacent neighbourhood areas.

(iii) Whether the area concerned should be designated as a business area.

Answer: the area is not wholly or predominantly business in nature therefore should not be designated as a business area.

(iv) Is the area an appropriate area to be designated? Are there any valid planning reasons to deviate from the boundary which has been submitted? (See map in Appendix 3).

Answer: The boundary is based on Dore Village Society's interpretation of the 'Dore Township' map drawn in 1802 by W & J Fairbank. (See Appendix 1 for a description and justification of this area, and Appendix 2 for a map of the area). It could be argued that this 'historic' boundary is of little relevance. However, it is significant to Dore residents and is part of their identity as a community on the moorland fringe. Dore Village Society has stated "we have decided not to make a new neighbourhood area application as we can only justify, on historical grounds, the current 'area of benefit' (i.e. as defined by their interpretation of the 'Fairbanks map')" (Email from Chair of Dore Village Society 28 February 2014).

Different options presented to Dore Village Society by National Park officers and directly by consultees were:

(a) to exclude the area that is within the National Park. This would address the concerns of the consultees described above.

(b) to make Dore neighbourhood area contiguous with parish boundaries in Derbyshire. The boundary as proposed would leave a 'gap' between Dore neighbourhood area and Hathersage and Grindleford parishes.

(c) to consider the alternative interpretation of the Fairbanks map as proposed by one consultee, so that the area known as Strawberry Lee Plantation is excluded. (See map in Appendix 3)

Taking each of these options in turn:

(a) There is no valid planning reason to exclude the National Park. Concerns expressed about the extent to which a relatively small group of people (i.e. Dore Village Society) could adversely affect the environment, cultural heritage, or public access and enjoyment of the national park, are understandable but ill-founded. Any planning policies contained in the ensuing Dore Neighbourhood Plan must conform to the Authority's own strategic planning policies. The Authority must also be consistent in its approach to neighbourhood designations. Existing neighbourhood area designations for Chapel, Whaley, Bradwell, Bakewell and Hartington also include large

areas of open moorland and natural zone.

(b) The land that would sit in the ‘gaps’ between parishes is almost wholly unpopulated ‘natural zone’ so no ‘neighbourhood level’ planning issues would be likely to arise.

(c) There is no valid planning reason why any boundary should be chosen over another. If a neighbourhood area is proposed for Totley at a later date, consideration could be given to modifying Dore neighbourhood area at this time. This would give a better indication of the extent to which the different communities identify with Strawberry Lee plantation.

Are there any corporate implications members should be concerned about?

Financial

10. There are costs incurred in undertaking the statutory consultation but after designation £5,000 ‘extra burdens’ payment can be claimed from the Department of Communities and Local Government. This will be apportioned between Sheffield City Council and the Authority by agreement between the respective Heads of Planning Policy.

Risk Management:

11. The steps that the Authority is taking, as described, to respond to the Localism Act, means that the risk around failing to meet government standards or legal obligations is low.

Sustainability:

12. • Environmental Management – there is no impact at this stage. These matters will be considered as part of the Authority’s assessment of the plan itself.
- Equalities – all work on community planning takes into account equalities issues.

Background papers (not previously published)

13. None.

Appendices

Appendix 1: Application from Dore Village Society for Dore Neighbourhood Area

Appendix 2: Map of proposed Dore Neighbourhood Area

Appendix 3: Map of proposed Dore neighbourhood area in relation to alternative boundaries.

Report Author, Job Title and Publication Date

Adele Metcalfe, Villages and Communities Officer

12. FULL APPLICATION: RENEWAL OF CONSENT TO CONTINUE UNDERGROUND MINING OF FLUORSPAR AND ASSOCIATED MINERALISATION FROM THE HUCKLOW VEIN SYSTEM: APPLICATION TO VARY CONDITIONS 2, 3, 9, 11, 13, 41 AND 42 OF PLANNING PERMISSION NP/DDD/1298/620 TO EXTEND THE OPERATIONAL LIFE OF THE MINE, INCREASE ANNUAL OUTPUT, INCREASE DAILY LORRY MOVEMENTS AND EXTEND THE PERIOD IN WHICH TO UNDERTAKE AND COMPLETE THE FINAL RESTORATION AND AFTERCARE PROVISIONS, MILLDAM MINE, GREAT HUCKLOW (NP/DDD/0913/0838, M5534, 417650 378011, 17/09/2013 /APB)

APPLICANT: BRITISH FLUORSPAR LIMITED (BFL)

Site and surroundings

Milldam Mine, as defined by planning permission NP/DDD/1298/620, comprises approximately 2,182 hectares of land within the parishes of Eyam, Great Hucklow, Foolow, Grindleford, Calver, Grindlow, Highlow, Stony Middleton and Abney and Abney Grange. It includes the villages of Eyam, Great Hucklow, parts of Stony Middleton and Grindleford and a small number of hamlets and isolated houses and farms. The large majority of the application area comprises agricultural land bounded by hedgerows, post and wire fencing and dry stone walls. A number of public footpaths and bridleways cross the area together with a number of overhead transmissions lines. The large size of the permission area is linked to the consolidation in 1986 of the old mineral planning permissions that were formerly attached to the land.

Access to the mine is via the Milldam Mine compound located on the north-western edge of the village of Great Hucklow, from where a 1 in 8 drift downwards has been driven at a point just below the exposed shale/limestone contact. A short stretch of private haul road links the mine compound with the public highway at an access point on the Great Hucklow to Windmill road, approximately 200m west of the village. Heavy goods vehicles (HGVs) leaving the site turn right onto the public highway travelling towards Windmill onto to the B6049, thereby avoiding any HGV mine traffic travelling through the village of Great Hucklow. The HGVs then travel along the B6049 and turn left onto the A623 heading towards Stony Middleton, to take the ore to the Cavendish Mill processing facility.

A number of archaeological features lie within the application area, with a cluster of Scheduled Ancient Monuments (SAM) around Eyam Moor. However, these features are over 2km distant from the proposed working area east of Great Hucklow. The closest SAM to the vein structure identified for extraction is Burr Torr Prehistoric stock enclosure, the southern edge of which lies approximately 100m north of proposed eastern working area, 300m west of the mine compound.

There are several Sites of Special Scientific Interest (SSSIs) within the application area, the three closest of which are Bradwell Dale and Bagshaw Cavern (which lies approximately 230m south of the proposed eastern working area), Waterfall Meadows (approximately 400m southwest from the eastern end workings) and Abney and Bretton Cloughs which lie over 270m north east of the proposed eastern working area. This latter SSSI designation falls within a much larger area of land designated as Natural Zone, which extends and broadens out westwards away from the proposed area of working, covering a large swathe of Eyam Moor and Bretton Clough.

Proposal

The application is submitted under section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 2, 3, 9, 11, 13, 41 and 42 of planning permission NP/DDD/1298/620. The application seeks to extend the operational life of the fluorspar mine by a further 15 years, increase annual output, increase daily lorry movements and extend the period in which to undertake and complete the final restoration and aftercare provisions. The key elements of the permission which the applicant proposes to change are listed below.

Duration

The current permission (condition 2) states that no mineral extraction shall take place after the 31 December 2013, followed by restoration of the compound to amenity use to be completed by 30 June 2014. The applicant proposes that this time limit be extended by a further 15 years, so that mineral extraction terminates on the 31 December 2028 and restoration of the mine compound is completed by 30 June 2029.

Number of vehicles

Condition 9 of the permission states that the total number of lorry movements per day shall not exceed a maximum of 24 lorry movements: 12 in and 12 out. The applicant proposes an increase in the maximum number of lorry movements to: 58 movements per day (29 in and 29 out) Mondays – Fridays (8am – 5pm); 26 movements per day (13 in and 13 out) Saturdays (8am – 12 noon). The rationale for this proposed increase in traffic movements is linked to the increased emphasis in the development plan minerals policy for increased underground minerals production, which necessitates an increase in HGV movements in and out of the site.

Output

Linked to this, the applicant is seeking an increase in the maximum annual output of vein mineral ore from 60,000 tonnes (condition 11) to 150,000 tonnes per annum. The applicant states that this proposed increased output limit would enable the company to potentially source approximately 50% of its ore requirement from underground mining based on current anticipated production figures. By implication they consider that this will reduce future pressure on alternative above ground extraction sites.

Working Scheme

Condition 13 on the current permission refers to a requirement to undertake mineral extraction in line with a suite of approved working and phasing plans. Those plans illustrate that working was to be concentrated on a the Hucklow vein system located west of the Blackhole Mine shaft and progressing in a westward direction to a point about 520 metres east of the Milldam Mine compound. The current section 73 application proposes extraction in this same vein structure, but developing the mine at a faster output rate and extracting fluorspar reserves at lower depths. However, no change is required to the current conditional depth limit of 150m AOD in the 1999 permission (condition 21). The applicant has provided a revised set of detailed plans to accompany the application which indicate the proposed working and phasing of operations, with supplementary technical information on how the mine is to be worked. A crown pillar support system will be installed to support the shale cap and prevent subsidence. Appropriate ventilation and rise holes will be incorporated into the underground workings.

The working area can be divided into three blocks centred along the Hucklow vein structure; (i) the existing 'C West production Area', approximately 2km north of Foolow (years 1 – 2); (ii) 'West Production Area' (to the north west of Great Hucklow) (years 1 – 5); and (iii) a central area between (i) and (ii) where the mine will continue to be developed eastwards in Phases 2 and 3 to intersect the eastern end of the mine at 'C West' (years 5 – 15). Details of the first five years of operations have been submitted with the application, with the remaining phases 2 and 3 to be worked in the same manner as 'West Production Area' and outlined on an overall development plan.

Restoration/aftercare

Condition 42 of the current planning permission requires that no later than 31 December 2012, or the date on which extraction ceases, a detailed scheme for the restoration, planting and aftercare of the surface compound, portal and haul road shall be submitted for approval to the MPA. The condition requires that the restoration scheme be implemented within 6 months of the date of its approval. The applicant proposes that this condition requires amendment to reflect the change in dates associated with the extension of time. Additionally, an indicative landscape strategy drawing has been submitted as part of the application proposal (reference Plan LRM171036) which demonstrates the principles that could be incorporated into the restoration scheme. The applicant proposes that the condition be reworded to require submission of a detailed scheme

within six months of the grant of an approval (should the application be approved) rather than waiting until the year before operations are due to cease for its submission. Plan LRM171036 would also replace the two plans referenced in condition 42 (Landscaping).

Other conditions

No other changes to conditions are sought. However, in determining a section 73 application, the Authority does have the opportunity to review all the conditions contained in a permission and, where necessary and for justifiable reasons, can amend other conditions provided those changes do not materially change the nature of the permission. For example, should there be a need to bring conditions controlling environmental emissions (noise, dust, blasting, etc) up to modern environmental standards (bearing in mind that it is 15 years since the grant of the previous permission), then those revisions can legitimately be incorporated into a new permission should the application be approved.

Background

Planning permission for the extraction of fluorspar by underground mining at Milldam Mine was first granted in 1986. In 1998 an application was submitted to renew the permission for a further 15 years (granted with conditions in 1999 to continue underground mining of fluorspar and associated vein minerals, planning reference NP/DDD/1298/620). The area of working is concentrated on the Hucklow Edge vein system and mineralisation, where the limestone (within which the vein occurs) is capped by shale and gritstone. The workable depth of vein within the limestone is usually about 100m and vein width can vary over relatively short strike lengths, ranging between 1.5m and 15m. Estimated total fluorspar tonnage within the Hucklow vein structure has previously been estimated at around 2.4 million tonnes.

A very limited amount of mineral extraction was undertaken shortly after the 1999 permission was granted, but thereafter the mine was predominantly left unworked and put on a 'care and maintenance' programme for a significant proportion of the 15 year duration, up until Autumn 2012, when the new business owners, British Fluorspar Limited (BFL), re-commenced works to bring the mine back into production.

Although the planning permission red line boundary covers a significantly large area, the actual extent of underground working has historically been, and continues to be, restricted to a linear zone following the line of the Hucklow vein system, which runs approximately northwest-southeast between Great Hucklow and Eyam. Although there are other vein structures within the planning permission red line area, the approved plans on the 1999 permission identified that vein mineral working would be concentrated on the Hucklow vein system located west of the Blackhole Mine shaft and progressing in a westward direction to a point about 520 metres east of the Milldam Mine compound.

The application was submitted in September 2013, prior to the extraction expiry date set out in condition 2 of the 1999 permission (31 December 2013). Officers in the Minerals Team are aware that the company have continued underground mineral extraction at Milldam Mine beyond that date and that the continuing mine development is unauthorised. With the applicant having taken the decision to continue working into 2014, the application is now part-retrospective.

Members should be aware that a separate Delegated Enforcement report has been produced and was authorised by the Minerals Team Manager and the Director of Planning on 26 September 2014. The report recommends that no formal enforcement action is taken at this time since it would not be expedient to do so for several reasons. Firstly, as will be demonstrated in this report, the development itself is principally in line with development plan policy, which states that the Authority will encourage and support the continued extraction of fluorspar ore by underground mining at locations where economically workable deposits have been proven in advance and the environmental impacts can be appropriately mitigated.

Allied to this, the operating company submitted their section 73 application to extend the time period for underground working some three months prior to the expiry date in the current

permission, on which a decision is expected at this Committee meeting. Therefore, it is important to note that at the time the application was submitted, it was not a retrospective application, and there was a genuine expectation on the part of the operating company that the application would have been dealt with prior to the 31 December 2013 extraction cessation date. However, for various reasons the determination period has been lengthy and it has taken longer than anticipated to reach the point where the matter can be taken to Planning Committee.

Environmental Impact Assessment (EIA)

The development which the applicant is now seeking planning permission for was screened during the pre-submission stage to determine whether it is EIA development and whether the application needed to be accompanied by an Environmental Statement. The screening opinion, dated 20 December 2012, was negative and concluded that the development was unlikely to have significant effects on the environment within this part of the designated National Park such as to adversely affect one or more of the interests identified in Schedule 4 of the EIA Regulations 2011. Accordingly, no Environmental Statement was required to accompany the application.

RECOMMENDATION:

1. **That the application reference NP/DDD/0913/0838 be APPROVED subject to conditions covering the following matters:**
 1. **Cessation of mineral extraction by 31 December 2028.**
 2. **Restoration of the mine compound by 30 June 2029.**
 3. **Mineral extracted confined to the winning and working of vein minerals (fluorspar, barytes, lead, zinc and calcite) – no limestone (waste, overburden or host rock) to be worked and removed from the site.**
 4. **Development to be undertaken in accordance with submitted working and phasing plans (to be detailed in the Decision Notice).**
 5. **No shaft or mine entrance shall be used for access or production purposes other than the entrance that presently exists within the mine compound (without precluding the retention and use of Ladywash, Black Engine and Glebe shaft for ventilation and emergency access).**
 6. **Maximum depth of working not to exceed 150m AOD.**
 7. **Output restricted to 150,000 tonnes per annum.**
 8. **Operator to maintain records of monthly production. Submission of annual output on monthly basis in January of each year for the previous 12 month calendar period January - December.**
 9. **No processing of vein minerals on site.**
 10. **No mineral stockpiles or waste rock piles shall exceed a height of 5 metres above the compound floor.**
 11. **Submission of surveys showing extent of underground working on annual basis.**
 12. **Details of working showing vein mineral to be worked in Phases 2 and 3 required prior to commencement of sub-level 6 development (West Production Area).**
 13. **Annual submission of statement outlining progress over previous 12 months and intended working plans for following 12 month period.**
 14. **No HGVs shall travel to and from the mine compound other than via the private haul road which joins the public highway west of Great Hucklow village.**
 15. **All HGVs shall turn right when leaving the site at the junction of the private haul road with the public highway. Maintain signage on access road instructing all HGV drivers to turn right onto public highway for duration of development. Maintenance of visibility splays.**
 16. **Site access to be maintained in a good state of repair and kept clean and free of mud and other debris at all times.**

17. Facilities shall be made available in the compound at all times to ensure that no commercial vehicles leaving the site enter the public highway in a manner which causes mud or other debris to be deposited on the highway.
18. No more than 58 lorry movements per day (29 In, 29 Out) Monday to Friday; 26 movements per day (13 In, 13 Out) Saturdays.
19. Hours of working
 - (i) Underground working: from 0600 hours Mon to 1300 hours Saturday. No working on Sundays, public or Bank Holidays.
 - (ii) Lorry loading and movements: no lorries to use the haul road, and no lorries to be loaded with vein mineral, other than between 0800 and 1700 hours daily Mon–Fri and 0800–1200 noon Sat. No lorry movements on haul road or loading on Sundays, public or Bank Holidays.
 - (iii) Mine compound: 0600 – 2200 hours daily Mon-Fri and 0800 1200 hours Saturday. No working on Sundays, public or Bank holidays.
20. Surface subsidence – requirement to notify MPA in event of surface subsidence event within 2 working days of its occurrence; requirement to cease working in affected underground area and submit detailed plan of remediation works, to include a re-assessment of working practices in operation at the time of the subsidence event, for approval by the MPA; no mineral to extraction to recommence in the affected underground area until the remedial programme of reinstatement has been undertaken in line with approved details.
21. No ventilation fans shall be located in positions other than below ground surface within the tunnel or shaft entrance. Details of any further ventilation equipment proposed for within 100m of the mine compound entrance shall be submitted to the MPA for approval prior to installation.
22. Archaeology – requirement to submit programme of archaeological monitoring, including a Written Scheme of Investigation, covering the areas to be worked, within three months of date of permission for MPA approval. Monitoring programme to be implemented for duration of the development.
23. Notification to MPA in event of any speleological or geological features of interest arising during works programme.
24. Blasting
 - (i) Hours of blasting: 0600-2200 hours daily Mon-Fri, 0600-1200 hours Sat. No drilling or blasting operations on Sundays, public or Bank Holidays
 - (ii) No individual blast to exceed a peak particle velocity (ppv) of 2mm/second at or near the foundations of any sensitive building or residential premises.
 - (iii) No secondary blasting to be carried out on the site.
 - (iv) Operator to undertake monitoring of all blasts.
 - (v) Operator to maintain records of all blast monitoring, including date/time, location of blast, location of monitor and resulting ppv.
25. Noise
 - (i) Noise dB Limits:
 - (a) 47 dB(A) LAeq(1hr)(free field) 0700 – 1900 hours;
 - (b) 42 dB(A) LAeq(1hr)(freefield) 2200 – 0700 hours
 - (c) 1900 – 2200 hours – noise levels not to exceed background level by more than 10dB(A)LAeq(1hr)(freefield)
 - (ii) Underground vehicles to remain underground between 2000 and 0800 hours.
 - (iii) No working with covers open or removed, except for the purposes of maintenance
 - (iv) No HGV lorries used in transporting vein mineral, or mine vehicles, to be used without fully functioning white noise reversing sensors.
26. Dust control – ensure the availability of a water bowser or other dust

abatement equipment at all times throughout the duration of the development, to be used in the event of dust from the mine compound adversely and to be used as necessary.

27. No discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or by soakaways.
 28. Appropriate storage of oils, fuels and chemicals on impervious bunded areas as per requirement from Environment Agency
 29. Hydrology – carry out periodic water quality sampling (turbidity and chemical composition) for duration of the development.
 30. Removal of GPDO rights covering fixed plant, buildings and machinery
 31. Maintenance of the existing trees, shrubs and hedgerows within the site around the mine compound, as identified on plan LRM171036.
 32. Submission of final restoration and aftercare scheme for mine compound within 6 months of date of the date of the permission
 33. Undertake restoration and aftercare in accordance with approved scheme
2. That authority is delegated to the Director of Planning to approve the final details of the conditions in consultation with the Chair and Vice-Chair of the Planning Committee.

Key Issues

The main issues in respect of this application are considered to be:

1. whether the principle of continuing underground working at the site for a further 15 years up to December 2028 is acceptable;
2. whether the impacts on the environment and amenity of the area arising from continued underground working at an increased output level are acceptable.

History

- | | |
|--------------|---|
| 10 June 1952 | Ministerial planning permission 1898/9/31 granted to extract vein minerals by underground methods from the central part of Hucklow Edge via Black Hole Mine. |
| 22 Sep 1955 | Ministerial planning permission 1898/9/1 granted for the extraction of fluorspar, lead and associated vein minerals from Glebe Mines Eyam and Ladywash Mine. Underground extraction operations using the Ladywash Mine shaft ceased in 1979 due to increasing economic and operational problems linked to the restrictive width of the Ladywash Shaft. The Eyam shaft ceased to be a secondary access point when it was capped as part of the development of the former Glebe Mine site in 2007. The shaft cap has been designed to still provide a limited ventilation function to the workings below. |
| 1984 | Discontinuance Order sought to discontinue the use of the future Milldam Mine compound area as a scrap yard which had developed in the 1960's. The area was the subject of a Compulsory Purchase Order (CPO) in order to implement the deemed planning permission granted by the Board for the necessary re-grading and landscape works to the site. |
| 21 Mar 1986 | Planning permission NP/WED/985/387 granted for the extraction of fluorspar and associated vein mineralisation from the 'Glebe' and 'Black Hole' permission areas and from an additional area to the north west of the Black Hole permission. It included the area now known as Milldam Mine where a new mine compound was developed to access the underground workings on the site of the former scrap yard, replacing the previous entrances at Ladywash and Glebe Mine. The 1986 permission, with 52 conditions, replaced and superseded the earlier 1952 and 1955 permissions. Construction of the mine compound commenced in 1987. Driving of the new adit and linking up with the old Ladywash workings was completed in September 1991. Limited extraction of |

	vein mineral commenced in 1992. Full production commenced in 1994. The planning consent allowed extraction of fluorspar and associated mineralisation from the Hucklow Edge vein system until 31 December 1998.
3 Nov 1999	Planning permission NP/DDD/1298/620 granted for the renewal of the 1986 consent with a revised duration period for mineral extraction up to 31 December 2013 with the restoration of the compound area to amenity use by 30 June 2014.
Dec 1999	Laporte Minerals, the former applicant and operator of the site, was brought by Glebe Mines Ltd (GML). After a brief period of activity the operations at Milldam Mine were put on a programme of care and maintenance. This remained the case until mining operations were re-established under new business ownership (British Fluorspar Limited) in October 2012.
11 Feb 2000	Planning permission NP/DDD/1298/622 granted for renewal of consent for use of barn as a store for purposes ancillary to Milldam Mine.
21 June 2010	As part of planning permission NP/DDD/0208/0104 for Tearsall Quarry, a section 106 Agreement was signed between the landowners, PDNPA and the owners of Cavendish Mill to provide 15% of Cavendish Mill's ore requirement from underground sources for the duration of the Tearsall planning permission. The Milldam mine site is currently the only viable underground source to meet this obligation at this moment in time.
22 Nov 2012	Planning permission NP/DDD/0610/0588 granted for removal of existing portable welfare facilities and replace with new portable buildings of the same size and structure, and erection of new CCTV tower and new fitting office at the Milldam Mine compound.
17 Sep 2013	Submission of section 73 application to allow working to continue for a further 15 year period, increase annual output, increase daily lorry movements and extend the period in which to undertake and complete the final restoration and aftercare provisions – the application currently being considered.
Dec 2013	Subsidence hole occurred on land to the north of Foolow on land coinciding with underground mineral workings. HSE and Authority investigations follow. Remedial works to infill and restore the void undertaken under permitted development rights, under part 19C of the GPDO 1995.
30 Apr 2014	Planning permission NP/DDD/1213/1117 granted for continued use of a building as a secure store and construction of peripheral bund.

Consultations

There have been two separate rounds of public consultation. The application was submitted in September 2013. Amended working plans and further information in respect of phasing, archaeology, hydrogeology, blast vibration analysis and geotechnical design was provided between March and April 2014 and a second consultation was undertaken in May 2014.

Highway Authority: Whilst there are no perceived highway capacity concerns, any consent would result in a significant increase in HGV movements at the private haul route access with the adopted highway. This access is substandard to current layout recommendations particularly with respect to exit visibility. The recommended absolute minimum exit visibility splays where a road is subject to the national speed limit are 2.4m x 154m to the nearside carriageway channel in each direction (desirable provision is 2.4m x 203m). Any lesser provision should be supported by the results of a traffic speed survey. It is suggested that mitigation of the substandard access layout should be demonstrated. Therefore, recommend that the applicant be requested to submit details demonstrating measures to address the issue of increased HGV activity at the substandard access with the adopted highway.

Officer comment: In response to this consultation reply, the applicant commissioned a speed survey and provided a revised visibility splay plan demonstrating that the desired visibility splays can be achieved. Visibility from the west will be achieved by removing a stand of regenerating ash trees located along the highway. This work has already been undertaken under agreement

with the Highway Authority. E-mail from Highways Authority dates 8 January 2014 confirmed that the revised visibility splays are acceptable to serve the development.

English Heritage: (First response) Recommend that the application be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

EH: (Second response) Note that within BFL ownership blue line lies the historic lead mine of Little Pastures. Subsequent to our previous response the scheduling assessment for the historic lead mine located at Little Pastures Farm has been completed by English Heritage. This mine has been assessed to be of national importance. Ultimately, the decision regarding its designation lies with the Secretary of State for the Department of Culture, Media and Sport. Not clear from the consultation materials whether the proposed scheme of working will actually affect the above site. Clearly if it does this is a substantive issue given the importance of the site and in that case we would like to engage in discussion of these issues. Seek clarification from the Authority on this matter.

Officer comment: A clarification e-mail and plan were sent to EH on 17 June 2014 informing them that the actual area of underground mineral extraction proposed is limited to a linear band running approximately 1.4 km between Great Hucklow and Bradshaw Lane (following the line of the main vein structure). The most easterly extent of the workings roughly falls just to the east of Slater's Engine Mine. Drawing a straight line from this most easterly point of the proposed workings to Little Pasture Mine, the distance is approximately 1.5km. On this basis the proposed workings should not impact on Little Pasture Mine.

Health & Safety Executive/Mines Inspectorate: (First response) Concluded that mining activity at the Milldam mine in the vicinity of Slater's Engine mine was a contributory factor to the sink hole appearing on land near Foolow in December 2013. This was essentially because the mine operator had not identified the hazard from old mine workings and the potential effect on surface stability and taken steps to control it. Following the investigation a Notice of Contravention was served on the mine operator requiring them to take action on these matters. These workings did form part of the early phase of working this mine, however since the incident all activity in this area has been abandoned and providing they comply with their legal obligations to prevent inrushes and to control ground movement the likelihood of a similar incident should be minimal.

HSE: (Second response): Note that the vertical separation between the stope being worked in December 2013 and the presumed bottom (or at least the water therein) of Slater's Shaft is of the order of only 20m. Wardell Armstrong, and the mine plan, state that the old lead workings were in the upper limestone as well as the shale, so can be expected to be potentially present in any future work area. To that end, and since the Foolow hole has developed, the mine management have instigated a precautionary drilling scheme with the intention of proving the ground above the stopes before working. This should ensure that there is no repeat of the Foolow incident. Following review of the information supplied, I find no grounds for HSE to object to the proposals.

Severn Trent Water: No response received.

Environment Agency: (First response) The mine is underlain by the Eyam Limestone Formation, which is classed as a Principal Aquifer under the Environment Agency's Groundwater Protection, Principles and Practice (GP3). Groundwater in the area requires significant protection. Water Management has been considered in Appendix 3, which was submitted in support of the application. We understand that water is intercepted, piped through the mine network and discharged downstream. The water quality sampling shows some slightly elevated metals in water entering the mine. On this basis, ask that a scheme of water quality monitoring is implemented under existing Condition 34 in order to confirm the quality of water being discharged from the site and to ensure that no pollutants are entering the water environment. The EA comment that if the MPA are minded to renew consent, they ask that additional planning

conditions be imposed covering appropriate storage of fuel, oil and other chemicals in banded areas.

EA: (Second response) No further comments to those given previously.

Derbyshire Dales District Council (Environmental Health): (First response) No objection to the granting of permission, however, for the protection of amenity to local residents make the following comments:

Hours of blasting Existing permission has exceptionally generous permitted hours of blasting and are considerably less stringent than we would recommend for a new permission. Recommend the permitted hours are amended to: 8am – 6pm Mon – Fri; 8am – 1pm Sat; no blasting on Sundays and Bank Holidays. However, if the LPA are minded not to implement more stringent hours of blasting, then would recommend that blasting outside of these hours be limited in some way and that the majority of the required blasting be undertaken during the day (within normal working hours listed above). Furthermore, recommend a notification procedure be introduced for blasting outside the hours with the Local Planning Authority and would recommend strict limits during these times with the aim it is not detectable in residential property. Also recommend a condition requiring the company to undertake monitoring of the blasts in the event that complaints are made. This should be in consultation with the Local Planning Authority.

Recommend a condition requiring the sheeting of lorries when being hauled on the public highway. All other limits and conditions to remain. Would be prudent to require a noise impact assessment be undertaken prior to the permission being commenced as it is proposed to increase the volume of activity.

Officer comment: In response to this consultation reply, and following on from concerns raised from residents close to the mine compound over noise emissions at certain times of the day, the applicant commissioned a noise survey. This was assessed by the EHO.

EHO: (Second response) *[In terms of noise survey and conditions]* Current planning conditions unenforceable and need changing. Recommend that use the conditions set out in the NPPF. i.e. set noise levels where possible for day time noise which does not exceed the background noise level by more than 10dB(A). NPPF accepts that this may not be possible in certain circumstances and an upper limit of 55dB(A) be applied. From the survey, the highest background reading that was obtained at the nearest noise sensitive property was 36.7 dB(A) which was measured between 08:10 to 09:10 hours. Rounding this up to 37dB(A), I would propose that the daytime noise (07:00 to 19:00 hours) from Milldam Mine should not exceed 47dB(A) when measured as a 1hour LAeq (free field). This should be measured at the boundary of the nearest noise sensitive property or at an equivalent distance. Evening noise (19:00 to 22:00) should not exceed the background level by more than 10dB(A) and night time noise (22:00 to 07:00) should not exceed 42dB(A) when measured as a 1hour LAeq (free field)

With regard to reversing beepers, a condition should be included that states all vehicles operating on site must be fitted with broadband sound (white sound) reversing alarms or an equivalent system to eliminate the disturbance that can be caused by traditional reversing alarms which are tonal in nature.

EHO: (Third response) Following re-assessment of noise survey submitted by the applicant and having undertaken own independent monitoring of noise at around same time the applicant's consultants took theirs, the results are broadly similar. Noted that there was some tipping (presumably into a lorry) before 8am. I would recommend that such tipping be restricted to between the hours of 8am and 5pm.

Derbyshire Dales District Council (Planning) - no response received

Central Networks East: No comments received.

Natural England (first response):

SSSI The application lies within a short distance of a number of SSSIs - Waterfall Meadows, Abney and Bretton Cloughs and Bradwell Dale and Bagshaw Cavern in particular. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. The SSSIs do not represent a constraint in determining this application.

Protected Landscapes: No comment in relation to the potential landscape character or visual impacts, as the extension to time allowed for working the site would appear to have little impact upon the protected landscape of the National Park.

Other Advice Would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application, in particular in relation to the restoration proposals following cessation of working:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species

Recommend that LPA seek further information from the appropriate bodies, in order to ensure there is sufficient information to fully understand the impact of the proposal. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

NE: (Second response) The amendments to the plans originally submitted in support of this proposal would not appear to affect our interests, and we therefore do not wish to add to or amend the comments provided in our previous response to this proposal.

PDNPA Archaeology: Initial comments related to the archaeological method statement for monitoring and recording at Milldam mine. In the context of the below ground working methods observed during site visit, would not object to the proposal on archaeological grounds, provided that a detailed scheme for archaeological monitoring can be agreed under the recommended condition below.

A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The condition should replace conditions 38 and 39 on the previous permission. Highlight the fact that the desk-based assessment does not include any mapping of the heritage features which are listed within it. Previously recommended that the search area for heritage assets should be a 500m buffer zone either side of the proposed underground working, rather than a 1 km radius of the mine entrance used for the dba in the submitted method, as it will make the potential impact of subsidence on any known surface heritage assets more clear. The following sites which are registered as 'High Priority sites' under the Lead Legacy initiative are located above the underground operations:

- New Edge and Have At All Mines, Hucklow Edge, Great Hucklow
- Hucklow Edge Vein, Hucklow Edge, Great Hucklow
- Slater's Engine Mine, Bradshaw Lane, Foolow

- Silence Mine, Old Grove Mine and New Grove Mine appears to be underneath the current working area

The Written Scheme of Investigation required under the recommended condition should include a commitment that the Company will undertake rescue excavations of any surface features that might be affected by subsidence.

Officer comment: Given that the development is ongoing and the application is a section 73 application, would need to alter the suggested wording of condition by requiring archaeological monitoring programme within a set period of planning permission being granted, e.g. three months.

PDNPA Ecology: (Initial response) Concern over potential hydrological impacts and lack of information to support assertions.

Ecology (Second response) Having reviewed the additional information, the issues raised regarding water quality could be dealt with under a water quality monitoring scheme as suggested in the response from the Environment Agency (01/11/2013).

PDNPA Landscape: (First response) No objection to the proposed time extension for the mine. As far as the restoration scheme is concerned it will be necessary to ensure that all hard surfacing (both solid and loose materials) is broken up to relieve any compaction that has occurred over the years. If this is not done then there will be poor grass growth and water retention (although this may be good for wildlife).

Landscape (Second response) No landscape objections.

PDNPA Rangers: No response received.

Foolow Parish Meeting: No comment to enter on this application.

Stoney Middleton Parish Council: have no objections in principle to the renewal consent application. Concerned about the increased amount of traffic which will potentially enter Cavendish Mill if the application is granted. The Parish Council cannot see that any provision is to be made for road cleansing within the Mill area. Deposition of mud on the highway has been a severe problem in the past when the Mill has been in full production. The promised wheel wash at the top road crossing to the stockpile has never materialised and the problem with water running onto the highway from the bottom sump has never been properly addressed. This road is used on a daily basis by villagers who complain that in winter their cars are covered in mud and in summer there can be problems with dust generation. If this application is approved the Parish Council would like to see conditions imposed to make sure that the highway is kept as clean as possible.

Grindleford Parish Council: No response received.

Highlow Parish Meeting: No response received.

Hucklow Parish Council: No response received.

Eyam Parish Council: No response received.

Abney and Abney Grange Parish Meeting: No response received.

Calver Parish Council: No response received.

Representations

There have been four objections received in respect of the development. One objector is a local resident concerned about the impact of increased traffic on amenity, particularly horse riders. A further objection is from a local resident expressing concern over blasting from the mine causing their building to experience tremors. The third representation is concerned with noise from the mine compound combined with operations being undertaken in unsociable hours (referring to the permitted hours in the mine compound between 06:00 hours and 22:00 hours Monday to Friday and 08:00-12:00 noon Saturdays), stating the peaks in noise could be reduced by better sound barriers or other noise reduction methods. The fourth representation asserts that an application of this size with clear negative environmental impacts would need an EIA and details of its effects on underground water systems, and that the increase in HGV traffic in the locality is significant and requires full assessment. (*Officer comment – the negative EIA screening opinion is reported on page 4 of this report*)

A letter of support has been received from Friends of the Peak District, who have considered the application and in principle support the continuation of underground extraction from Milldam Mine, subject to the necessary conditions being imposed to protect local amenity, in particular from subsidence and blasting effects and the impact of traffic movements associated with the transfer of ore to Cavendish Mill. FoPD have previously lobbied strongly for a shift from open cast to underground operations for fluorspar extraction in the National Park, so as to protect nationally important landscapes, commensurate with national policy. This is the context of our support for this application.

Planning policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. The relevant policies and the main material planning considerations that must be taken into account when considering this application are set out below.

Core Strategy (2011) policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, MIN1, MIN2, MIN4, T1, T4

Local Plan (2001) saved policies: LM1, LM9, LC1, LC15, LC16, LC17, LC19, LC21, LC25, LT9

National Planning Policy Framework

The NPPF was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. The Authority has considered the relationship between the Core Strategy and the National Planning Policy Framework and resolved that they are consistent. This application does not raise matters that suggest otherwise.

As a material consideration in planning decisions, the NPPF recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the Framework indicate that development should be restricted, for example, policies relating to National Parks. Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation. It states that further guidance and information, including

explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010.

For minerals specifically, the NPPF (paragraph 144) states that when determining planning applications local planning authorities should (*inter alia*):

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of land-banks of non-energy minerals from outside National Parks;
- ensure no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

Assessment

In principle, extraction of fluorspar ore by underground mining is supported by Core Strategy policy MIN2 (Fluorspar proposals). This policy makes specific reference to the reserves at Milldam and Watersaw mines. In addition, minerals policy MIN4 (Minerals Safeguarding) states that the mineralised vein structures relating to Milldam Mine (and Watersaw Mine) will be safeguarded from sterilisation by non-mineral surface development. The supporting text in the Core Strategy identifies the above-mentioned two underground sources as giving access to considerable resources of high grade fluorspar ore, both of which can be operated in an environmentally sensitive way.

Further guidance on what types of development may be appropriate in settlements and in the countryside is provided for in policy DS1, which seeks to direct development to the most sustainable locations based on a range of criteria. In all settlements, and in the countryside outside the Natural Zone, the policy specifies a range of developments that are acceptable in principle, which includes mineral working. This is subject to the need to ensure that the principles contained within policy DS1 be considered in relation to other relevant and specific core policies of the plan.

The proposal constitutes mineral development which is ‘major development’ as defined in the Development Management Procedure Order (2010). The Core Strategy general spatial policies provide overarching principles for spatial planning in the National Park. They relate closely to the delivery of National Park purposes to ensure that the valued characteristics and landscape character of the area are protected. Section E of policy GSP1 states that, in securing National Park purposes, major development should not take place within the National Park other than in exceptional circumstances. It goes on to state that major development will only be permitted following rigorous consideration of the criteria in national policy, and that where such a proposal can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured.

The reference in Core Strategy policy GSP1 to national policy can be found in paragraph 116 of the NPPF, which indicates that planning permission should be refused for major developments in designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy (*Need*);
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way (*Alternatives*); and

- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (*Environmental impacts*).

The Authority, through adopting its Core Strategy in 2011, has already acknowledged that major proposals for underground ore mining may be able to demonstrate some of the exceptional circumstance tests in terms of Core Strategy policy GSP1 and paragraph 116 of the NPPF, in view of the limited availability of alternative sites in England and the importance of fluorspar to the UK economy. The Core Strategy states that the importance of the fluorochemical industry may well be considered sufficiently exceptional to continue to supply fluorspar ore as a departure from the overall strategy to run down the supply of minerals from the National Park, provided that individual schemes can be developed underground.

Need for the development

Fluorspar is a rare industrial mineral which is found within the Southern Pennine orefield. Its distribution is synonymous with the Peak District. It is found exclusively in mineralised veins within carboniferous limestone set within the attractive, ecologically and historically rich landscape of the National Park. The industry therefore operates within a very sensitive landscape. In the NPPF, fluorspar is one of several minerals referred to in Annex 2 as being of local and national importance. The NPPF (paragraph 146) requires that mineral planning authorities should plan for a steady and adequate supply of industrial minerals by (*inter alia*):

- Co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes;
- Encourage safeguarding or stockpiling so that important minerals remain available for use.

Policy MIN4 provides the safeguarding element required by the NPPF. Policy MIN2 provides for a steady supply [of fluorspar] through a permissive policy for underground working, which this application clearly addresses. The proposed continuation of operations at the mine for a further 15 years would help to provide a continued supply of indigenous fluorspar over that period. It is understood from the applicant that the increased output would enable BFL to potentially source up to approximately 50% of its ore requirement from underground mining based on current anticipated production figures. The applicant states that this would also assist in their adherence to a legal obligation connected with another of their (opencast) fluorspar operations at Tearsall Quarry. The Section 106 agreement accompanying the Tearsall planning permission has a clause whereby 15% of Cavendish Mill's ore requirement is to be sourced from underground sources for the duration of the Tearsall open pit consent. Tearsall commenced operations in June 2013 and is currently operational. Milldam mine is recognised by all parties as currently the only viable underground source to meet this obligation in the short to medium term, thereby a refusal of this application would render the applicant unable to meet this legal commitment.

The Authority has already acknowledged, through adoption of policy MIN2, the support in principle for the continued operation of the Milldam Mine in order to secure the supply of fluorspar. The applicant indicates that the development is part of its overall long term development strategy for re-establishing viable fluorspar mining in Derbyshire. Therefore it is essential to maintain the underground mining operations at Milldam. In doing so, they seek to maintain the life of the mine and to safeguard jobs in the locality. In view of the above discussion, it is considered that there is a demonstrable need for the development.

Alternatives

The rationale behind Core Strategy policy MIN2 is to promote a progressive shift towards a secure supply of fluorspar from underground sources, moving away from opencast mining, which is deemed to have far greater potential environmental impacts, particularly in landscape and visual terms. Policy MIN2 part D underlines this policy direction by stating that proposals for opencast mining of fluorspar ore will not be permitted. The supporting text in the Core Strategy indicates that most of the higher grade fluorspar ore in the Peak District that is capable of being

worked by opencast methods in environmentally acceptable locations has either been extracted or already has the benefit of extant consent. Therefore, opencast extraction of fluorspar is not a viable alternative to the continuing underground development proposed here, since it would run contrary to policy.

Whilst fluorspar deposits are known to extend into the Peak District on the fringes of the National Park (within the jurisdiction of Derbyshire County Council), there are no currently active underground or opencast fluorspar operations in the DCC area.

Fluorspar is also located within the Northern Pennine orefield around Durham and that area does have some history of previous fluorspar extraction. However, extraction from that orefield ceased in 1999 and there are no known permitted reserves or active sites in that area now. Furthermore, with only one fluorspar processing facility existing nationwide (that being BFL's facility at Cavendish Mill, Stoney Middleton), there is little scope of fluorspar production from the Northern Pennine orefield recommencing, since the costs of transporting the ore to the processing facility would currently be economically prohibitive. Taking into account the above factors, it is concluded that there are currently no viable alternatives to the proposed continuation of operations at Milldam Mine which would ensure a steady and adequate supply of fluorspar.

Environmental impacts

Accepting that an exceptional circumstance is demonstrated and that the need and alternatives assessment are sufficiently addressed by the application, the third strand of the NPPF and GSP1 major development test is an assessment of any detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which those effects could be moderated. This ties in with the assessment of the development against policy MIN2 (part A) which states that the Authority will encourage and support the continued extraction of fluorspar ore by underground mining where the environmental impacts can be appropriately mitigated. There are several areas to be considered in terms of environmental impact, which are set out below.

Traffic

Assessment of the proposals and advice from the Highways Authority indicates that they will not result in significant adverse impacts to highway safety or to the surrounding highway network. The current planning permission restricts the number of daily HGV movements to 24 (12 in and 12 out) and this would be increased as a result of the proposals to 58 (29 In - 29 Out, Mon-Fri) and 28 (14 In - 14 Out, Sat). However, subject to improved visibility at the site entrance, the nature and quantity of HGV traffic movements to and from the site are acceptable without any detriment to highway capacity.

The routing of the lorries using the private haul road onto the public highway and then away from the village of Great Hucklow will ensure that the impacts on residential amenity are minimised. The movement of lorries onto the Great Hucklow to Windmill Road, and then onto the B6049 and A623, demonstrates that the development is readily accessible to the Strategic and Secondary road network. It is not considered that the number of daily HGV movements to and from the site will have a detrimental impact on the environment or amenity of the area. Therefore, it is considered that this aspect of the development is in line with Core Strategy policies T1 and T4, and with saved Local Plan policies LM1 and LT9. The issue raised by Stoney Middleton Parish Council about mud on the road is directly linked with Cavendish Mill, where there are vehicular movements associated with numerous developments, and not just restricted to vehicles associated with Milldam Mine. Therefore, conditions controlling this cannot be applied to a new permission. However, Authority officers will engage in discussions with the applicant about measures which could be introduced at Cavendish Mill to deal with this situation.

Land instability/surface subsidence

A potential impact of underground mining is subsidence, which may cause damage to surface structures, affect slope stability or impact on the workings within the mine itself. The strength of the limestone in the working area means that for most parts of the mine it will form adequate

support that will span the proposed workings and will not require any additional reinforcement to prevent collapse or subsidence. However, if the geology requires it, then rock bolts, steel arches, and other measures can be used to provide long term support and stability. In areas where the interface with shale is encountered, additional support measures will be required and these will take the form of an Artificial Crown Pillar (ACP) comprising roof and rib bolting with steel roof and rib mesh, which are fixed with resin and grouting and sprayed with concrete. This approach is designed to provide stability for the ongoing mine operations but also provide a sound and secure foundation that will remove the risk of surface subsidence. The applicant considers that this method of working will also remove the potential risk of surface subsidence resulting from the disturbance to historic mine workings at levels between the proposed Milldam Mine workings and existing ground levels.

The issue of subsidence and the potential for it to affect surface features was considered during the determination of the previous renewal application (NP/DDD/1298/620) and found to be acceptable, with conditions imposed to address any future subsidence occurrences. Condition 15 of the 1999 permission required the operator to cease mineral extraction within any affected subsidence area, submit a revised scheme of working, undertake appropriate remedial action and to agree a programme for its implementation. Following the recent ground collapse in December 2013, and in line with the requirements of condition 15, the operating company ceased working in the specific part of the mine affected by the ground collapse and has since worked with the Authority to achieve a sustainable restoration of the collapsed area (reference NP/GDO/0614/0686, which details the GPDO submission for infilling, approved on 12/06/2014). If Members are minded to approve this application, then this condition would be re-imposed to address any future surface subsidence events, notwithstanding that the HSE have commented that the risk should be minimal if the revised working practices are adhered to. Nevertheless, the recent ground collapse has demonstrated a need to control this aspect of the development and the applicant has indicated that they are willing to undertake periodic above ground visual inspections above areas where the mine is operating. This can be included as a condition.

In considering the proposal to continue operations at the mine for a further 15 years, and taking into account the HSE's view that the proposed working methods for both the eastern and western working areas are acceptable from a geotechnical and surface subsidence stance, then it is considered that the development could proceed without creating an increased risk of subsidence to surface features. The permission would have to be subject to the implementation of a scheme for monitoring surface features for the duration of the development and the re-imposition of a condition to require the implementation of a formal procedure for reinstatement of the land and reappraisal of working practices in the event that serious subsidence does occur. Subject to the imposition of these conditions, the development is considered to be consistent with Local Plan policies LM1 and LC25.

Landscape/Visual Impact

It is not considered that the proposed extension of time or amendments to the other conditions would result in a detrimental landscape or visual impact to the surrounding area or affect the open character of the surrounding countryside. Whilst part of the application area falls within the Natural Zone, the identified area for working is located some distance away from the Natural Zone area. Therefore the management of the Natural Zone land is not affected by the proposed development. In addition, the majority of workings associated with the development are underground, with no discernible impact on landscape or visual amenity, and the limestone 'waste' associated with the mine workings is backfilled and stored below ground. This method of working would not change as a result of the proposals. Surface structures associated with operations at the mine include a site office, an electricians store, a substation, canteen facility, maintenance/fitting workshops, and an ancillary store just off the private haul road (which was the subject of a separate planning permission recently NP/DDD/1213/1117). The site is afforded a high degree of visual screening when viewed from all points of the compass by virtue of existing vegetation and well established screening bunds. The limited scale of the structures within the compound are proportionate in the context of this location.

Following the completion of mineral operations at the site, the surface areas will be restored in accordance with a restoration scheme. The applicant has submitted an 'in principle' restoration plan and it is recommended the imposition of conditions relating to restoration, landscaping and the aftercare of the restored surface areas would ensure that those parts of the site affected by the development would be capable of being restored to the highest standards. This addresses Natural England's comment over the need to ensure biodiversity enhancement which can be sought when agreeing the details of the final restoration scheme. This is in line with Local Plan policies LM1 and LM9, and Core Strategy policies L1, MIN1(part B) and GSP2. Whilst part of the application area falls within the Natural Zone, exceptional circumstances exist in allowing the development to take place as the actual area identified for working in the application does not fall within, or have a direct impact on the Natural Zone. Consequently, the development is considered to be in accord with policy LC1. Overall, it is considered that the impacts upon the surrounding countryside would be acceptable and would accord with the development plan without any adverse impacts on the valued characteristics of the National Park.

Noise

Due to the nature of operations at the site, where the mineral extraction is carried out underground, the noise impacts associated with the development are limited to stockpiling and loading operations, vehicle maintenance, HGV and operatives' vehicle movements, and other associated activities undertaken within the mine compound. The nearest noise sensitive properties to the compound are Milldam Cottage (owned by the applicant, without residents), and Artis Cottage and Bank Cottage (both approximately 100m to the south, on the western edge of Great Hucklow village).

The 1999 permission contains two conditions relating to noise. The first stipulates a need to ensure vehicles, plant and machinery are appropriately maintained at all times, fitted with silencers and not operated with the covers open or removed. The second condition sets a 'corrected' noise limit of 46dB LAeq (1hr) as measured from the nearest noise sensitive property, with a requirement to notify the MPA if these levels are exceeded and agree a remedial programme to address the problem. The advice from the EHO in this regard is that the current condition specifying noise levels is unenforceable and needs amending. The EHO response also advised that a noise impact assessment be undertaken. This request arose coincidentally with concerns over noise levels from residents in close proximity to the mine compound. In response, the applicant commissioned a noise survey in May 2014, which the EHO has subsequently assessed and commented on.

Government guidance in respect of noise associated with mineral operations (in the NPPF and the Planning Practice Guidance document) requires MPAs, in determining applications for minerals development, to ensure that unavoidable noise impacts are controlled, mitigated or removed at source with appropriate noise limits being established for mineral extraction where it would occur in close proximity to noise sensitive properties. The guidance suggests that, subject to a maximum of 55dB(A)LAeq,1h(free field), mineral planning authorities should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10dB(A).

In reviewing the noise survey data and taking account of government guidance, the EHO has recommended that a sequential set of noise limits for different time periods are imposed to take account of the different sensitivities in noise at different times of the day. The recommendation is that daytime noise (0700–1900 hours) should not exceed 47dB(A)LAeq(1hr)(freefield); evening noise (1900-2200 hours) should not exceed the background noise level by 10dB; and night time noise (2200-0700 hours) should not exceed 42dB(A)LAeq(1hr)(freefield) as measured at the boundary of the nearest noise sensitive property or at an equivalent distance. It is considered that imposing these limits by condition would be reasonable and would provide effective control over noise emissions from the compound. This approach would address the elevated noise levels which have been noted by complainants at shift changeover between 0600 hours and 0700 hours through the imposition of a lower threshold of 42dB prior to 0700 hours.

In addition, the EHO has recommended that a condition be applied which states that all vehicles operating on site must be fitted with broad band (white sound) reversing alarms or an equivalent system to eliminate the disturbance that can be caused by traditional reversing alarms which are tonal in nature. A further recommendation (arising from the EHO's own observations when undertaking some independent noise monitoring) is that loading of vehicles (presumably loading of fluorspar into HGVs) should not commence until 0800 hours, since that particular activity was noted during the independent monitoring as giving rise to adverse noise emissions. This is also one of the activities mentioned by complainants as giving rise to noise nuisance, alongside underground vehicles exiting the mine and entering the compound at 0600 hours. It is considered reasonable that both these matters could be adequately controlled through the imposition of appropriate conditions.

In view of the above discussion, it is concluded that noise levels from the compound can be adequately controlled in line with the advice received from the EHO and taking account of the specific noise issues which have been raised recently. The development is therefore in accordance with policy LM1 and is consistent with NPPF guidance on control of noise emissions from mineral workings.

Blasting

Under permission NP/DDD/1298/620, blasting at the mine is controlled by conditions 30 – 32 inclusive. Condition 30 restricts blasting to 6.00 am – 10.00 pm Mondays to Fridays and 6.00am - 12.00 noon Saturday, with no blasting or drilling operations permitted on Sundays, Bank or Public holidays. Condition 31 relates to blasting levels and requires that no individual blast shall exceed a peak particle velocity (ppv) of 2mm/second at, or near, the foundations of any sensitive building or residential premises. Condition 32 prohibits any secondary blasting except with the written agreement of the MPA. The applicant has not sought any changes to these conditions.

Members should be aware that the Authority, in conjunction with the EHO, has responded to two complaints in relation to blast vibration levels since operations in the mine recommenced in May 2013. Complaints were received in September 2013, and February 2014, both of which originated from the occupiers of the same property, on Bretton Edge.

In October 2014 a blast vibration monitor was installed at the property by the EHO and the operator also commenced their own blast monitoring. With the exception of the blast related to the complaint made in February 2014, which registered 2.4 on the applicant's vibration monitor, all other blasting events which were monitored fell below the 2.0 mm/second threshold level, with most blasts resulting in the monitor not triggering (where the monitor is set to trigger at >1mm/sec).

The EHO has commented that the existing permission has exceptionally generous permitted hours of blasting and indicates that they are considerably less stringent than they would recommend for a new permission. The recommendation is that the permitted blasting hours are amended to 8am-6pm Mon-Fri and 8am-1pm Sat with no blasting Sundays and Bank Holidays. An alternative option has been put forward by the EHO whereby if blasting is considered to be appropriate outside these hours then additional limitations are imposed in some way to protect residential amenity.

Correspondence was received from the applicant in response to the EHO concerns which emphasised that, due to the variable nature of mining, despite the fact that most blasting is undertaken at the end of the two main production shift breaks (10am – 10:30am and 6pm - 6:30pm), this is not always the case and any restriction in the terms raised by the EHO would have a potentially significant impact on productivity. The applicant has also raised the issue that the current blasting limit of 2mm/second is well below the daytime limit set out in the relevant British Standard guidance, which recommends values of 6.0 mm/sec (8am – 6pm) and 4.5 mm/sec (6pm – 8pm and 7am – 8am). The guidance quotes the figure of 2.00mm/sec as being the appropriate limit to apply for night time blasting (9pm – 7am). On this basis, the applicant argues that if a more restrictive condition is put on a permission concerning the hours of blasting

then there should be compensatory increase in blasting vibration limits which are consistent with BS guidance to ensure that the operation is not unreasonably compromised. However, the applicant has clearly stated a preference to maintain the existing conditions as they are without any changes.

Whilst noting the EHO's concerns in terms of generous permitted blasting times, the reverse is true in respect of blast vibration levels, where the operators are required to adhere to the most stringent recommended level of 2mm/second throughout the daily operation, a level which is usually only applied to night time blasting between 9pm and 7am. In reviewing the blasting conditions, it is your officers' opinion that maintaining the conditions in their present format is the most appropriate way forward. If stricter time limits were imposed, without amending blast limits, this would likely lead to a challenge from the applicant. Increasing the blasting vibration limits to reflect British Standard guidance (to 4.5 mm/sec and 6.0 mm/second), despite a reduction in permitted hours, would potentially create more complaints than at present. Therefore, operating at the low (night time) vibration limit across all hours of working is considered preferable in terms of controlling the impacts of the blasting. In any event, the majority of blasts are undertaken at 10am and 6pm. Additionally, given the mining history of the area and the prevalence of former lead mine workings in the area, increasing the blasting vibration limits may potentially lead to increased risk of disturbance to those features.

The EHO has also recommended a condition requiring the company to undertake monitoring of the blasts in the event that complaints are made in consultation with the Mineral Planning Authority. The applicant has included a commitment to undertake monitoring in any event, and this would therefore be a reasonable condition to impose. In terms of the notification procedure for blasting outside normal working hours recommended by the EHO, it is considered that with the operator's requirement to adhere to the most stringent blast vibration level of 2mm/sec across all their permitted hours of blasting, combined with the requirement to monitor every blast and maintain records of each event, the notification procedure sought would be unduly onerous. In conclusion, subject to the re-imposition of conditions concerning blasting times, blasting levels and secondary blasting, in addition to a requirement to undertake a programme of blast monitoring as per the details set out in the application, the effects of blasting in the mine can be appropriately mitigated. Therefore the development is considered to be in line with policy LM1.

Hydrology and ecology

The surface area of the mine within which the working is concentrated is not crossed by any significant water features. However, there are a number of shalgates and soughs in the area. These features provide enhanced drainage opportunity across the water catchment. The geology within which the workings take place is predominantly limestone. Groundwater is concentrated and encountered within the veins of fluorspar. Currently, groundwater is encountered at two locations within the working area. At these two points, water is collected and funnelled into an internal pipe network which is fixed to the roof of the tunnels. The groundwater is pumped from the east and west pump lodges in an easterly direction to a discharge point into the Ladywash workings to maintain a dry environment in the working areas. The discharged water finally surfaces at Moorwood Sough, located 3.5 km to the south west of the outflow point in Stoney Middleton, by which time it has integrated into the wider groundwater catchment area. The operators have historically undertaken turbidity monitoring of the discharge water which also provides some indication as to whether the mine is having any detrimental impact on groundwater. It is recommended that if permission is granted, this turbidity monitoring continues. Therefore, a condition can be imposed to reflect this requirement.

Having commissioned a water quality assessment of the inflowing and outflowing water passing through the groundwater management system at the mine, the applicant has concluded that the operations have no discernible impact on water quality. The Environment Agency has recommended that a scheme of water quality monitoring be implemented in order to confirm that the quality of water being discharged and to ensure that no pollutants are entering the water environment. The PDNPA ecology team supports this view. This requirement can be imposed via a condition.

In the 1999 permission, there are two conditions (33 and 34) which relate to discharge of water from the mine. However, these conditions were drafted in the early stages of the mine development when water was pumped and discharged westwards into the Bradwell Brook catchment, not eastwards as now happens. Therefore, it is proposed to delete these two conditions since they are no longer relevant to the groundwater management system now in place at the mine.

With the exception of the continuation of activities in mine compound, all mineral extraction operations take place below ground. Therefore, it is unlikely that the proposed extension of time would directly impact upon the hydrological and ecological features above ground level. The most significant potential impacts would appear to be related to any which might arise from subsidence, should subsidence occur. Noting the findings of the geotechnical reports and the HSE consultation response, which indicates that the proposed methods of working are not likely to result in subsidence, it is reasonable to conclude that consequential impacts to hydrological and ecological interests are unlikely. I find no reason to doubt the conclusions provided in the reports and note the comments of the Environment Agency and Natural England in this respect. Subject to the imposition of conditions requiring regular monitoring of water quality and turbidity, and measures to ensure that oils, fuels and chemicals are appropriately stored, the development is considered to meet with Core Strategy policy L2, the Local Plan policy objectives set out in LM1 regarding the control of environmental effects of mineral working and policies LC17, LC18, LC19 and LC21 concerning safeguarding nature conservation interests and control of pollution and disturbance.

Dust

The proposed extension of operations at the mine for a further 15 years does have the potential to result in dust emissions. However, the potential for this to cause adverse amenity impact is minimal since the majority of operations are underground. At the surface, operations within the compound which could generate dust emissions include the handling, movement and storage of ore, and the loading and transport of ore from the site. There are no processing facilities within the site compound since all ore is taken to Cavendish Mill for processing.

The nearest dust sensitive properties are approximately 100m to the south, although the public right of way WD41/21/1 does run past the mine compound entrance. Therefore, users of that right of way may be temporarily affected if dust problems arise, but the impacts would be transitory. As a precautionary measure, a condition can be imposed to ensure that facilities (e.g. water bowsers) are available at all times on the site and should be used in the event that dust problems arise within the mine compound. Additionally, the EHO has advised that a condition requiring the sheeting of lorries when being hauled on the public highway be imposed and this has been included within the skeleton condition details in this report. In conclusion, the development can be undertaken with appropriate safeguards to ensure that dust emissions do not adversely impact on the environment, in compliance with Local Plan policies LM1 and LC21.

Archaeological/cultural heritage interests

The application does not raise any significant archaeological issues that cannot be addressed through the imposition of a suitable condition for archaeological monitoring, the wording of which has been suggested by the Authority's Senior Conservation Archaeologist. Although there are several Scheduled Ancient Monuments within the overall application site, none coincide with the actual area of working the subject of this application and will remain unaffected. The response from PDNPA Archaeology highlights that there are several sites of archaeological/heritage interest which could potentially be affected if there were any further subsidence events. However, the condition proposed will ensure that a detailed scheme of archaeological monitoring is implemented and sustained for the duration of the development, to provide sufficient mitigation for any adverse impacts on archaeological or cultural heritage features. The scheme will need to include a procedure to deal with any future subsidence events that may arise, where there is risk to surface features of archaeological or cultural heritage interest. However, the view from the HSE is that this risk can be minimised if the company adhere to their proposed working methods.

In conclusion, it is considered that the development is consistent with Local Plan policies LM1, LC15 and LC16, and with Core Strategy policy L3.

Conclusion

The principle of the fluorspar ore mining at this site has been established for a number of years. The continuation of underground mining, the supply of fluorspar ore to Cavendish Mill and the production of acid grade fluorspar to the chemical industry are clearly supported in the Authority's Core Strategy. Notwithstanding the relatively limited number of complaints referred to in this report (concerning noise and blasting), the mine appears to have operated for a considerable period without causing any significant impacts on the local environment. The surface subsidence event in December 2013 did occur in an area where the mine operations coincided with old workings. The response from the HSE concluded that the mine operations were a contributory factor. However, the affected area below where the subsidence occurred has since been abandoned by the operator, and is now excluded from the development proposals. Moreover, the revised methods of working which were submitted with the application have been scrutinised by the HSE who have not raised any objections.

It is considered that the measures set out in the application, which include future working and restoration subject to modern conditions as recommended, would serve to ensure that the mine can continue to operate with the necessary planning safeguards in place, until the completion of the development. The section 73 application provides an opportunity to update and amend conditions as a response to consultation responses and updated working practices and procedures. Whilst the mining and associated activities would continue for a further 15 years, it is considered that the proposals are environmentally acceptable, subject to the recommended conditions being applied to the planning permission. It is considered that the recommended conditions satisfy the concerns and requirements of consultees and the representation received, and that the proposal is in line with Core Strategy policies GSP1, GSP2, GSP3 and GSP4.

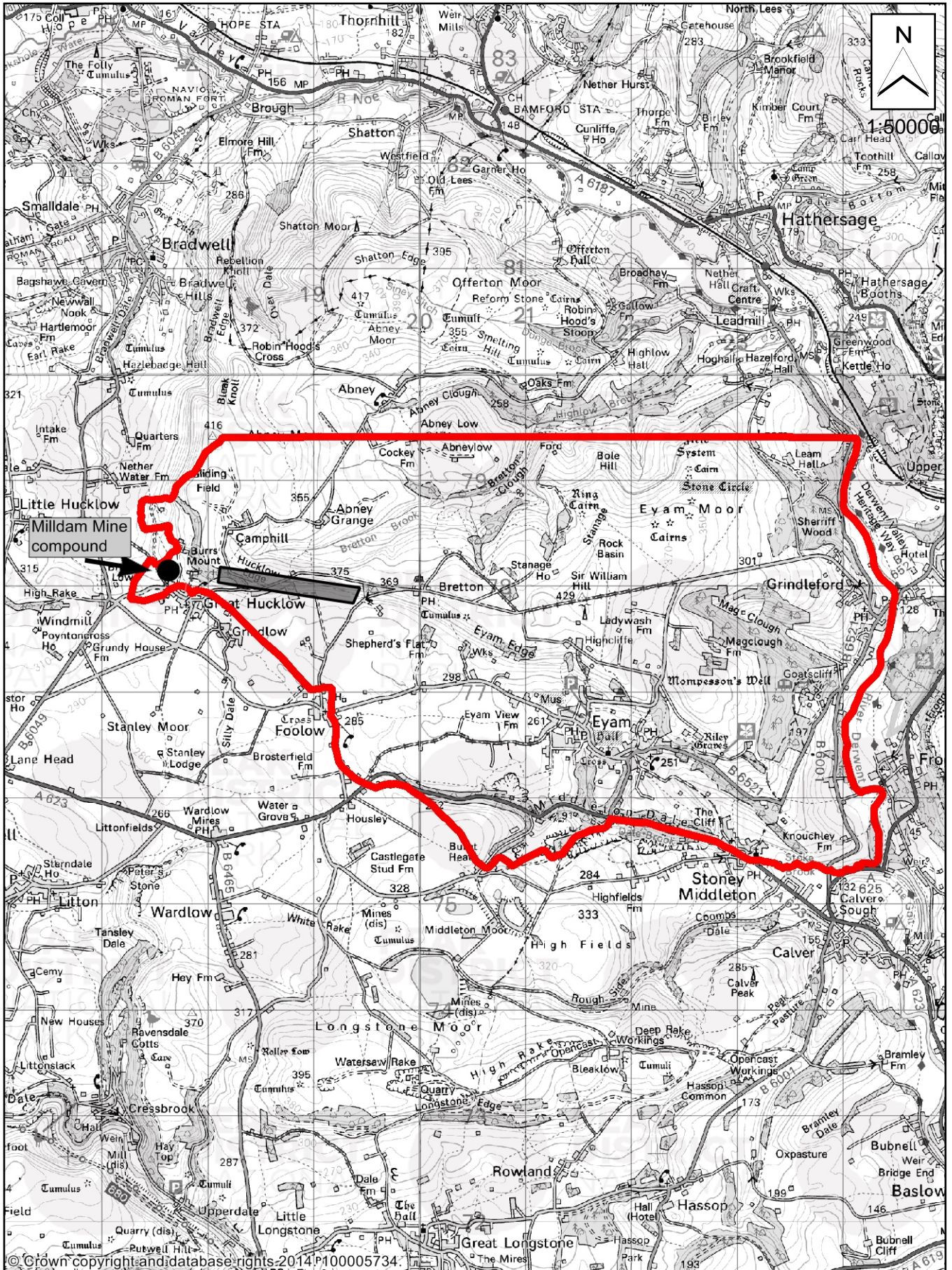
On the basis of the above, and in light of all relevant development plan policies and other material considerations, I consider that the development is acceptable, subject to appropriate conditions, and recommend that the application be approved accordingly.


Human Rights

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

List of Background Papers (not previously published)

None



Committee Date:	10 October 2014	Title: Milldam Mine, Gt Hucklow	 PEAK DISTRICT NATIONAL PARK
Item Number:	12	(Shaded area indicates approximate line of Hucklow vein proposed to be worked)	
Application No:	NP/DDD/0913/0838		
Grid Reference:	417650 378011		

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13. ENVIRONMENT ACT 1995 SECTION 96 SCHEDULE 13: REVIEW OF MINERALS PLANNING PERMISSIONS – APPLICATION FOR DETERMINATION OF CONDITIONS, SHIRE HILL QUARRY, WOODCOCK ROAD, GLOSSOP: REVIEW OF OLD MINERAL PERMISSION APPLICATION (N/P/HPK/1197/168, M9104, 537/9436, 23/07/2012, NH)

APPLICANT: MARCHINGTON STONE LTD

Site and Surroundings

Shire Hill Quarry, operated by Marchington Stone Limited, is a gritstone quarry located close to the boundary of the National Park, approximately 2 kilometres east of Glossop Town Centre. It has historically produced aggregates, dimension stone and walling stone since 1952. Recent extraction has focused on block and dimension stone.

The quarry is located on the southern side of Shire Hill. The summit of Shire Hill is at 308m AOD, current extraction at the quarry extends from 260m AOD to approximately 305m AOD. The underlying solid geology of the summit and higher slopes of Shire Hill including the site is Kinderscout Grit. The extraction of gritstone is limited to the southern-eastern sector of Shire Hill. The remaining majority of the hill is covered in deciduous woodland, grassland and scrub.

The site (blue and red edged land) is approximately 9.24 Ha. The permitted development area is approximately 7.9 Ha and comprises the existing quarry operations, broadleaved semi-natural woodland and regenerating heathland and grassland. 2.7 Ha of the permitted development area is an area of woodland to the south of the quarry for the disposal of waste. Approximately 0.6 Ha of this woodland area has already been tipped upon.

The site is demarked by post and wire fence, with a short section of stone walling along the eastern boundary. The site is surrounded to the north, south and west by predominantly dense broadleaved woodland which is designated as an Ancient Woodland. Shire Hill (woodland) Local Wildlife Site lies immediately adjacent to the western edge of the site. This is under the ownership and management of the Peak District National Park Authority. To the east lies Mossy Lea Farm. The majority of the woodland on Shire Hill including the area of quarry is designated Tree Preservation Order woodland and BAP.

There are a number of residential properties in close proximity to the quarry although they are separated from the main quarry by woodland or by the hill itself. They include a number of properties along Pye Grove which lies to the west, a property off Woodcock Road which is located 60metres from the site entrance, a cottage, located to the south east of the quarry and Moorside and cottages on Shepley Street to the north.

The application site includes a long tarmac surfaced access road that extends and rises steeply north eastwards from the A57 Woodcock Road, into the site and leads through an area that is permitted for tipping, and an area where the existing quarry plant and stocking areas are located. To the east of the site, the A57 becomes the Snake Road and continues through the National Park towards Sheffield.

The upper benches of the quarry are accessed via a track which runs around the extraction area perimeter. The western section of the access track together with a tree lined well vegetated soil bund lies outside of the permitted extraction boundary.

The quarry site together with 3 quarry buildings are located in an elevated prominent position adjacent to the A57, and visible from various public vantage points along the A57 and from nearby public rights of way.

Proposal

This is an application for the review of the old mineral planning permission (ROMP) Reference: 1986/9/20, issued on 12 September 1952, under the Environment Act 1995.

The ROMP application is accompanied by an Environmental Statement (ES) and supporting documentation. The application sets out proposals for the future working and restoration of the operational areas within the Shire Hill Quarry, featuring a proposed set of modern planning conditions. It has been the subject of substantial negotiations with the applicant and seeks to provide a new comprehensive planning permission with modern environmental conditions. The application includes proposals for:

- § Determination of a new scheme of conditions in respect of the 1952 Ministerial permissions for mineral extraction;
- § The continuation of mineral workings to the east and west within the permitted area;

The application includes an up to date ES submitted under the 1999 EIA Regulations (as amended) and includes a number of substantial concessions/benefits negotiated with the applicant including:

- § Voluntary revocation of tipping rights other than within the quarry excavations;
- § Retention of the existing soil bund and tree planting to the north of the approved quarry extraction boundary;
- § Permanent retention and conservation of the woodland;
- § Permanent retention of the western access track solely for use in connection with land maintenance;
- § Revised mineral extraction phasing, progressive restoration, landscaping, biodiversity and aftercare proposals.
- § Site access visibility improvements.

RECOMMENDATION:

The following conditions specified within the attached schedule are approved for the purposes of Paragraph 9 of Schedule 13 of the Environment Act 1995, as the new conditions to attach to the planning permission.

Introduction

Schedules 13 and 14 of the 1995 Environment Act cover the initial review and updating of old mineral permissions (ROMP), and periodic reviews. The initial review is concerned with mineral sites where the main or only planning permission was granted between 1948 and 1982. The review involves the submission for approval of modern operating conditions covering a wide range of environmental matters, together with plans for the working and restoration of the site.

It is important for members of the Authority to note that review schemes submitted under the Environment Act do not revisit the principle of planning permission and are not planning applications as such (although they are applications which are likely to require an EIA). The ROMP process seeks to ensure that all old mineral permissions are subject to a set of modern conditions and environmental controls. The process does not result in new development consent in as much as it imposes up to date conditions on existing planning permission. It is open to

members to consider the merits of the working and restoration scheme but not open to the Authority to change the scope of the parent permission in terms of site area, workable resources and production levels. If the scheme submitted by the Applicant is not considered acceptable or suitable conditions cannot be negotiated, then the Authority can impose its own scheme or alternative conditions. The operator would then have the right to appeal against the decision. If the imposed scheme or conditions restrict working rights on a site listed 'active' (as opposed to "dormant") then compensation may be claimed by the operator (see further below)

The 1952 permission subjects the operation of the quarry to a total of 7 planning conditions. The aim of the review, which is the site's first or 'initial review' under the terms of the Environment Act 1995, is to place revised conditions on the existing permission in order to secure improved operational and environmental practices and to ensure the restoration of the site to a beneficial after use. Following this initial review, the site will be subject, under the terms of the legislation to subsequent 'periodic reviews' at intervals no shorter than every 15 years.

The Peak District National Park Authority as the Mineral Planning Authority can determine planning conditions different to those submitted by the applicant. If, however, the conditions restrict working rights to the extent that they would prejudice adversely and to an unreasonable degree either the economic viability of operating the site or the asset value of the site, the Authority would be liable to pay compensation.

A total of 19 planning conditions were submitted by the Applicant in November 1997. The conditions proposed seek to clarify the working scheme; formalise the hours of operation and transportation of materials from the site; seek to protect the public highway; control blasting, dust and noise emissions; safeguard watercourses and groundwater resources, drainage and soils, and secure the restoration of the site. The planning permission would expire in 2042.

There has been considerable time delay in dealing with the ROMP application. In 1999, two high court judgements held that the imposition of conditions under the review provisions were development consent under the E.I.A directive. E.I.A regulations were introduced in 2000 to apply to any new minerals review submission but it did not apply retrospectively to mineral review submissions already received and awaiting determination. Consequently, some schemes continued to remain stalled as there were no sanctions if the environmental information required was not provided and, under case law importing the relevant European Directive) authorities were unable to determine these applications without an EIA. The stalled scheme included the Shire Hill site. Regulations were introduced in 2008 to overcome the problem of stalled sites by providing for automatic suspension of the minerals permission where environmental information was not provided within a reasonable period for the possibility of a prohibition order if the information was still not provided after two years of the automatic suspension.

In the present case environmental and other information was subsequently provided to progress the Shire Hill stalled ROMP.

Working Scheme

The method and sequence of working involves the progressive removal of gritstone within the existing working area, including the lateral working into currently undisturbed areas in the North east and south west and a general lowering of the quarry by a system of benching.

The working of the undisturbed areas will involve the removal of some woodland to the south of the current quarry area and removal of fern covered banks with associated vegetation to the north east.

Initially early working will be on the upper quarry benches to enable early restoration treatment of worked areas, and then undertake a general lowering of the quarry through a system of conventional benching progressing stone extraction from the north to the south of the extraction area.

The mineral would be extracted in a dry state in a series of six phases, and would take the whole

of the quarry floor to a maximum depth of 232m AOD. Each phase of the development will involve working over a period of 5 years approximately at projected output levels between 65-100,000 tonnes per annum over approximately 30 year duration. The overall programme of development has been designed to reduce the impact of the on-going quarry operations on the localised environment incorporating progressive restoration of worked out areas.

The majority of soils on the site within the extraction area have already been stripped of soils. However, there are two areas which lie on the south-western and north-eastern limits of the quarry development area. These soils will be used in restoration.

The site will be restored by natural regeneration of the worked out quarry faces. A recovered soils receptor site is proposed on the southern perimeter of the quarry. This will accommodate some of the woodland field layer vegetation and soil from the woodland area that would be lost.

Phase 1 of the workings will involve the progressive removal of top rock from the north east sector of the quarry and benching down to of the present quarry level at 272 AOD. Progressive restoration will begin on the upper benches. There will be some vegetation clearance and tree removal within the south west section of the permitted extraction area.

The Phase 2 development will involve the continued progressive removal of rock from the upper working faces, on the northern quarry limits and the eastern and western peripheral quarry areas. The stone will be removed down to the 262 AOD quarry level.

Phase 3 of the development will be the initial removal of top rock and the formation of a new quarry area in the eastern sector of the site. This area will be taken down to 247m level. There will be a small area of woodland/vegetation removed on the north-eastern slopes.

Phase 4 will involve the continued progressive removal of stone in a general south-westerly direction, in order to reduce the visual impact of the quarry.

Phase 5 development will involve the continued progressive removal of stone and creation of the 232 AOD quarry level within the western, central and north-eastern parts of the quarry development area.

Phase 6 of the development will be the progressive development of the quarry benching within the south-westerly part of the quarry development area, down to the 232m AOD floor level. The plant and stocking area will be relocated into the quarry void.

Waste Production

Waste production is minimal in the site and any unsuitable material will be used to create rock traps along the frontal edge of finished benches. Any surplus material will be stockpiled within the quarry working area until required for restoration.

Relinquishment of Tipping Rights

The ministerial permission allows for the tipping of quarry waste within a substantial area of woodland immediately south of the quarry excavation boundary, However, the applicant has agreed in negotiations to relinquish all tipping rights within the woodland area which hasn't yet been tipped upon. This important matter is discussed later in this report under the heading woodland.

Site History

Evidence of quarrying at Shire Hill dates back to the 18th Century where historically the stone was used to create millstones and pulp stones. More recently gritstones from the site has been used for blockstone for building and paving stones and has been exported to Scandinavia and Canada. Marchington Stone Ltd (the Applicant) acquired the site in 1980. The quarry has historically produced aggregates, dimension stone and walling stone since 1952. Recent extraction has focused on gritstone as a high quality dimension stone.

12 September 1952 - Planning permission ref: 1986/9/20 was granted for winning, working and processing of grit stone. The decision notice stresses the importance of the site for producing pulp stones and grindstones. However no restrictions were placed upon the use of the stone.

1996 – Under the provisions of the Environment Act 1995, Shire Hill Quarry was listed as Active Phase 1 and required a ROMP application (Ref: NP/HPK/1197/168).

26 November 1997 - the original ROMP application was submitted, however it was held in abeyance following a request for further information.

1999 - High Court decisions on the need for EIA to accompany mineral review submissions in certain instances. During the intervening period since the application was submitted, the applicant has been in discussion with the planning authority regarding a number of issues relating to the content of the submitted information ES and development proposals.

Regulations were introduced in 2000 to deal with the review of old mineral permissions received after 1 November 2000. A number of mineral review applications received before November 2000 became stalled for a number of reasons, including Shire Hill.

1 September 2008 The Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008 came into force in respect of 'stalled' ROMP applications.

5 January 2009 - A statutory EIA screening opinion (under the EIA 1999 Regulations (as amended by EIA 2008 Regulations)) that this is Schedule 2 EIA development was given in writing on 5th January 2009.

28 January 2009 - A statutory scoping opinion (under the EIA 1999 Regulations (as amended by EIA 2008 Regulations)) was given in writing on 28th January 2009.

14 July 2009 – Submission of a Draft Environmental Statement.

30 November 2009 – Examination of Draft Documents and Plans. Request for further information and clarification.

4 October 2010 - the site fell into automatic suspension, due to lack of outstanding information.

23 December 2011 – Submission of ES and supporting documentation received to accompany existing stalled ROMP (Review of Old Mineral Permission) application.

5 January 2012 – Request for further information.

23 July 2012 – validation of the ES and submission of outstanding environmental information. Secured amendments to the scheme. Officers reached agreement with the applicant that the soil mounds outside of the quarry extraction boundary should remain undisturbed and not used for restoration and given the substantial development of trees and vegetation which has established. Negotiated continued use of the western access track which lies mostly outside of the extraction boundary for health and safety reasons.

10 October 2012 – Submission of fully executed Deed of Unilateral Undertaking.

3 December 2012 – Planning permission granted subject to conditions for proposed new storage building for the storage of machinery.

September 2013 – Discussion and subsequent agreement over control of water discharge from the site.

May 2014 – Applicant commits to undertaking site access improvement works and provision of signage at the site access.

Key Issues

The purpose of this report is to enable the Committee to determine and impose a new scheme of conditions related to current working practices and environmental standards, to the quarry attached to the existing planning permission for mineral working at Shire Hill Quarry.

As this is a ROMP application, the principle of the permission for the development is not for consideration. Valid planning permission exists and therefore the main planning issues are:

- whether the proposals as submitted including operational, restoration and aftercare proposals, meet the aspirations of the development plan.
- whether the proposed planning conditions are sufficient to ensure that the development can be controlled, such that it does not cause unacceptable impacts upon local residents or the wider environment.

As a result of the submission of all details and information all revised details and information and the relinquishment of tipping rights it meets both of these requirements. Having assessed the proposals in light of the above it is concluded that, as a result of the submission of all details and information, it meets both of these requirements.

Consultations

DCLG – no comment received.

High Peak Borough Council Planning – The proposals will be likely to have an impact on adjoining woodland and this will have a wider landscape and ecological impact. The LPA request that Peak Park satisfy themselves that these matters are appropriately addressed.

High Peak Borough Council Environmental Health (EHO) – *“The quarry process is a prescribed activity under the Pollution Prevention and Control Act 1999 and the associated Environmental Permitting (England and Wales) Regulation 2010. High Peak Borough Council regulates the activities at the Shire Hill Quarry installation under Permit reference P7-3/08...The permit stipulates that emissions shall be free from visible particulate matter beyond the process boundary and that mobile crushing and screening plant used at the quarry shall meet the requirement of process Guidance Note PG3/16 (essentially that such equipment be covered, hooded and provided with water suppression as necessary). This requirement also extends to any crushing and screening operations carried out at the site by contractors.*

I have been in post for...14 years and have been inspecting Shire Hill Quarry regularly throughout that time. At no time in any of the inspections have I had occasion to raise any concerns about dust issues at the site. I have never noted any dust emission that I would rate above slight and certainly never noted any dust transgression beyond the process boundary”...

Marchington Stone’s activities appear to be almost exclusively associated with the extraction of dimensional stone and consequently no significant stockpiles of dust-containing aggregates are maintained at the site.

“With these observations in mind, I have no objections..”

Natural England: Given a statutory purpose to ensure the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, contributing to sustainable development, Natural England comments (*Officer collation*):

No objection. This application is in close proximity to the Dark Peak SSSI. However given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your Authority that this SSSI does not represent a constraint in determining this application.

Mitigation & Enhancement: The proposed mitigation, compensation and enhancement section is well considered and appropriate for the site. We are pleased that the applicant intends to relinquish permission to use the permitted area for tipping in order to conserve as much of the broadleaved semi-natural woodland as possible to provide appropriate management and to translocate some field layer vegetation to a neighbouring site. We also welcome the proposed aftercare scheme of progressive restoration on the upper and lower levels.

Protected Species

We are satisfied that providing all mitigation is carried out in strict accordance with the details in the application protected species will not be adversely affected. The mitigation strategy for the woodland section, including retention of 75% of the woodland with appropriate management and increasing the amount of deadwood on site will improve the site for a range of species over time, most notably invertebrates and animals that feed on them such as birds, bats and small mammals.

Local Wildlife Sites

If the proposal site is on or adjacent to a local wildlife site, for example, Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Local Landscape

Natural England does not hold information on local landscape character; however the impact of this proposal on local landscape character is a material consideration when determining this application.

Environment Agency: Advise a number of Conditions and Informatives be attached to any new permission for the site.

Derbyshire County Council Highways: *“It is noted that there is potential for an increase in output from the quarry than has occurred over recent years i.e. up from 60,000t per annum to 65,000/100,000t per annum, potentially a 40% increase in output. It is suggested that lorry movements may increase from 30 trips per day to 100 trips per day. This being the case, in the interests of safe operation of the highway, it is strongly recommended that significant improvement is made to the exit visibility splays although it would appear that such intensification may currently occur under the existing permission It is not anticipated that the increased trip generations would cause any capacity issues on the highway network”.*

“Therefore, subject to the applicant submitting details of improvements to be made to the existing site access for written approval, such works being carried out to the satisfaction of the Local Planning Authority within a stipulated time limit, there are no highway objections to the proposals”.

This would have required the Applicant to undertake works on land outside of their control. However, further discussions with Derbyshire County Council and the Applicant have confirmed that the County Council would be satisfied for a condition to be imposed which required regular maintenance of the visibility splay.

During discussions Derbyshire County Council indicated that the exit visibility to the left is perceived to be around two-thirds of the recommended splay and anything that may raise driver awareness of slow moving HGV's emerging would be considered of benefit. Mounting back to

back with the existing road sign approximately 100m to the east of the site access was mentioned as this would not increase roadside 'clutter'. A sign in private land may also be considered though'.

The Applicant has agreed in writing to provide some advance warning signage inclusion within the submission details offering advance warning signage for the access. These details have been included within the appropriate planning condition.

Following further discussions with the Authority and Derbyshire County Council Highways, the Applicant has undertaken some vegetation clearance and has felled two trees at the site entrance, which has significantly improved visibility to the left and was supported by the Highway Authority for safety reasons. The two trees that have been removed were part of a TPO that covers the whole of the woodland at Shire Hill (TPO 27). In compensation for this loss a condition which requires the planting of ten replacement trees has been agreed with the Applicant.

PDNPA Archaeology: No comment.

PDNP Ecology: In summary, whilst some negative impacts on wildlife are expected these are mitigated. Overall the relinquishment of tipping rights on ancient woodland, habitat creation (chiefly natural regeneration) through phased restoration, and additional mitigation and enhancement collectively constitute a significant biodiversity gain and enhancement for this site.

PDNP Landscape: No comment.

PDNPA Footpaths / Rangers: *"There aren't any public rights of way in the site...I do know that there are a number of walked routes in the area and the comments of the highway authority should be sought to ascertain if any of these routes have been claimed as public rights of way".*

DCC Rights of Way Service: Confirm that there are no claimed rights of way across the area.

PDNPA Tree Officer: No comment.

Charlesworth Parish Council: No objections confirmed.

Representations

Friends of the Peak District (FPD): Welcomes the reduction in working area of the site and the unilateral undertaking offered by the operator, Marchington Stone not to use the lower woodland areas for tipping of quarry waste. However has concerns regarding the proposed amount of aggregate that may be extracted, the proposed number of HGV movements, and working hours. Requested that the restoration include footpaths and bridleways.

Additional comments were made by FPD in response to published revised set of conditions stating: *"We are still concerned about the proposed lorry movements and the arrangements for the access point, a concern echoed by the local highway authority (DCC). We would much prefer the splay of the access junction to be enhanced to at least the minimum required for safety by DCC. If this is not possible, more serious consideration should be given to reducing the total number of lorry movements. We are clear that placing reasonable and necessary (in this case for road safety) conditions as part of a first review would not be construed as 'prejudicing adversely to an unreasonable degree'".*

Two letters of support are contained within Appendix C of the Air Quality Statement contained with the Environmental Statement. One from the occupier of 17 Croft Manor and Mossy Lea Farm, Glossop. Both letters of support confirm that they have never been disturbed by the quarry and that the quarry owners have been good neighbours.

One letter of objection has been received from a local resident who comments that the bat survey data is inadequate, the mitigation for bats is inadequate and further development is not in the local interest.

Following this objection and discussions with the PDNPA Ecologist and the Applicant, a revised Bat survey was submitted based upon further detailed bat surveys and now provides for adequate mitigation for bats which has addressed this objection.

Planning Policy

Since the primary purpose of the ROMP process is to put in place a scheme of modern up-to-date planning conditions, together with a modern scheme of working and restoration, the application is assessed against those planning policies relating to environmental considerations. In the context of this application, the policies considered to be most pertinent are contained in the development plan.

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 the conditions. The Authority has considered the relationship between the Core Strategy and the National Planning Policy Framework (NPPF) and resolved that they are consistent. This application does not raise matters that suggest otherwise.

Development Plan Policies

Peak District National Park Local Development Framework Core Strategy Development Plan Document ("LDF") (adopted October 2011) which provides the spatial planning expression of the *National Park Management Plan (NPMP)*: Policies MIN1 Minerals development; GSP1 Securing national park purposes and sustainable development; GSP2 Enhancing the National Park; GSP3 Development management principles; GSP4 Planning conditions and legal agreements; L1 Landscape character and valued characteristics; CC1 Climate change mitigation and adaptation; CC3 Waste management.

Relevant Peak District National Park Saved Local Plan (LP) Policies: LM1 Assessing and minimising the environmental impact of mineral activity; LM9 Ancillary mineral development; LC4 Design, layout and landscaping; LC17 Sites, features or species of wildlife, geological or geomorphological importance; LC19 Assessing the nature conservation importance of sites not subject to statutory designation; LC20 Protecting trees, woodlands or other landscape features put at risk by development; LC21 Pollution and disturbance; and LT9 Freight transport and lorry parking.

Peak District Landscape Strategy and Action Plan (LSAP): The LSAP identifies the National Park as a treasured and diverse landscape subject to impacts from unpreventable forces of change. Amongst other things it aims to maintain and enhance the valued and key characteristics of the landscape, and conserve and enhance natural beauty.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation.

Core Planning Principles in the NPPF relevant to this application relate to conserving and enhancing the natural environment and reducing pollution. Relevant NPPF policy include achieving sustainable development, meeting the climate change challenge, promoting sustainable transport, conserving and enhancing the historic environment and protecting and enhancing valued landscapes, geological conservation interests, minimising impacts on and providing net gains in biodiversity, preventing air and noise pollution and land instability, and remediating and mitigating despoiled, degraded and derelict land.

Overall the scheme as now presented and following extensive discussions with the operator and consultees has resulted in a working and restoration scheme that addresses the environmental requirements of the aforementioned development plan policies and does not conflict with the development plan.

Assessment

Ecology

LDF policy L2 seeks to conserve or enhance sites features or species of biodiversity or geodiversity importance. Policy LC17 seeks to protect sites features or species of wildlife importance. Policy LC19 requires scientific assessment of the nature conservation importance of sites not subject to statutory designation. The NPPF (paragraph 115) says wildlife conservation is important and should be given great weight in National Parks.

The Peak District Biodiversity Action Plan identifies priority habitats and species. The mitigation, restoration and biodiversity proposals address these objectives.

General Habitats: The ES confirms that none of the permitted development area is designated SAC, SSSI or Local Wildlife Site. The permitted development area is considered to comprise Upland Oakwood, lowland dry acid grassland and upland heathland. These are all UKBAP priority habitats.

Woodland: The ES confirms that the woodland is identified as ancient semi-natural woodland and is considered of significant nature value since it cannot be recreated and there are a number of national strategies which include policies relating to its protection. It is the only habitat which has been identified in the ES as being of greater than negligible value and all of it potentially could have been progressively lost to the disposal of waste (tipping) as a result of continued working. Therefore, in the absence of mitigation there would have been a significant negative impact in a county context. However through negotiations under the terms of the ministerial planning permission, a substantial body of woodland to the south of the approved excavation boundary is to be retained.

Marchington Stone Ltd have now committed to the relinquishment of approximately 2.7 Ha of woodland permitted for tipping purposes, by the submission to this Authority of a signed and completed Section 106 Unilateral Undertaking providing for the relinquishment of tipping rights. This is a major concession by the Applicant providing for the retention of an important area of ancient woodland in landscape and ecological terms. A position very much supported by Natural England, PDNPA Tree Officer, PDNPA Ecologist and Friends of the Peak District as this action will mitigate the majority of the predicted direct adverse impact on woodland since approximately 2.1 Ha (75%) of the 2.8 hectare ancient woodland within the currently permitted development area will be retained in situ. This woodland is semi-natural, UK Biodiversity Action Plan (BAP) priority Habitat and is covered by a Tree Preservation Order) and makes a significant contribution to the screening of the proposed extraction area and provides valuable natural habitat. Furthermore, Marchington Stone Ltd has agreed to a planning condition(s) for a woodland management plan and mitigation measures for approval and additional mitigation planting on land identified as a recovered soils receptor site within the south-east section of the site, which will enhance the existing woodland and also provide additional screening. The Applicant has also agreed to the retention of trees along the eastern boundary.

Bats: A Bat survey was undertaken and a detailed report submitted with the ES. Bat activity was recorded all-round the site and more noticeable more abundant around the woodland edges to the south and on higher ground close to the north quarry boundary. The assessment concludes that the area has a high local significance and value in relation to bat presence and the number of bat species and that the quarrying activities will have a range of potential impacts on bat species that without appropriate mitigation measures this will have both actual and potential

detrimental impacts on the site as regards bats.

To ensure the long term conservation status of bats and bat roosts the applicant has agreed to a condition requiring the production and adoption of a Bat Conservation Plan. This will include for mitigation and compensatory measures, to overcome the loss of potential roosting features when trees are felled and to help overcome any loss of shelter and potential roosting features.

Badgers: No signs of Badgers activity or setts were observed and the Ecological assessment concluded that the area was of negligible nature conservation importance for this species.

Birds: The Ecological assessment submitted with the ES confirmed that the site was considered to have negligible nature conservation value for bird species. However there have been 17 bird species considered to be potentially breeding at the site, the majority of which are associated with the woodland. In particular the breeding and some of the foraging habitat of two pairs of song thrush and one pair of dunnock could potentially be lost as a result of the permitted tipping. These are UK BAP species.

Retention of the permitted tipping area, woodland enhancement works and final restoration proposals are predicted to be likely to fully mitigate the predicted impact on birds. The majority of the woodland within the permitted development area will be retained (this includes the area where song thrush and dunnock were recorded and much of the extracted area will eventually become woodland

The provision of potential nest sites (bird boxes) for birds will be provided and conditioned accordingly and agreed with the Mineral Planning Authority.

Reptiles: The ecological assessment confirms that there were no reptiles recorded and thus the permitted development area was considered to be of negligible nature conservation importance for this species group.

Amphibians: The area was considered to be low nature conservation importance for this species group.

Invertebrates: No invertebrates species that are afforded protection under any UK or European Legislation were recorded that are listed in the British red data Books during the survey. The retention of the woodland, phased working and natural regeneration will ensure that local species remain at the site and any impacts are considered negligible. No significant impact is predicted in respect of invertebrates.

Landscape and Visual Impact

The NPPF (paragraph 115) gives the National Park the highest status of landscape protection. LDF Policy L1 stipulates development must conserve and enhance values character identified in the LSAP. Policy L2 seeks to conserve and enhance sites biodiversity and geodiversity importance. Policy MIN1 indicates that restoration schemes should focus on nature conservation afteruses and should include a combination of wildlife and landscape enhancement, recreation and recognition of cultural heritage and industrial archaeological features.

The quarry is set within a prominent hillside location which together with the ancient woodland is a historic landscape feature. The quarry at present is highly visible from public viewpoints from a wide area to the east, south and to a lesser extent the west.

The effects of the development on landscape features, landscape character, views from roads, properties and monuments has been assessed as part of the ES in a Landscape and Visual Impact Assessment (LVIA) and a supplementary LVIA report (July 2012). The LVIA acknowledges that the development proposals are of a reasonably large scale and that the operational phases, especially the initial phasing and lateral progression will be more visually

intrusive. The quarrying process, removal of existing vegetation, vehicle movements and changes in topography brought about by soil storage and screen bunds all have the potential to cause adverse impact.

The summary assessment of visual impacts provided by the ES concludes that the impact significance during the development varies from minor to moderate. Upon restoration the impact significance upon restoration ranges from minor to moderate to minor beneficial. The assessment recognises that the scheme does have landscape impacts. However, it is considered that the most visible levels from surrounding viewpoints would weather and recolonize at an early phase in the operations as the quarry is worked from a higher to lower level.

It is considered that the visual impact of the quarry as seen from some of its viewpoints specifically along the higher view points along the A57 (South East); Brownhill and surrounding moorland is greater than the rating identified within the LVIA (minor and moderate impact significance).

Therefore, without mitigation, the scheme has the potential to significantly impact upon the visual amenity of the locality and impact upon the landscape character. Whilst it is not possible to visually hide the upper parts of the quarry which form an amphitheatre within the hillside substantial mitigation is proposed to minimise those impacts. This includes:

- The progressive restoration of the quarry. This is considered a higher rating in terms of the benefits than described in the LVIA as moderate.
- The retention of the tree covered tipping area is considered most significant in that it will provide screening thereby reducing the potential visual impact.
- In addition the weathering of the gritstone and the colonisation by natural regeneration on the benches through progressive restoration will enable the upper most prominent parts of the site to become more visually assimilated into the landscape.
- The additional planting and restoration proposals will provide for long term assimilation into the landscape.

The progressive restoration of the quarry would be higher than rating of the benefits in the LVIA and the Applicant and Landscape Consultants have been advised of this.

Noise

The NPPF and Technical Guidance requires Mineral Planning Authorities to ensure that unavoidable noise emissions are controlled, mitigated or removed at source and noise emission should not have significant adverse impacts on health and quality of life.

The noise assessment undertaken and submitted by the applicant indicates that the noise levels at residential locations closest to the site would be acceptable and it proposes a number of restrictions in relation to working hours, maintenance of plant and equipment and noise limits. These have been incorporated within the schedule of proposed conditions.

The quarry development currently operates without any controls in respect of noise and it has been confirmed that there have been no complaints from surrounding properties in respect of noise. Should any complaints arise then it would be necessary to undertake noise monitoring in consultation with the Environmental Health Officer at High Peak Borough Council and this has been conditioned accordingly.

Blasting

The ES confirms that it is unlikely that blasting will occur at the quarry. However should blasting be necessary, a condition to control when it is undertaken has been agreed with the Applicant

and only low impact explosives will be used.

Dust

The NPPF (paragraph 143) and Local Plan Policy LM1 seek to ensure that operations do not have unacceptable adverse impacts from dust on the natural and historic environment or human health. The ES identifies a number of dust sources associated with the quarrying activities, namely site haulage, soils handling and stockpiles of stone or of soils. Other sources have been assessed as low significance. In order to minimise the potential impacts the proposed quarry will be operated in accordance with best practice (Best Practice Guide, Dust and Mineral Operations appended to The Environmental Effects of Dust from Surface Mineral workings HMSO, 1995) and the conditions set out in the existing dust management policy agreed with High Peak Borough Council.

A number of additional planning conditions to control the impacts of noise, dust and blasting from the site are now included in the schedule of proposed conditions, all of which have been agreed with the Applicant following discussions.

Archaeology

The NPPF identifies cultural heritage assets including those most at risk as an irreplaceable resource and that their conservation in a manner appropriate to their significance should be given great weight in National Parks. The Core Strategy, paragraph 9.40, promotes consideration of qualities and local distinctiveness of the historic environment and how these contribute to the spatial vision, and seeks to conserve heritage assets most at risk.

An archaeological assessment has been carried out as part of the EIA. A dry stone boundary wall, linear chute, concrete blast shelter and associated gun powder store are the most notable structures which have identified within the extraction boundary and are of potential archaeological interest.

Based on the findings, it confirms that some form of archaeological mitigation will probably be required in advance of any future works within the undisturbed areas of the two lateral working areas. It is recommended that archaeological monitoring during vegetation and soil removal would mitigate against the possible loss of any archaeological deposits, and will be conditioned accordingly.

Geotechnical Assessment

The NPPF paragraph 143 seeks to ensure operations do not have unacceptable adverse impacts from tip and quarry slope stability.

The ES confirms that the quarry is subject to annual face monitoring and recording geological features of significance to geotechnical engineering design compliant with the Quarries Regulations 1999.

Following discussions with the Applicant, the final quarry floor level was revised by 30metres to a depth of 232metres. This is considered a significant benefit to the overall working and restoration of the site, as it will significantly reduce the amount of waste generated and result in a better standard of restoration and landform through the establishment of more favourable micro habitat for natural regeneration. It is a major concession negotiated and given by the Applicant.

The ES recommends that rock trap arrangements at the base of the faces are introduced in order to reduce the risk by block fall and spalling and design recommendations for the existing and new working faces. These have been included in the phasing and restoration plans of the site and will be conditioned as part of the working scheme.

Public Rights of Way

The Core Strategy says that development should not prejudice the informal quiet enjoyment of the National Park and supports sustainable access.

The ES confirms that there are no public rights of way which cross the site. In the immediate vicinity of the site there are a number of footpaths and the closest of those is footpath FR44 which lies approximately 200 metres south-east of the quarry and is at a lower elevation than the quarry. In addition, there are no claimed rights of way across the area, as confirmed by Derbyshire County Council Rights of Way Officer.

The Recreation and Public Rights of Way report submitted by the Applicant confirms that following the cessation of working the site the restoration of the site could allow for additional public access subject to prior owner approval and health & safety considerations.

Restoration, Aftercare and After use

Following discussions with the Applicant and in the interests of meeting the specific requirements of the Environment Act 1995 review process, revised restoration and aftercare conditions have been agreed. These are intended to secure the progressive restoration and regeneration of the site; ensure the removal of all buildings and on-site infrastructure; impose an aftercare requirement of five years on all parts of the sites, and ensure that the afteruse of the site will be for nature conservation purposes, comprising natural regeneration.

Policy MIN1 “Minerals Development” of the Core Strategy requires restoration schemes to contribute to the spatial outcomes of the plan and to focus on amenity (nature conservation) after uses rather than agriculture or forestry and should include a combination of wildlife and landscape enhancement and recreation. The restoration scheme includes natural regeneration of the quarry. The existing slopes will be allowed to develop vegetation cover through natural regeneration. Within the remnant benches (north, north-east and south-west of the site) will be quarry scree and loose stone areas. In the long term the majority of the extracted area is considered likely to develop a broadleaved wood cover.

A soil receptor site is proposed on the southerly perimeter of the quarry area. This is considered the most suitable location in order to protect the woodland soils and also establish newly planted oak/birch woodland. This area will accommodate some of the woodland field layer vegetation and soil from the woodland that would be lost to extraction to a receptor area of 1100m².

A proposed hedgerow (thorn hedge) is to be planted, and will be located along the northern boundary; this is in order to provide a safety barrier. There are to be two small areas of wetland/water located at the base of the quarry. These are to be supplied from surface water run-off and natural rainwater.

The quarry access tracks will be maintained for site access and maintenance uses enabling access to the upper benches of the quarry.

Hydrology & Hydrogeology

The NPPF seeks to ensure that operations do not have unacceptable adverse impacts on flow and quality of surface and groundwater and migration of contamination from the site. LDF policy promotes water efficiency, conservation and sustainable Drainage systems. The NPPF (para 103) and LDF Policy CC5 both require that flood risk is not increased elsewhere by development.

The ES confirms that the quarry is situated within Flood Zone 1 which denotes that it is situated beyond the limits of all predicted flooding including 1 in 1,000 year event. All surface water from the quarry flows either directly to ground or is conveyed by gravity to settlement pits

The ES confirms that there is no evidence that any surface water run-off generated within the site boundary currently discharges to watercourses. Only one licensed abstraction point is considered to be beyond any influence of the quarry. This is located at Hurst Reservoir some 500 metres south of the quarry. The reservoir has now been removed and is being restored to a valley feature.

Water Management

Temporary water storage is provided by three settlement pits. The ponds measure 20m long and are separated by gabions. Each pit as now constructed is 3-4 metres wide and estimated to be 1-2.5m deep, their total capacity was estimated at some 480 cubic metres. The upper pit receives run-off from the quarry floor via a drainage channel located above it. Water within the pit soaks away into the ground. It has been confirmed from inspection during wet weather that the pits are functioning well and are of a suitable capacity to retain water discharge from the quarry subject to regular inspection. The pits will require regular inspection and desilting during and after the development and this will be conditioned accordingly.

A complaint had been received by the Authority in September 2013 from a local Councillor in relation to water running off the site onto Sheffield Road. Upon investigation, it was confirmed that surface water was running off the bottom two-thirds of the access road onto the highway. The operator has since undertaken some minor drainage improvement works along the access road in order to prevent the flow of surface water run-off onto the highway. In addition to these works, it is considered that a condition to ensure that the drainage pits on the site are regularly maintained, and a condition imposed to ensure that there is no surface water from the site flows on to the public highway, the arrangements for monitoring its effectiveness and arrangement to mitigate the adverse effects in the event the scheme is ineffective.

Highways and Traffic

The NPPF (paragraph 143) stipulates that traffic from operations should not have unacceptable adverse impacts and Local Plan Policy LM1 seeks to minimise adverse impacts of mineral working.

The ES confirms that the proposed development will have no significant impact upon the traffic conditions on the nearby highways and in particular the A57. Further the operational efficiency of the site entrance and the A57 will similarly be unaffected. It reports that due to the existing level of operation at the quarry there will be no significant increase in the generality of traffic movements in the area as a result of the development proposed.

The ES reports that the average output of the quarry has been up to 60,000 tonnes per annum and that this output is considered appropriate for the present time. It does comment that higher outputs of stone could be achieved dependent upon market conditions of 65,000 to 100,000 tonnes per annum.

The ES confirms that in the immediate vicinity of the quarry the road network is of a high standard for vehicles and has good provision for the movement of HGV traffic. There are no congestion issues with current HGV traffic entering and leaving the site. On average a total of 30 movements per day which could increase to potentially 100 movements per day.

The intensification of lorry movements can occur under the existing permission. The Applicant has stated that the output of stone is on average 100,000 tonnes per annum. It is therefore considered reasonable to limit the output/number of lorry movements per day to ensure that there is an environmental control on the level of activity. There has been considerable discussion with the Applicant regarding the maximum level of output. The Applicant has confirmed that they would agree to an annual output limit of 200,000 tonnes. On balance, this is considered reasonable given that the quarry currently operates without any controls, and this would provide a limit on the operation which the operator can work to. The Applicant has also

informally agreed to a condition which limits the number of traffic movements.

The Highway Authority has commented that should output be increased then it would recommend that significant improvement be made to the existing visibility splay.

It should be noted that the existing access arrangements were previously considered satisfactory by the Highway Authority, subject to the sight lines being maintained. The sight lines requirement was detailed on the plan ('T.P.Ref.19019') drawn-up by DCC County Surveyor in 1951. This would also have been subject to inspection by the County Surveyor in April 1978. The site was inspected on 5 July 2011 where it was noted that the sight lines and road frontage were maintained and compliant with condition 5 of the existing permission.

However, given the concerns raised by the Highway Authority regarding the visibility splay and potential for intensification of lorry movements, discussions have taken place with the Applicant and the Highway Authority. The Applicant has agreed in writing to provide some advance warning signage at the access and has committed to undertake some improvements works, including the removal of two trees (one of which was diseased) and low-lying vegetation and the rebuilding of some walls. The Highway Authority has confirmed that they are satisfied with this commitment and the planned works are proposed to be conditioned.

Given the close woodland frontage to the A57 carriageway and vegetation growth maintenance is an on-going requirement and the applicant has agreed to a condition which will ensure that the visibility splays are not obstructed and kept clear of vegetation. In addition conditions requiring that the public highway be kept clear of mud and dust and the sheeting of lorries are recommended.

Planning Obligation

Policy GSP4 of the Core Strategy 'Planning Conditions and Legal Agreements', and the supporting text sets out the circumstances where planning conditions and legal agreements are necessary, and where it would be appropriate to include requirements that aid the implementation of national park purposes to ensure sustainable development.

The obligation has been signed by the Applicant and has surrendered the rights to deposit quarry waste on an area of land which is broadleaved semi-natural woodland and a UK Biodiversity Action Plan (BAP) priority Habitat. This will ensure the retention of a significant area of birchwood and oak woodland, which makes a significant contribution to the screening of the proposed extraction area and is an important wildlife habitat thus leading to greater conservation and enhancement of the landscape than would otherwise be the case within the National Park.

It is considered that the agreement meets the statutory tests in the Community Infrastructure Levy Regulations 2010 and the NPPF in that it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Concessions

The Applicant has made significant concessions which are considered to represent significant environmental benefits:

- Voluntary surrendered tipping rights within an area of woodland which currently provides a visual screen to site operations and is of significant ecological/landscape value.
- Retention of an area of trees in the North East corner of the site;
- Retention of an area of trees along the eastern boundary;

- Early restoration/regeneration of upper quarry benches;
- Retention of vegetated screening mound to the north of the extraction area;
- Reduction of the maximum working depth by 30 metres to ensure that the site can be worked without significant waste being created thus ensuring that the majority of the area for tipping can be retained in perpetuity.
- Improvements to site access

Conclusion

The determination for approval of a new schedule of planning conditions for mineral working permissions is a mandatory process for which refusal is not an option. The schedule of planning conditions proposed will apply to Shire Hill Quarry for a period of 15 years, after which the site will be subject to a 'periodic review' to cover operations for the next 15 year period.

The proposals do not conflict with the development plan. The schedule of conditions in the officer's recommendation has been agreed between the parties and would bring appropriate updates and much improved control over, amongst other matters, the environmental effects, and method of working, landscaping, restoration and aftercare of the Quarry.

It is considered that the revised schedule of conditions now proposed reflects current Government Guidance, the development plan and best practice and have been formulated with regard to all material considerations which are as set out above. It is also considered that these conditions do not restrict the working rights to the extent that they would prejudice adversely and to an unreasonable degree either the economic viability of operating the site or its asset value. Having also agreed the recommended conditions with the Applicant, it is considered that the National Park Authority would not be at significant risk of compensation liabilities should the recommendation to approve this new schedule of conditions be upheld.

The conditions proposed have been considered and formulated from the detailed information submitted by the Applicant within their application, taking into consideration statutory and non-statutory consultation responses and relevant planning policies.

Submitted Schedule of Conditions

The company has proposed 19 planning conditions for the Shire Hill Quarry. The wording of these conditions has been amended in some cases and additional conditions imposed where further control is necessary. As a result 66 planning conditions are now proposed and these are set out in full at the end of this report.

Amended Schedule of Conditions

A detailed review and redraft of the submitted conditions, having regard to the assessment of environmental effects anticipated in the submitted ES, including the site's future development and restoration of the site has been undertaken. The redrafted conditions are not fundamentally different from those the company sought, in terms of their scope. There are a number of new conditions formulated as a result of amendments agreed with the Applicant and recommendations in the ES. Furthermore, in a number of instances, minor amendments to the wording of the conditions have been made to bring them in line with current environmental standards and standard minerals development control practice. The proposed variations have been discussed with Marchington Stone Ltd, taking into account the company's views, together with those of the consultees.

Schedule of Conditions

(i) Principles

The ROMP Site

1) For the purpose of the determination of the Review of Old Mineral Permission (ROMP), the term 'the ROMP site' shall apply to the whole of the ROMP determination Area as shown outlined in red on Drawing No: 08080-11-08 (Topographic Survey March 2010).

Reason: To clarify the extent of the site to which these conditions apply.

The Site & Scope of Conditions

2) For the purpose of applying the conditions attached to this determination the term 'the site' shall mean all the land within the areas shown outlined in red and all other areas associated with the development shown outlined in blue on the submitted Drawing No: 08080-11-08 (Topographic Survey March 2010). From the date these conditions come into effect they shall replace all the conditions in planning permission 1986/9/20 dated 12 September 1952.

Reason: For the avoidance of doubt and in the interests of planning.

NB: for the avoidance of doubt the term 'coming into effect' where it is referred to in the conditions shall mean within six months of the date of the determination.

Approved Details:

3) The development shall be carried out only in accordance with this permission, the application, Environmental Statement, plans and amended plans and information, including:

- The planning application reference: HPK1197168 with accompanying ROMP Review Proposed Quarry Development Environmental Statement dated July 2012; ROMP Review Proposed Quarry Development:
- Appendices to Environmental Statement dated July 2012
- ROMP Review Proposed Quarry Development Supporting Statement dated July 2012, Supplementary Report relating to Landscape and Visual Impact Assessment, dated July 2012
- Annex 1 (Mineral Questionnaire)
- 08080-11-08 (Topographic Survey March 2010)
- Phasing plans: drawing number 's 08080-11-01 (Working Phase 1),
- 08080-11-02, (Working Phase 2)
- 08080-11-03 (Working Phase 3)
- 08080-11-04 (Working Phase 4)
- 08080-11-05, (Working Phase 5)
- 0808-11-06b (Working Phase 6)
- Restoration plans: Figure L10 Revision A & Figure L11 Revision A
- Letter from Marchington Stone dated 12th May 2014
- Parking Area Plan Ref:08080-11-0 dated March 2011
- Proposed Entrance Plan Ref:08080-11-08

Reason: To ensure that development is carried out in accordance with this permission and the approved documents and drawings.

Decision Notice

4) From the date of their coming into effect, a copy of these conditions, including all documents and plans referred to in them, and any further submissions to, and approvals by the Mineral Planning Authority under these conditions, shall be available for inspection at the site office during working hours, and the terms and conditions of the permission shall be made known to

any person(s) given responsibility for the management and control of operations and site operatives

Reason: To ensure that the site operators are aware of the requirements of these conditions throughout the period of the development.

(ii) Timescales

Commencement

5) The date of commencement of the development for which these conditions are determined shall be the date upon which these conditions come into effect. (See Note (i) to applicants).

Reason: In conformity with Section 91 of the Town & Country Planning Act 1990 (as amended)

Duration

6) The winning and working of minerals and the deposit of mineral waste shall be completed no later than 22nd February 2042. Restoration of the site shall be completed no later than 12 months after the cessation of mineral extraction or 22nd February 2043 whichever is the sooner. For a period of 5 years from the date of completion of restoration, the site shall be managed in accordance with the approved aftercare scheme.

Reason: To comply with Part 1 of Schedule 5 to the Town and Country Planning Act 1990 that requires all planning permissions for mineral working to be subject to a time limit condition.

Notification of Site Activities

7) In the event that no operations are carried out on the site for any period(s) in excess of 3 months the site operators shall notify the Mineral Planning Authority no less than 7 days prior to the resumption of working on the site or should that not be practicable as soon as may be practicable prior to or following re-commencement.

Reason:

For the Mineral Planning Authority to be aware of period of site activity for the purposes of site monitoring and responding to any inquiry from the general public.

Phasing

8) The working of the upper top 2 benches of the quarry at the 302 m and 295 m contour levels as identified on Drawing Number 08080-11-01 (Working Phase 1, August 2011) shall be completed within 5 years of the date of these conditions coming into effect. Subsequent phasing shall be carried out progressively in accordance with the phasing plans as detailed in condition 3.

Reason: To control the duration of development and enable early restoration of the upper benches of the site.

Hours of Operation

9) a) Except in the circumstances set out at b) below, no operations authorised or required by this permission, including vehicle movements onto and from the site, or within the site shall be carried out on the site except between the following times:

0700 hours and 1900 hours Mondays to Fridays;

0700 hours and 1300 hours Saturdays.

No operations shall be carried out at any other time (s) or on Sundays, Bank Holidays, or other Public Holidays.

b) The circumstances referred to at a) above are as follows:

i. cases of emergencies and safe working practices affecting public safety or site personnel when the hours set out at a) above shall not apply.

ii. emergency repairs to plant and machinery which may be carried out outside the hours set out

at a) above, provided no machinery or plant is run or operated

Reason: To control the hours of operation in the interests of local amenity.

(iii) Ancillary Development

Removal of Ancillary Development & Site Clearance

10) All fixed and mobile plant, buildings, structures, machinery and foundations associated with the approved development shall be removed from the site within six months of the completion of the approved mineral development.

Reason: To enable site restructure and in the interest of local amenity.

Appearance of Buildings

11) All external surfaces of ancillary buildings and other structures on the site shall be coloured BS4800:201108B29 Van Dyke Brown and shall be maintained throughout the duration of the approved use, including undertaking any necessary repainting/cladding renewal.

Reason: To reduce the visual impact of the buildings on site.

Restriction of Permitted Development Rights

12) Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amending or replacement Order, no fixed plant, installations or machinery, buildings or structures, or buildings or structures in the nature of plant or machinery, shall be placed or erected on the site except as authorised or required by this permission, or unless separate planning permission is granted by the Mineral Planning Authority for such development pursuant to Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

Reason: To enable the Mineral Planning Authority to consider whether any such proposed further development in the site might have an unacceptable impact on amenity and the environment.

Mobile Plant

13) All excavation and other mobile plant when not in use (for the purposes of quarrying) shall be parked or stored on the quarry floor as far as is practicable within a screened location/s.

Reason: In order to minimise the impacts of the development on the landscape, environment and amenities of the area.

(iv) Access & Traffic

Approved Site Access & Egress

14) The sole vehicular access for the development hereby permitted shall be via the existing access as detailed on Drawing No: 08080-11-08 (Topographic Survey) March 2010. No other access shall be used by traffic entering or leaving the site.

Reason: To control access to the site in the interests of local amenity, highway safety and the environment.

Access Design

15) The exit visibility splay of 6m x 15m to the nearside carriageway channel in each direction shall be maintained clear of all other obstructions in excess of 1.0m in height (600mm in the case of vegetation) from the existing site access to the A57.

Reason: In the interests of highway safety.

HGV Movements

16) The total number of lorry movements per day shall not exceed 100 movements (50 into the site, 50 out of the site) on Monday to Friday and 52 movements (26 into, 26 out of the site) on Saturdays. No lorry movements shall take place on Sundays or Bank or Public Holidays.

Reason: In the interests of highway safety and to minimise the impacts of the development on the amenities and environment of the locality.

Traffic Generation Returns

17) A written record shall be maintained of all movements out of the site by heavy goods vehicles (more than 7.5 tonnes gross weight) for the purposes of removing processed stone from the site and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To enable the Mineral Planning Authority to monitor the output and generation of road traffic from the site in the best interest of the local environment and highway safety

Highway Cleanliness

18) The surfaced access road from the point of access from Woodcock Road (A57) to the point of entry into the quarry (as shown on Drawing No: 08080-1- 08 'Topographic Survey') shall be maintained in a good state of repair at all times throughout the duration of this permission including the infilling of pot holes and shall be kept clean of mud, other dirt, slurry and stones at all times. Measures shall be implemented as necessary to ensure that the public highway is kept free of mud, stone, contaminants and surface water runoff from the site at all times.

Reason: To protect the interests of local amenity, highway safety and the environment.

Site Parking and Manoeuvring

19) Within six months from the date of these conditions coming into effect adequate parking, loading/unloading, turning and manoeuvring areas for vehicles shall be provided on the quarry floor in accordance with the submitted plan ref: 08080-11-0 dated March 2011. The area shall be suitably surfaced and maintained.

Reason: To prevent contamination on the public highway and to prevent parking on the public highway in the vicinity of the site access in the interests of highway safety and local amenity.

Western Access Track

20) No access shall be taken into the ROMP site for the purpose of quarrying along the western boundary access track as shown on Drawing No: 08080-1- 08 (Topographic Survey) March 2010 other than is necessary for the working and restoration of the top 2 benches of the quarry or as may be necessary from time to time for reasons of stability or health and safety concerns

Reason: To enable use of the western access track for the purpose of access to the top 2 quarry benches for reasons of health and safety and stability of the land and to prevent the continued use of the western track (which falls outside the ROMP boundary) thereafter in association with the quarrying operation

(v) Working Method

Scheme of Operations

21) The scheme shall be carried out in compliance with the submitted phased working Drawings: Nos: 08080-11-01 (Working Phase 1), 08080-11-02, (Working Phase 2) 08080-11-03, (Working Phase 3) 08080-11-04, 08080-11-05, 0808-11-06b, and restoration plans Figure L10 Revision A & Figure L11 Revision A and subject to the provisions of other conditions in this determination.

Reason: To ensure the development is carried out to an approved appropriate standard and in

the interests of clarification as to what comprises the approved scheme.

Spatial limit of extraction

22) No mineral extraction shall be carried out outside the limit of extraction as outlined in red and identified on Drawing No: 08080-11-08 (Topographic Survey), March 2010.

Reason: For the avoidance of doubt, and to ensure that the development is carried out in a satisfactory manner in the interests of amenities in the area.

Slope Stability

23) a) Excavation in the vicinity of existing faces shall be undertaken in accordance with the details provided within the Geotechnical Stability Assessment report (prepared by Silkstone Environmental Ltd, March 2012, Rev 2), 'Conclusions and Recommendations' including maintaining:

i) a minimum 5m standoff shall be maintained between any operational plant and equipment and the edge of excavation.

ii) rock trap arrangements

iii) 5metre wide benching between subvertical faces (approximately 70 degrees from horizontal) 15 metre high.

b) A Geotechnical Inspection of the quarry slopes shall be undertaken at intervals no longer than 2 years by a competent Engineering Geologist or Geotechnical Engineer and the results of each inspection including an assessment of the stability of the quarry faces and remedial or mitigation measures for the purposes of the slope stability shall be submitted to the Mineral Planning Authority on their request.

c) in the event of quarry face failure and/or slippage as soon as practicable after the event, the Mineral Planning Authority shall be notified and all operations shall cease within the affected area and a geotechnical survey shall be carried out by a geotechnical engineer/Engineer Geologist and submitted to the Mineral Planning Authority with proposals for remedial action before quarrying proceeds within the area affected by instability.

Reason: To minimise the risk of slope instability and to ensure the safety and stability of the quarry environment.

Notifications

24) A review of the progress of quarrying during the preceding 5 years together with the continued quarry and restoration proposals for the forthcoming 5 years shall be submitted to the Mineral Planning Authority. The first date of the first programme review will be submitted 5 years from the date of the determination of the planning permission.

Reason: To ensure that the Mineral Planning Authority is made aware of the status of development so that it is worked and restored in a progressive manner in accordance with the timescales set out in the approved documents in the interests of the amenities of the area.

Phasing of Working

25) Within Phase 1 of the operations, the tree and vegetated area at the north east corner of the site (at 394500N 405450E) shall be worked in such a manner as to provide for the retention of the vegetation and trees on the outer eastward facing slopes of the hillside for the longest possible period on each level of excavation as far as is safe and practicable.

Reason: To ensure that the site is screened from views from the east and south east and that the trees on the outer eastern facing flank are retained for as long as operationally possible prior to removal to ensure that the operations are screened for as long as practicable.

Mineral Type

26) No mineral shall be worked from the site other than gritstone.

Reason: To restrict mineral extraction to the minerals applied for.

(vi) Output

Annual Returns: Stone Sales

27) The operators shall, no later than 31 January of each year, submit to the Mineral Planning Authority, on a confidential basis, annual returns specifying monthly production records of the following quantities of stone extracted and exported from the site during the preceding year:

- a) Any finished dimensional stone products.
- b) Any Blockstone.
- c) Any slab and miscellaneous stone products.
- d) Any Aggregate

Reason: In order that the Mineral Planning Authority can monitor the output of mineral at the site

Rate of Exportation of Stone

28) The total annual sales output of mineral from the site shall not exceed 200,000 tonnes in any calendar year.

Reason: To enable the Mineral Planning Authority proper control over the output of mineral from the site in the best interests of the local environment and highway safety.

(vii) Drainage, Water Protection & Pollution Control

Surface Water

29) All surface water runoff from the site shall be channelled to the settlement ponds as shown on Drawing No: 08080-11-08 (Topographic Survey) except as otherwise required by the provisions of condition 30.

Reason: In the interests of the water environment, pollution control and flood prevention.

Drainage of Access

30) There shall be no surface water drainage from the site onto the public highway. The drainage works on the access road which have already been undertaken and include: the digging out of a ditch at an acute angle from the road, above each tarmac lay-by on the access road shall be maintained throughout the duration of the approved development. The measures shall be maintained throughout the duration of the approved development and monitored throughout the approved use of the site. In the event that they fail to intercept and control the surface water further measures as considered appropriate shall be agreed with the Mineral Planning Authority and implemented.

Reason: In the interests of highway safety and to prevent water getting on the highway.

Contaminated Drainage

31) There shall be no discharge of foul or contaminated drainage from the site into the ground, ground water or any surface waters, whether direct or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system, underground strata or aquifer.

Reason: In the interests of the water environment, pollution control and flood prevention

Maximum Depth of Working

32) The maximum depth of working shall be restricted to 232m AOD and no working shall take place below the water table.

Reason: To prevent pollution of any watercourse, groundwater, aquifer or reservoir to protect the quality of the water environment and human and other receptors and nature conservation

interests from harm and pollution by contaminants. To protect the water environment.

Pollution Control

33) All necessary measures shall be taken and maintained throughout the period of the approved development to prevent effluents, oil, fuel or other potential pollutants being discharged to any soil, ground, watercourse, groundwater system or underground strata and to prevent the mobility and spread of contaminants.

Reason: To prevent pollution of any watercourse, groundwater, aquifer or reservoir to protect the quality of the water environment and human and other receptors and nature conservation interests from harm and pollution by contaminants.

Storage Facilities

34) All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. There shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: To prevent pollution of any watercourse, groundwater, aquifer or reservoir to protect the quality of the water environment and human and other receptors and nature conservation interests from harm and pollution by contaminants.

Plant and Machinery Oil and Fuel Leaks

35) All mobile plant and machinery and any static machinery used on the site outside of containment bunds shall be regularly checked for leaks of fuel or lubricants and if found leaking shall be repaired prior to further use to prevent spillage and seepage into the ground.

Reason: To prevent pollution of any watercourse, groundwater, aquifer or reservoir to protect the quality of the water environment and human and other receptors and nature conservation interests from harm and pollution by contaminants.

Foul Drainage

36) In the event that there is intent to dispose of foul drainage from the site, a scheme to dispose of foul drainage shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of the water environment, pollution control and flood prevention.

(viii) Control of Waste

Quarry Waste

37) No waste materials derived from within the site shall be removed from the site. Any overburden/interburden mineral or other waste materials derived from the site during the carrying out of the approved development shall be immediately backfilled where practicable or placed on remnant benches or the quarry floor in accordance with the approved restoration.

Reason: To ensure the recycling of waste materials from the development and the compatibility of site restoration.

Inspection & Maintenance of Settlement Ponds

38) Inspection of the ponds shall be undertaken at least once every 12 months throughout the duration of the development. Additional inspections of the ponds shall be undertaken during prolonged periods of excessive rainfall. Maintenance and desilting of the ponds shall be undertaken where necessary. All materials recovered from the settlement ponds such as clay/silt and gritstone shall be placed in the excavations.

Reason: To protect the water environment.

(ix) Environmental Dust, Smoke and Fumes Management: Control and Mitigation

Dust Control

39) All operations for the winning and working of materials, restoration works and ancillary operations and development, shall be carried out in a manner to minimise the generation of dust.

Reason: To control dust resulting from the site operations in the interests of local and residential amenity, and the local environment.

Dust Management

40) Dust management shall be carried out in accordance with the mitigation measures set out in the Environmental Statement Air Quality Statement and in accordance with the guidance contained in the National Planning Policy Framework Technical Guidance (paragraph 23), or any subsequent revision or replacement thereof.

Reason: To minimise and control the generation of dust to protect local residential amenity and the environment.

Burning (Smoke and Fumes)

41) There shall be no burning of rubbish or wastes or other fires on the site.

Reason: To protect local residents and the environment from smoke and fumes.

Blasting

42) Only 'low explosives' in small quantities shall be used on the site in the form of black powder and/or pyro- breaker capsules (expansive rock splitting gas) or other available non-explosive deflagrating agent. Whenever practicable stone shall be loosened and blocks removed and split within the excavations by mechanical means

Reason: To minimise the impacts of the development on the landscape and environment of the area.

(x) Environmental Noise Management: Control and Mitigation

Operation of Mobile Plant and Machinery

43) All plant and machinery shall operate only during the permitted hours and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local and residential amenity.

Noise Suppression Measures

44) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions, on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To control the impact of noise generated by the development in the interests of local

amenity.

Reversing Alarms

45) The reversing alarms on all vehicles on the site and visiting the site shall not emit a noise that would have an adverse impact on local amenity. Reversing warning devices shall be either non-audible, ambient-related or low-tone devices.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity.

Noise Limits

46) The noise level attributable to normal site operations measured at any noise sensitive property shall not exceed 55 dB LAeq (1 hour) (freefield).

Reason: To control the impact of noise generated by the development in the interests of local amenity.

47) The noise level attributable to operations on the periphery of the site or at high levels, or in unscreened locations such as soil stripping, the formation, removal or alteration of spoil tips, baffle mounds, screening and storage embankments at the site, measured at any noise sensitive property shall not exceed 70 dB LAeq (1 hour) (freefield) at the surrounding properties for temporary operations not exceeding 8 weeks in any year.

Reason: To ensure the satisfactory development of the site in the interest of conserving the amenity of the area and local residents in particular.

(xi) Control of Site Lighting

Control of Artificial Lighting

48) No artificial lighting equipment shall be installed within the site other than that which has been designed and directed to illuminate only what is necessary for the safe and efficient operation of the quarry and associated works and no lights shall be so positioned or directed as to illuminate land outside the site boundary, or so as to cause disturbance to, or at occupied residential properties.

Reason: To prevent any incident of light pollution.

(xii) Protection of Archaeological Interests

Archaeological Recording

49) No development shall take place within the two undisturbed peripheral zones along the eastern and south-western edges of the site until a programme of archaeological work in accordance with a Written Scheme of Investigation for detailed monitoring of the soil stripping operation within these areas of the site, and the excavation and recording of any archaeological remains that are revealed, has been submitted to and approved by the Mineral Planning Authority in writing.

Reason: To enable sites of archaeological interest to be adequately investigated and recorded.

(xiii) Protection of Ecological Interests

Breeding Birds

50) No soil stripping, vegetation clearance or tree removal shall be undertaken during the bird nesting season (March-August inclusive) unless that work is considered justifiably unavoidable as may be agreed by a representative of the Mineral Planning Authority. The operator shall commission a suitably qualified ecologist to survey each proposed working area for active bird

nests prior to any disturbance to trees, other vegetation, ground or spoil mound within that area. Any active birds nests found by the survey and trees and shrubs that contain nesting birds or their active nests shall be left undisturbed until vacated.

Reason: To ensure that the development does not disturb breeding birds, or, if this is likely to happen, that appropriate mitigation measures are in place in the interests of nature conservation.

Provision of Bird Boxes

51) Within three months of the date of these conditions coming into effect the details of 15 nest boxes and their design and location shall be submitted to the Mineral Planning Authority for approval. Once approved the nest boxes shall be erected in the retained woodland.

Reason: To mitigate against the potential loss of nesting sites.

Bats Mitigation & Conservation

52) Within six months of the date of these conditions coming into effect a Bat Mitigation & Conservation Plan shall be submitted to the Mineral Planning Authority for approval and implementation. This shall include a mitigation method statement and shall incorporate (but not exclusively) the measures proposed within Appendix G 'Bat Report' Shire Hill Quarry, Woodcock Road, Glossop. On behalf of Marchington Stone Ltd by Ecology Services UK Ltd. Revised report dated 9th July 2012 sections 7.1.2 and 7.2.1. Once approved the Bat Mitigation and Conservation Plan shall be implemented in complete accordance with the approved details set out in the approved plan.

Reason: To ensure that appropriate mitigation and conservation measures are in place in the interests of nature conservation.

Provision of Bat Boxes

53) Within three months of the date of these conditions coming into effect the type, number and location of bat boxes shall be submitted to the Mineral Planning Authority for approval and implementation to the satisfaction of the Mineral Planning Authority.

Reason: To ensure that appropriate mitigation measures are in place in the interests of nature conservation.

(xiv) Protection of Trees and other Vegetation

Demarcation of Affected Trees and Protection of Other Trees and Shrubs Within the Site

54) No trees or mature shrubs within the site shall be felled, damaged or disturbed without the prior written approval of the Mineral Planning Authority. Prior to the disturbance or felling of any trees or removal of any mature shrubs the trees to be felled shall be clearly marked and the trees as identified together with any mature shrubs within the area to be disturbed by quarrying shall have been checked and agreed as consented to fell or remove by the Mineral Planning Authority. At all times during the carrying out of the approved development and in particular during the site clearance and preparation phases there shall be careful site supervision to ensure that no damage occurs to any other trees or mature shrubs within the site.

Reason: To minimise the impacts of the development on the amenities and environment of the area.

Protection of Trees, Shrubs, Hedgerows and Boundary Features

55) All existing trees, shrubs, hedges, walls and fences on and adjacent to the site boundary shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying and stone processing operations and until the restoration of the whole of site, except as may be allowed by this permission. For the purposes of this condition the retained trees, shrubs, hedges and boundary features shall be protected as necessary from the quarrying, stone processing and related operations by the provision of standoffs, with machinery

and storage exclusion areas that extend to the edge of all site boundaries

Reason: To ensure that these features are properly maintained and protected for the duration of the development and in the interest of visual amenity and landscape character.

56) The Mineral Planning Authority shall be given at least seven days' notice in writing of the commencement of any site operations that will involve the disturbance, damage or removal of trees within the site

Reason: To minimise the impacts of the development on the amenities and environment of the area.

Conservation of Seed Resource

57) Prior to the removal of any tree vegetation from the site a programme and arrangements for the collection and safe storage of seed of local provenance (i.e. from the site and surrounding woodland) from shrub and tree species for use in the habitat creation within the receptor site shall be implemented in accordance with details which have the written approval of the Mineral Planning Authority.

Reason: To encourage reseeded and provide for an enhanced habitat creation scheme

(xv) Soil Conservation & Protection

Soil Stripping and Handling

58) The Mineral Planning Authority shall be given at least seven day's notice in writing of the commencement of any phase of soil stripping operations or other movement of soils and soil forming materials.

Reason: To ensure that soils resources are protected and that monitoring arrangements for soil stripping and storage are in place.

Prevention of Trafficking Over Soils

59) No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for undertaking permitted operations. Essential trafficking routes shall be clearly marked on the ground by stakes or other means. No part of the site shall be excavated, traversed, used for a road, for the stationing of plant or buildings, storage of subsoil or overburden, waste or mineral deposit, until all available topsoil and subsoil have been stripped from that part.

Reason: To ensure soils are protected and to prevent unnecessary trafficking of soil by heavy equipment and vehicles that may damage the soil.

Soil Handling Conditions

60) The stripping, excavation, movement, storage, lifting and placement of topsoil, any subsoil that may be encountered, and soil forming materials shall only take place in accordance with the good practice techniques specified in the 'MAFF (2000), Good Practice Guide for Handling Soils (version 04/00)' specifically 'Sheet 1: Soil Stripping with Excavators and Dump Trucks', 'Sheet 2: Building Soil Storage Mounds with Excavators and Dump Trucks', 'Sheet 3: Excavation of Soil Storage Mounds with Excavators and Dump Trucks', 'Sheet 4: Soil Replacement with Excavators and Dump Trucks', , "to the extent that these guidance sheets may be relevant to the machinery used in the soil recovery, handling, storage and placement operations. No soil stripping or soil spreading shall take place except during periods of dry weather when the full depth of soil to be stripped or replaced is in a suitably dry and friable soil moisture condition (i.e. non-plastic state) such that damage to its structure is avoided, and the topsoil can be separated from any subsoil and / or the underlying soil forming materials without difficulty.

Reason: To ensure that soil resources are protected and to prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and the preservation of soil resources in the interests of land quality.

Protection of Existing Soil Mounds

61) There shall be no importation of soils to the site from the soil storage and screening mounds which are located immediately north of the ROMP site boundary as shown on Drawing No: 08080-11- 08 'Topographic Survey'. The existing mounds shall be retained in their present location and shall remain undisturbed.

Reason: To ensure that the soil screening mounds are protected from disturbance and preserved in situ in the interests of visual amenity and health and safety.

(xvi) Restoration and Aftercare

Restoration

62), A comprehensive scheme (s) for the post-restoration landscaping of any restored areas shall be submitted for the approval of the Mineral Planning Authority on a five yearly basis, save for the first such scheme to be submitted within twelve months of the date of these conditions coming into effect. Thereafter each scheme of progressive landscaping shall be implemented in accordance with the details as approved in writing by the Mineral Planning Authority. Each landscaping scheme shall generally accord with the Restoration Scheme' (Figure L11 (Rev A)) and shall include but not be limited to the following:

a) A Phased Habitat creation plan which will incorporate each phase of the development and include: the final contours, gradients and levels delineating the surface topography to be achieved, including the variations in slope, pond formation, aspect and different size substrate areas to be retained or formed.

b) A phased management regime which will cover each phase of the development and include: retention of trees and hedges for the purposes of nature conservation within the site and around its perimeter. Details of the early restoration work to be carried out in the next 5 years.

c) Details of the removal of stockpiles, plant, machinery, buildings, structures, hard standings and roadways within each phase of the development.

d) The drainage of the site, including the arrangements to control water levels on the site and discharge of water from the site within each phase of the development.

e) Details of the proposed hedgerow planting, including species, layout, ground preparation, numbers and distribution of species, size of plants, spacing, method of planting, fencing and other protective measures. Once approved the hedge shall be planted in the next immediate planting season in the period between October through to March.

Reason: To secure the proper aftercare of the restored land in accordance with Policy MIN1 of the Core Strategy.

Woodland Retention

63) The linking fringe of woodland habitat at Co-ordinates 405450E 394550N around the eastern side of the quarry as shown on Drawing No: 08080-11-01 'Working Phase 1' shall be retained during the lifetime of the mineral permission.

Reason: To ensure the protection of the woodland habitat.

Woodland Management

64) Within twelve months of the date of these conditions coming into effect a Woodland

Management Plan covering the whole of the site shall be submitted to the Mineral Planning Authority for approval in writing. The Woodland Management Plan shall then be implemented as approved by the Mineral Planning Authority. The Woodland Management Plan shall include (but not exclusively):

- i) A rationale for the management of the retained woodland over the duration of the development.
- ii) Survey and Evaluation of the Habitat
- iii) Formulation of strategic management objectives including:
 - a) to increase the quantity of deadwood where practicable;
 - b) to control non-native species;
 - c) to diversify structure;
 - d) to conserve large, old and veteran trees.

Reason: To ensure the protection of the woodland Habitat.

Translocation of Soils

65) The translocation of soils and woodland field layer vegetation shall be undertaken in accordance with the following method statement:

Donor Site:

- i) Turf/soil stripping shall be in the period September to February inclusive except as allowed by Condition 50;
- ii) the vegetation and soils shall be excavated to a depth of c15-20cms where present;
- lii) large roots (those over 50mm in diameter large rocks and foreign materials shall be removed from the vegetation/soil prior to transportation.

Receptor Site:

- i) The exact boundaries of the reception area including any agreed buffer zone shall be agreed with the Mineral Planning Authority and shall be clearly delineated;
- ii) The vegetation/soil shall be loosely tipped then lightly pressed down to provide good contact with the subsoil surface but not compacted or smeared;
- iii) There shall be no tracking by vehicles over the newly laid vegetation/soil;
- iv) There should be no storage of vegetation/soil between stripping and placement. Both operations shall ideally take place for any individual load within 24 hours. Temporary storage of soils should be avoided if at all possible.
- v) The receptor area shall subsequently be planted with seeds gathered from oak trees from the adjacent woodland thereby ensuring local provenance, birch will come in naturally.
- vi) Subsequent management of the plantings in the first five years shall include controlling any invasive non-native woody and herbaceous species.

Aftercare

66) a) The restored site shall be subject to a programme of aftercare in accordance with a scheme or schemes which has/have been submitted to and approved in writing by the Mineral Planning Authority. The scheme for the whole site or any part of the site shall be submitted no later than six months prior to the programmed completion of restoration of any part of the site in accordance with condition 62. The submitted scheme(s) shall provide for such steps as may be necessary to bring the land to the required standard for use for nature conservation/natural regeneration and shall include details of:-

- a) In the case of land restored for use for nature conservation/natural regeneration:
 - i) habitat development;
 - ii) weed control;
 - iii) watering and draining;
 - iv) pond margins establishment;
 - v) wetland maintenance;
 - vi) maintenance of fencing;
 - vii) The protection measures for planted areas including trees, hedgerows and woodland;
 - viii) The management and maintenance of planted areas to secure an 85% survival rate at the end of the aftercare period.

The scheme(s) shall be implemented as approved by the Mineral Planning Authority.

b) The 5 year woodland/nature conservation/natural regeneration aftercare period for the site or each part thereof, shall commence on the date of the written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored.

c) Records of the nature conservation and amenity aftercare operations shall be kept by the operators throughout the period of aftercare. The records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority between 31 March and 31 May each year, and provision shall be made by the operators for annual meetings with the Mineral Planning Authority between June and August each year, to determine the detailed annual programmes of aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation. Separate meetings shall be arranged to inspect and evaluate progress in the nature conservation and amenity aftercare respectively.

Reason: To ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the Mineral Planning Authority in the interests of agricultural land quality.

Note 1: These conditions shall come into effect upon the date of final determination of these conditions as defined in paragraph (7), Schedule 13 of the Environment Act 1995

Footnote: The Mineral Planning Authority notes the continued use of the northern access track (which lies outside of the ROMP site boundary) for health and safety reasons. The Mineral Planning Authority has no objection to the permanent retention of the northern access track for land management uses but not for continued quarrying purposes.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report. To the extent that the imposition of new conditions might engage Article 1 of the First Protocol of the European Convention on Human Rights it is a justified and proportionate means of achieving the legitimate aim of planning in the public interest.

List of Background Papers (not previously published)

Nil

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14. FULL PLANNING APPLICATION – REPLACEMENT OF 20M MAST WITH NEW 20M MAST, COMPLETE WITH NEW ANTENNAS, NEW DISH ANTENNA, AND ASSOCIATED WORKS, SURREY FARM, HOLLOW MEADOWS (NP/S/0814/0859, P.3743, 12/8/2014, 425857 / 387797, MN)

APPLICANT: TELEFONICA UK LTD

Site and Surroundings

Surrey Farm lies a short distance to the east of the former Hollow Meadows hospital, sited on the northern side and adjacent the A57, Sheffield to Manchester Road. The farm complex comprises the farmhouse and a range of traditional and modern farm buildings.

The application site is an established telecommunications facility some 20m north of the farm, and consists of a 20m mast with antennas as well as several ground mounted cabinets. Open fields lie to all sides of the site, with the farm buildings to the south and a group of further dwellings around 150m to the west.

For the purposes of the Local Plan the site is located in an area of open countryside outside any designated settlement boundary.

Proposal

Upgrade of an existing telecommunications base station to include the replacement of 20m mast with new 20m mast, complete with new antennas, new dish antenna, and associated works that amount to the addition of a 300mm wide cable tray and 2.5m tall supporting pole.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. Standard time limit**
- 2. To be completed in accordance with submitted plans**
- 3. The pole mast to have a dark green coloured matt finish (BS colour ref 12B29) before the new mast is brought into use**
- 4. All equipment to be removed from the site when no longer required**

Key Issues

The impact of the development on the character and appearance of the area.

History

1997 – Planning permission granted for the erection of a 20m telecommunications mast and associated ancillary development.

2004 – Planning permission granted for the replacement of 2 antennae on the existing mast and associated ancillary development.

Consultations

Sheffield City Council (Highways) – No response at time of writing.

Sheffield City Council – No response at time of writing.

Bradfield Parish Council – No objection subject to the development conforming to planning regulations.

Main Policies

Core strategy

GSP1, GSP2, GSP3, DS1, L1

Local Plan

LC4, LU5, LU6

National Planning Policy Framework

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

Wider Policy context (if relevant)

Not relevant in this instance.

Environmental Management

Not applicable.

Assessment

Local Plan policy LU5, which deals specifically with telecommunications infrastructure states that development will be permitted provided that the landscape, built heritage or other valued characteristics of the Park are not harmed and it is not feasible to locate the development outside the National Park. In this case, siting the equipment outside of the Park would not be an alternative, as the base serves to provide local mobile phone reception and services. As there is already an approved mast on the site, the main consideration is the additional impact that the proposed replacement would be likely to have. The impact of the existing mast in public views is reduced by its positioning away from the road and behind the farmstead, and because it is screened close to a group of tall trees. In views from the south these serve to screen the mast from view by roadside trees when approaching from the west. The road to the north, Rod Side, also affords views of the mast to the south at a distance of almost 500m.

The proposed replacement mast would be in the same position and of the same height, but would be slightly thicker. The antennas mounted to the top the mast would be of the same height but would have a wider spread, and a small additional dish antenna would be added too. The impact of these over the existing arrangement is not considered significant in terms of the appearance and prominence of the mast. It is proposed for the mast to remain unpainted

galvanised steel. Typically masts would be required to be painted a dark colour so as to better blend with the surrounding landscape. In this case it would be seen most closely in views from the A57 to the south, where it would be seen against the sky when approaching on the road from the east. In views from Rod Side to the north though, it would be seen backed by trees and moorland. On balance, a dark green finish painted finish is considered most appropriate. This is because in views from the south the farmstead is prominent already, and the mast would be seen in close association with it. In views from the north however, a light coloured mast would serve to draw attention to the farm development in what is a largely undeveloped vista. The painted finish could be controlled by planning condition were permission to be granted. Subject to such a condition, the mast is considered to conserve the character and appearance of the area as required by policies LC4 and LU5.

Policy LU5 also states that telecommunications equipment should be mounted on existing masts, buildings and structures. As outlined above, the proposed development relates to the provision of additional equipment on an established facility. This would reduce the further impact of the development in the landscape. Its wider impact, given the similar size of the replacement mast to the development already present on the site, is not considered to be significant and accords with policies LC4 and LU5.

The nearest residential properties are those of Surrey Farm and 'The Barn' and 'The Cottage' located immediately south of the site. Whilst the development would be prominent in views from these dwellings, it would have little further impact above that of the existing mast and is not considered to have a significant effect on outlook. The proposal is not considered to raise any further amenity issues.

Overall, taking into account the relatively small size of the proposed development, its positioning and the existence of other equipment on the site, it is considered that it would not detract from the immediate local area or be so visually prominent as to cause sufficient harm to the valued characteristics of the National Park.

Policy LU6 requires that when utility infrastructure sites are no longer used to meet an appropriate operational need, the Authority should guarantee its removal from the site. It is therefore considered reasonable and necessary to include such a condition on any permission that might be granted.

Human Rights

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

List of Background Papers (not previously published)

Nil

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15. FULL PLANNING APPLICATION – ALTERATIONS AND EXTENSIONS TO HOLLOWFORD OUTDOOR ACTIVITY CENTRE, ROBINLANDS LANE, CASTLETON (NP/HPK/0414/0381, P.5910, 14/4/14, 414823 / 383603, JK)

APPLICANT: LINLEY EDUCATIONAL TRUST LTD

Site and Surroundings

The Hollowford Centre is located in the open countryside about 1km north of Castleton village. It is a purpose built outdoor pursuits training and conference centre which aims to encourage the development of young people through the use of learning. It is operated by the Lindley Educational Trust which is a charity specialising in helping young people and has been in existence for over 40 years.

Hollowford provides facilities for groups of between 10 and 130 people in four separate accommodation blocks. The newest addition at Hollowford was built in spring 2008 and two of the older blocks were refurbished in 2009 and 2010. The most recently refurbished accommodation block 'Stanage', was refurbished and extended in 2012/13 following planning consent and was the first step in a much larger renovation of the whole of the facilities at Hollowford expected to span over the next 3 years. This application relates to part of this phase of the major upgrade to their facilities and covers their intention to extend and refurbish selected areas of the premises, namely the kitchen, kit store and the main entrance.

Access to the site from the village is via Millbridge Lane, a narrow single metalled lane which leads from the centre of the village before splitting into Hollowford Lane which leads to the north west up towards the footpaths up to Hollins Cross and Robinlands Lane, a minor un-metalled which swings north east/east between the Hollowford Centre site and the Hope Valley rugby club and playing fields opposite. The main entrance into the centre is situated a few metres down Robinlands Lane with a secondary accesses into the site farther down the lane.

For the purposes of policy application the site lies outside the village of Castleton within an area of attractive open countryside where restrictive development policies apply.

Proposal

The application has been amended since submission and relates specifically to four discrete developments; i) The erection of a replacement stone 'kit store' building housing the kit store and an entrance foyer with a single storey flat roofed extension linking the it to the main building, ii) a lean-to kitchen extension and new 'living wall' enhancement to the existing kitchen gable end, and iii) a replacement main entrance extension; along with iv) ancillary improvements to access and the surfacing of a section of the un-metalled Robinsland Lane.

Kit store facility:

The proposal involves demolition of the existing pre-fabricated concrete and corrugated sheet roofed double garage and adjacent timber/felt roofed shed (total approx. 49m²) followed by the erection of the new 'kit store' building (approx. 204m²). The building is of traditional design with natural limestone walling under a 'Hardrow' concrete tiled roof to match the main centre's roofs. It would have a stepped form in both roofline and walls with the main taller and wider section being built directly off the lane side wall. The eastern end with the taller roofline will house the replacement kit store, whilst the western end would form an entrance foyer accessed via glazed doors in the gable off the main courtyard. The kit store building would be joined to the main building via a flat roofed glazed link which would also provide for a fully glazed rear entrance. The framing to the largely glazed link building will be powder coated aluminium in a dark neutral colour and the unglazed section of roof would be covered in a dark grey membrane.

Kitchen extension/alterations;

The east gable end of the current kitchen (south facing) will be replaced by a new 'living wall' system giving a green planted wall area either side of the central window. Above the window the wall would be boarded in dark stained cedar planks to match those on the newly refurbished accommodation block. On the west of the existing kitchen building an existing bin storage area is proposed to be removed and a lean-to extension constructed, set slightly back from the gable end, to house additional toilet and dry storage facilities for the kitchen. Materials will be natural limestone under a concrete tile roof to match the main roof.

Main entrance enhancement;

The existing single storey glazed main entrance foyer/corridor which runs across the principal elevation is proposed to be demolished followed by a replacement contemporary styled entrance extension. This would have a concave front glazed wall recessed under a flat roof with a convex curved edge and would open out onto a new terraced area. The curved roof would provide an overhanging canopy over part of the terrace. Sun pipes would provide light to the rear area of the new extension. Externally the hard and soft landscaping would be improved to lead visitors up to the new terrace and entrance foyer.

New section of internal driveway, lane resurfacing and access alteration;

An existing driveway within the site would be formed off an existing internal drive to give access to the rear (east end) of the new kit store building. This would be a porous paved track and link via existing internal roadway around from an existing site access from the un-adopted Robinlands Lane towards the extreme eastern end of the site. One Sycamore and one Ash tree will need to be removed to facilitate the construction of the new section of drive.

An existing vehicular access currently adjacent the proposed new kit store site is to be reduced down to a pedestrian access with matching walling.

It is also proposed that the existing site access part way along Robinlands Lane which is currently a simple hard-core minor lane, be sealed with tarmac up to the existing western access beside the new kit store.

The proposed scheme specifically incorporates facilities for wheelchair users and people with special needs.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. Standard 3 year time limit to commence development.**
- 2. Adopt amended Plans**
- 3. Sample panel of stonework**
- 4. Cedar boarding and finish to match recently completed accommodation block**
- 5. Define roof materials**
- 6. Windows and doors recessed 150mm in stone kit store building**
- 7. link building framing material to be powder coated metal with dark neutral coloured matt finish. Solid flat roof membrane to be dark neutral grey.**

8. **All pipework to be internal with no vent terminations through the roof plane.**
9. **Minor design details (includes Pointing, rainwater goods, verge detail)**
10. **Submit and agree detailed landscaping scheme covering hard and soft works/external lighting/living wall planting.**
11. **All waste spoil to be disposed off-site via licensed waste operator.**

Key Issues

1. The design of the proposals in relation to the character and appearance of the existing buildings and their immediate setting.
2. The impact of the proposals upon the local highways.
3. Any impact upon local amenity.

History

There have been a number of applications over the years for the extension and alteration of the centre in connection with the upgrades/enhancement referred to in the introductory paragraph of this report. The last application for the refurbishment and extension of the accommodation block closest to Robinlands Lane has set the design standard for the refurbishment work with the block having the existing concrete 'Davie blocks' replaced with natural limestone walling with areas accented in dark stained cedar boarding.

Consultations

DCC Highways – No objections.

High Peak Borough Council – No representations received.

Castleton Parish Council – Object due to highway issues, considering that the site is outgrowing the access road. They commented further that the Council would welcome any comments from Highways. The Council were therefore re-consulted with attention drawn to the 'No Objections' response from DCC.

In conversation with the planning officer the Parish chairman explained that the council object to further development at the site on the grounds that the site has outgrown the access leading to strong amenity and safety concerns for local residents and users of the lane as a result of increased traffic and scale of vehicles using the lane to access the site. In a later email from the Chairman on behalf of the PC he states the council unanimously saw no reasons to withdraw their original objection.

Representations

Site notice displayed and three neighbours notified – No representations received.

Main Policies

Core strategy

GSP1, GSP2, GSP3, DS1, L1, L2, & RT1

Local Plan

LC4, LT11, LT18

National Planning Policy Framework

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

Development Plan

CS 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 particular attention will be paid to impact on the character and setting of buildings, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities.

CS policy DS1 states that in the countryside extensions to existing buildings will be acceptable in principle.

CS policies L1 and L2 seek to ensure that all development conserves and enhances the Landscape Character and biodiversity of the National Park.

Saved LP policies LT11 and LT18 state that all development must be provided with appropriate parking and safe access.

The Authority's Design Guide which is an adopted Supplementary Planning Guidance (SPG) is also a material consideration.

Assessment

The main issues for consideration during the processing of this application are considered to be the size, scale, form and design of the alterations and the extensions and the impact that these will have on the character and appearance of the host building, its setting and the wider surrounding area, residential amenity and highway safety.

Kit store building and link:

The new Kit Store building will house two spaces, the eastern end with the taller roof will house the kit store of sundry 'outdoors' equipment required of a Centre of this nature and will enable ambulant disabled persons and wheelchair users to directly access the kit distribution areas which is unachievable in the current premises. The western end would form a secondary entrance foyer from the main courtyard accessed via glazed doors in the gable end.

The new kit store building would be joined to the main centre via a flat roofed extension. This would provide a fully glazed rear entrance foyer that would link through to the main centre building and to the new entrance foyer in the western end of the proposed kit store building.

The proposed building style, in the form of a pitched roofed traditional building built partly off the

lane-side wall is considered to be an appropriate design solution for this location. The use of limestone rubble walling, gritstone quoins and lintels would also be acceptable and be in keeping with the local vernacular and help make it appear in public views from the lane like a converted/organically extended traditional field barn.

In terms of fenestration the lane side would be largely blank and have only three simple vent slot windows which would complement the barn like style chosen for the building. Three rooflights would be sited on the 'hidden' rear slope facing away from the lane. The inseting of the western bay would help reduce the impact of the building upon the lane and allow more of the lane side wall to remain unaltered. Simple timber doors in the east gable provide the only access into the kit store. The glazed entrance foyer doors on the other gable are similarly simple and appropriate in scale and design.

The new kit store building is much larger than the existing free standing garage and wooden shed which coupled with being partly built off the lane side wall will clearly make it a more obvious and visually prominent building on the lane. However, despite being larger and more prominent it is not considered that it would be overbearing or too dominant on the lane. Being of traditional materials and design it will be strongly reflective of traditional field barns in the area and represent an overall enhancement to the site over the quite intrusive concrete sectional garage and modern timber shed that exist at present.

The contemporary styled flat roof and glazed entrance foyer would be sandwiched between the kit store and main centre building and be inset from the gable ends of the kit store. As a result it would be largely screened from public views from the lane. The link would be modest in scale and with the suggested neutral coloured framework the addition would appear as a simple and subservient addition to the main buildings either side. As well as functioning as an entrance foyer and link its part glazed roof would also facilitate use by the centre for parties to safely study the night sky from inside.

In this location the scale and design of the link represent an acceptable solution for linking the traditionally formed store building to the main centre subject to appropriate detailed conditions covering minor design matters.

Extended Access Driveway and lane resurfacing:

A section of new porous driveway is required to be formed beyond the east end of the new kit store building to enable the Centre's minibuses to directly service the new kit store access doors. This would connect to an existing internal driveway and in turn an existing site access from the un-adopted Robinlands Lane towards the extreme eastern end of the site. This work would not normally need planning permission and in any case there are no objections to the proposed new section of drive as the use of a porous surface treatment will facilitate the natural drainage on the site and help it 'green up' eventually into simple wheel tracks.

It is also proposed that the existing un-metalled section of Robinlands Lane from the junction of the main entrance up to the revised pedestrian access (reduced down from vehicular access width) beside the new kit store be sealed which again would be work that would be classed as a repair or improvement of the lane and as a result would not need formal planning consent.

One Sycamore and one Ash tree will need to be removed to facilitate the construction of the kit store and the new drive to its rear. These are modest specimens and given the overall tree cover on the site (the centre has an active tree planting programme over the 7 acre site) their loss is not considered to be an issue, and would in any case be offset by the proposed plans to upgrade both hard and soft external landscaping around the new works.

Kitchen (south facing) End Elevation and extension:

The gable end of the kitchen is currently a Davie block wall with a large 'picture' window. This is to be removed and replaced by the addition of a 'living wall' system to enhance this end of the building. This will be a modular design with substantial vertical planting troughs attached to a solid back panel. This provides the necessary rigidity, waterproofing and security suitable for use as cladding on buildings in place of the Davie block. Planting will be carried out in-situ after panels have been installed. This 'green' wall will be contrasted by a central panel of cedar cladding above the window which will reflect that used on the nearby refurbished accommodation block.

Together, the green wall and cladding is considered an acceptable treatment which will enhance the building and the site. It will also sit alongside the proposed new lean-to kitchen extension which would be constructed in natural limestone walling under a matching tile roof. The scale of the extension is modest and being set back from the proposed living wall will further enhance this building and the principal elevations at the front of the centre. The extension and enhancements are therefore considered acceptable and accord with adopted policy.

Main Entrance (approx. 39m²):

The current main entrance and small rather cramped foyer are contained within a narrow single storey extension across the central block of the centre. This extension is essentially a long and narrow link corridor across the frontage within a white painted timber framed glazed structure above a low Davie block plinth. The roof structure is formed by several shallow linking pitched forms covered in felt. This structure is increasingly reaching a dilapidated state and is, in any case, a rather unattractive feature across the main building frontage giving a rather unappealing entrance feature to the centre.

The proposal is to demolish this and build a larger replacement entrance area looking out onto a new external paved terrace. The extension has a contemporary design with a flat roof having a concave glazed front which would open out onto the new terraced area. The roof would have a convex curved fascia that would extend beyond the front wall to provide an overhanging canopy extending over half of the new terrace and provide some sun-shading. It is considered that the proposal would significantly enhance the approach to the main building both physically and visually as well as provide much better access for ambulant disabled persons and wheelchair users to the main reception area. The large clear areas of glazing would minimise the visual transition between the internal and external areas on the terrace. Overall officers consider that the form, scale and contemporary design of the new entrance extension is an appropriate design solution in the context of the character and setting of the existing centre buildings. Furthermore it is considered that it would enhance the entrance and complement the existing buildings on the site, yet still be modest enough not to impose upon the wider setting. Subject to minor conditions to cover the colouring of the framing and to agree the precise details of the roof structure and roof lights, the proposal is considered to be acceptable.

Highway and amenity issues:

The proposed development would not result in the loss of any parking provision nor generate increased traffic as there would be no increase in bedroom accommodation and the additional floor space is designed to serve the existing use. Adequate parking and turning facilities are currently provided on the site and the Highways Authority have raised no objections to the scheme.

The proposed development is not considered to raise any adverse amenity issues. The site is located a short distance from the village centre and there are no residential properties within close proximity that could be disturbed by the development. Whilst the Parish Councils concerns which have led to its objection have been carefully noted, there is no increase in traffic use as a result of the proposals in this application. Consequently the Highway Authority have no concerns

or comments to make and in these circumstances whilst officers note the lanes from the village are used by a number of different users and can get quite congested at times, no changes to the scheme are warranted and a refusal on highway grounds could not be sustained without support from the highway Authority.

The applicants are clearly aware of the access constraints and already seek to minimise use by encouraging more sustainable ways of accessing the site and by conducting as many activities on-site as possible. Also of particular note in this regard is the applicant's revised proposal to now close an existing vehicular access onto Robinlands Lane down to pedestrian access and omit their earlier proposals for a new vehicular access at the eastern end of the kit store. These revisions rationalise access and concentrate the majority of vehicle movements and parking activities to the main frontage area accessed via the main entrance.

Environmental Management

The supporting statement from the agent states that the Hollowford Centre is passionate about Green Energy and will take the opportunity to significantly enhance the insulation and other environmentally initiatives as part of the project. It states that the Trust are committed to environmentally friendly working practices whenever practicable. It encourages groups to use public or shared transport and provides as many activities as possible on-site to reduce impacts. It also seeks to source local produce and services and in this project seeks to reduce use of non-sustainable natural limestone by use of complementary contemporary design solutions e.g. sustainable timber cladding.

Conclusion

The proposed extensions and alterations are considered relatively modest in size and scale in relation to the overall scale of the Hollowford Centre buildings. Their scale, form and detailed design are also considered acceptable and would accord with adopted policy and design guidance subject to minor design conditions. Whilst it must be noted that the National Park does not have a tradition of timber or green wall cladding, they are acceptable contemporary design solutions in this particular context, especially in respect of the part timber cladding which is a material used on existing buildings within the centre. Overall the scheme uses a very simple palette of materials and brings the appearance of the buildings more in line with the local building tradition giving significant overall enhancement in terms of external appearance. The site is already well landscaped and proposals to upgrade the external areas will improve the appearance of the site further. In conclusion the proposal is considered welcome enhancement and in improving existing facilities will not lead to further intensification in the use of the site, the access lane or impact adversely upon local amenity.

Human Rights

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

List of Background Papers (not previously published)

Nil

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16. PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following appeals have been lodged during this month.

Reference	Details	Method of Appeal	Committee/ Delegated
NP/SM/0114/0064 2224971	Section 73 - the removal of condition 4 - to allow use as a permanent dwelling at The Old School House, Newtown, Longnor, Buxton, SK17 0NE	Informal Hearing	Delegated
NP/DDD/0414/0357 2225840	Construction of a roof over existing silage clamp at Braemar Farm, Earl Sterndale, Buxton, SK17 0AA	Written Representations	Delegated
ENF – 12/0042 2225113	Erection of a building and use as a dwelling house at Sheffield Pet Crematorium, Hollow Meadows, Sheffield, S6 6GL	Enforcement Written Representations	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

The following appeals have been decided during this month.

Reference	Details	Method of Appeal	Decision	Committee/ Delegated
NP/SM/0713/0606 2220778	Conversion of barn to a 2 bedroomed dwelling at Clews Bank House, Butterton Moor, Leek, ST13 7TQ	Written Representations	Dismissed	Delegated

The Inspector dismissed the Appeal on the grounds that it failed to ensure the enhancement of the immediate setting of the building, and the proposal would have conflicted with the objective of CS Policy HC1 in limiting new housing development within the National Park, and with CS Policies GSP2, GSP3, HC1, L1 and L3 which seek to protect the special character of the National Park, and with national policy which seeks to ensure a sustainable pattern of development.

NP/NED/0314/0249 2219273	Creation of manege (horse exercise area) at Toll Bar Cottage, Owler Bar, Sheffield, S17 3BQ	Written Representations	Allowed	Delegated
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The Inspector has allowed the Appeal as the proposal would not be harmful to the character and appearance of the countryside around Owl Bar. It would not therefore conflict with Policies GSP3 or L1 of the Authority's Core Strategy, or with Saved Policy LC4 of the Peak District National Park Local Plan, all of which require development to conserve and enhance valued landscape and site characteristics. Furthermore, it would not conflict with Policy LR7 of the Local Plan which require that facilities for keeping and riding horses should not detract from the landscape or valued characteristics of the area.

NP/S/0314/0326 2223289	Dwelling refit with a 2 storey side extension and a single storey rear extension at Briers Mount, Briers House Lane, Bradfield, Sheffield, S6 6HD	Householder Appeal	Dismissed	Delegated
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The Inspector dismissed the Appeal on the grounds that the proposed development would have a significant effect on the character and appearance of both Briers Mount and the surrounding area. The proposal would be contrary to Policies GSP3 of the Peak District Core Strategy and to saved policies LH4 and LC4 of the Peak District Local Plan.

NP/SM/0214/0172 2220806	Two storey rear extension to Roche Grange Farm, Meerbrook, Leek, Staffordshire, ST13 8TA	Written Representations	Dismissed	Delegated
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The Appeal was dismissed by the Inspector – the main issue being the effect of the proposed development on the character and appearance of the Peak District National Park and the host property, and as such conflicting with CS Policies GSP1, GSP2 and GSP3 and Policies LC4 and LH4 of the Peak District National Park Local Plan.

4. RECOMMENDATION:

That the report be received.