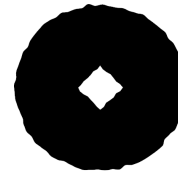


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**PEAK  
DISTRICT  
NATIONAL  
PARK**

Our Ref: A.1143  
Date: Thursday, 6 November 2014



## NOTICE OF MEETING

Meeting: **Planning Committee**  
Date: **Friday, 14 November 2014**  
Time: **10.00 am**  
Venue: **Board Room, Aldern House, Baslow Road, Bakewell**

JIM DIXON  
CHIEF EXECUTIVE

## AGENDA

- 1 **Apologies for Absence**
- 2 **Minutes of previous meeting** (*Pages 1 - 26*)
- 3 **Urgent Business**
- 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 **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.
- 6 **Full application - Installation of a 150kw Ground Mounted Photovoltaic Solar Array, Wetwood Farm, Meerbrook** (*Pages 27 - 38*)  
NP/SM/10141046 P.4307 398009/361583 3/11/2014/CF
- 7 **Full Application - Erection of One 50kw Wind Turbine, 24.6m to Centre of Hub and Base to Blade Tip Height of 34.4m and Erection of Ancillary Building on Land Adjacent to Pikehall Farm, Pikehall** (*Pages 39 - 58*)  
NP/DDD/0814/0817 419206/359151 P.10599 CF/03/11/2014
- 8 **Full Application - Erection of Ancillary Accommodation, Leisure Accommodation, Owners Flat and Greenhouse and Change of Use from Yard Area, Home Farm, Sheldon** (*Pages 59 - 76*)  
NP/DDD/0414/0454, P11157, 417605 368801, 30/10/2014/KW
- 9 **Full Application - Erection of Two Affordable Dwellings, The Croft, Litton Dale, Litton** (*Pages 77 - 86*)  
NP/DDD/0814/0879. P4939, 415986 / 374947, 28/10/2014/AM

- 10 **Outline Application - Erection of Building to Accommodate 6 No. One Bedroom Flats, Endcliffe Court, Ashford Road, Bakewell** (*Pages 87 - 96*)  
NP/DDD/0914/0997 P.11903 420931/368985 3/11/2014/CF
- 11 **Full Application - Proposed Demolition of Existing Detached Dwelling and the Erection of a New Replacement Dwelling in the Same Location, Dale Head Farm, Ashford Road, Bakewell** (*Pages 97 - 108*)  
NP/DDD/0814/0808, P11903, 31/10/2014, 420848/369049/CF/ALN
- 12 **Full Application - Proposed Change of Use of Small Area of Agricultural Land to be Incorporated into The Garden at Dale Head Farm, Ashford Road, Bakewell** (*Pages 109 - 114*)  
NP/DDD/0814/0814, P11903, 31/10/2014, 420848/369049/CF/ALN
- 13 **Householder Application - Erection of New Double Domestic Garage at The Bungalow, Fenny Bentley** (*Pages 115 - 122*)  
NP/DDD/0814/0903 P.9771 417624/350308 30/10/2014 CF/DH
- 14 **Full Application - Change of Use of Part of Ground Floor from Cafe (Use Class A3) to Hot Food Takeaway (Use Class A5) and Formation of New Door Within Existing Window Opening, The Three Roofs Cafe, The Island, Castleton** (*Pages 123 - 130*)  
NP/HPK/0814/0906. P4054, 414922 / 382925, 29/10/2014/AM
- 15 **Full Application - Proposed First Floor Extension to Existing Double Garage, Proposed Porch and Internal Alterations at Bakestonedale Farm, Pott Shrigley** (*Pages 131 - 138*)  
NP/CEC/0814/0869), P597, 396223 / 379517/SC
- 16 **Stanton Moor Mineral Liaison Group and Consultation on Mineral Planning Matters in the Stanton Moor Area** (*Pages 139 - 150*)  
JEN
- 17 **Additional Issue for the Development Management Policies DPD: Recreation Hubs and Visitor Management** (*Pages 151 - 154*)  
BJT/A.6101
- 18 **Appointing an Independent Examiner for the Chapel-en-le-Frith Neighbourhood Plan** (*Pages 155 - 162*)  
BJT/A.6101
- 19 **Planning Appeals** (*Pages 163 - 164*)  
A.1536/AMC
- 20 **Exclusion of Press and Public**  
**RESOLVED:**

That the public be excluded from the meeting during consideration of Agenda Item No. 14 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**

### **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](http://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](http://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](http://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](http://www.peakdistrict.gov.uk) or on request from Democratic Services 01629 816362, email address: [democraticservices@peakdistrict.gov.uk](mailto: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](http://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 Mr 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

**Peak District National Park Authority**  
**Tel: 01629 816200**  
Fax: 01629 816310  
E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)  
Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)  
Minicom: 01629 816319  
Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



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## MINUTES

Meeting: **Planning Committee**

Date: Friday, 10 October 2014 at 10.00 am

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

Chair: Mr P Ancell

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

Apologies for absence: None

### 129/14 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 12 September 2014 were approved as a correct record.

### 130/14 PUBLIC PARTICIPATION

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

### 131/14 MEMBERS DECLARATIONS OF INTEREST

Item 6

It was noted that some Members had received correspondence from Mr D Cooney, the applicant's agent and Mr J Youatt.

It was noted that Ms S McGuire had received a letter and a phone call from Dr P Owens.

All Members personal interest as they knew Miss P Beswick as a former Member of the Authority and who was registered to speak on this item.

Cllr P Brady, personal interest as, through marriage, he was a distant relative of the applicant. He stated that he would not take part in the discussion or voting on this item.

Cllr C Carr, personal interest as he knew the applicant but stated that he had not spoken to them regarding this application.

Cllr Mrs K Potter, personal interest as a Member of CPRE.

Item 8

Cllr A McCloy, disclosable pecuniary interest as, since the last meeting of the Committee, he had entered into a business relationship with the applicant. He stated that he would leave the room and take no part in this item.

Item 10

It was noted that some Members had received correspondence from Mr A Middleton.

Item 11

It was noted that Cllr A Favell had exchanged correspondence from Officers regarding this item.

It was noted that Cllr Mrs J Twigg and Cllr S Wattam had responded to consultation on the Dore Neighbourhood Plan.

Item 12

Cllr Mrs K Potter, personal interest as a Member of CPRE.

Item 13

Cllr Mrs K Potter, personal interest as a Member of CPRE

It was noted that Cllr A Favell had been approached by the owner of the quarry and spoken to planning officers on this item.

Item 15

It was noted that, Cllr A Favell had been approached as a ward Councillor for the application site.

**132/14 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. (NP/DDD/0614/0661 422003/356836 P.5299 SPW/18/08/2014)**

It was noted that Members had visited the site on the previous day when they had viewed the application site from a number of locations to gain an understanding of the landscape impact of the proposals.

The following spoke under the public participation scheme:

- Mrs M Brough, Objector
- Dr P Owens, Objector
- Miss P Beswick, Objector
- Mr Dominic Cooney, Agent and Mr Philip Hardy, Applicant who shared the 3 minute speaking allocation

The recommendation to refuse the application was moved, seconded put to the vote and carried subject to an additional reason for refusal relating to the adverse impact on the setting of adjacent heritage assets.

**RESOLVED:**

To **REFUSE** the application 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 its size, siting and relationship with a scheduled ancient historic monument in the local area, this wind turbine would harm the significance, appreciation and understanding of a range of heritage assets, contrary to core strategy policy L3B.**
3. **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.**
4. **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.**

The meeting was adjourned at 11.00am for a short break and reconvened at 11.10am.

**133/14 7. FULL APPLICATION – ERECTION OF LOCAL NEEDS DWELLING ON LAND NORTH OF LAPWING FARM, ACROSS THE LEA, MEERBROOK (NP/SM/0814/0847, P2412, 361358 398817, 26/09/2014/CF)**

Cllr Mrs L Roberts advised that, as she had attended a meeting of Leekfrith Parish Council where this application had been discussed, she would not participate in this item and left the room.

It was reported that amended plans had been received, in which the proposed development had been moved away from the highway. Following further consultation with the Highway Authority on the amended plans they had withdrawn their objections, therefore the reasons for refusal set out in the officer recommendation had been amended to delete reason 3.

It was also noted that an enforcement notice had been issued for the removal of the unauthorised chalet situated on the application site.

The following spoke under the public participation at meetings scheme:

- Mrs S Barlow, wife of the Applicant
- Mr D Breakwell, Agent
- Cllr Mrs G Heath in support as Applicant's District and County councillor

A motion to defer consideration of the application was moved, seconded, put to the vote and carried.

The Director of Planning advised the Committee that approval of this application would be a departure from policy.

**RESOLVED:**

**To DEFER the application to facilitate further discussions on the siting of the proposed development, issues relating to affordable local needs housing and the practicalities of entering into a legal agreement to address affordable housing provision and tying the property to the adjoining farm.**

Cllr Mrs L Roberts returned to the meeting after consideration of this matter.

**134/14 8. 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)**

Cllr A McCloy declared a disclosable pecuniary interest in this application due to entering into a business relationship with the applicant, and left the room during the discussion and voting.

Cllr A Favell reported that he had received an email from Mr Andrew Critchlow regarding this application.

It was noted that this application had been deferred at the September meeting of the Committee to allow Members to visit the site.

It was reported that, as requested, an Agricultural Appraisal for the farming business from this land had been received, however it did not identify any additional issues previously identified and included in the report.

The following spoke under the public participation at meetings scheme:

- Dr P Owens, Objector
- Mr Andrew Critchlow, Supporter, National Farmers' Union
- Mr John Church, Agent

A motion to approve the application subject to conditions was moved, seconded, put to the vote and carried.

**RESOLVED:**

**To APPROVE the application subject to the following conditions:**

- 1. Development to commence within 3 years in accordance with amended plans.**



2. **Ecology mitigation measures for newts including management plan for conservation and enhancement of habitat.**
3. **Submission of Landscaping Plan including Management Plan for existing plantation.**
4. **Removal of existing buildings and caravans**
5. **Design details including construction materials, surfacing, materials, and specification for external finishes.**

Cllr A McCloy returned to the meeting after consideration of this matter.

**135/14 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).**

It was noted that the Director of Planning knew the applicant's agent through membership of the Royal Town Planning Institute.

The following spoke under the public participation at meetings scheme:

- Cllr Mrs G Heath in support as Applicant's County Councillor
- Mr S Heathcote, Agent.

A motion to defer consideration of the application was moved, seconded, put to the vote and carried.

**RESOLVED:**

**To DEFER the application to allow Members to visit the site and obtain further information on the availability and suitability of alternative local needs housing provision within the area.**

The meeting adjourned at 1.00pm for lunch and reconvened at 1.30pm

Chair: Mr P Ancell

Present 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, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg, Cllr S Wattam and Cllr D Williams.

In accordance with Standing Orders, Members agreed to continue the Committee meeting beyond 3 hours

**136/14 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)**

The following spoke under the public participation at meetings scheme:

- Mr S Young, Agent

A motion to approve was moved, seconded, put to the vote and carried.

**RESOLVED:**

To **APPROVE** the application 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.**

**137/14 10. MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 2014 (A.1533/AJC)**

Cllr D Chapman advised the Committee that if there was any detailed discussion on item 9, Five Acres Farm, Wardlow he would leave the meeting and take no part in the discussion.

The Monitoring and Enforcement Manager introduced the report and provided some additional interpretation of the charts in the report. He also provided updates on item 5, Holme Farm Sheldon and item 6, Fernhill Cottage, Hollow Meadows. He also displayed some 'before and after' photos of item 3, Midfield, Kettleshulme to show the progress that had been made on clearing the land and some 'before and after' photos of completed cases.

In response to requests from Members the Monitoring and Enforcement Manager confirmed that the next quarterly review would include a summary of cases where formal notices had been issued but not complied with within 6 months. The Director of Planning also undertook to consider ways of providing further information about unresolved cases in future quarterly reviews once he had established the best way to capture and present this information.

Cllr Mrs N Hawkins left the meeting at 2.25pm during consideration of this item.

**RESOLVED:**

To note the report.

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**138/14 11. DESIGNATION OF DORE NEIGHBOURHOOD AREA (AM)**

The officer recommendation was moved, seconded put to the vote and carried. The Committee asked the Director of Planning to thank Adele Metcalfe for her support to communities in developing neighbourhood plans.

**RESOLVED:**

**To designate that part of the proposed Dore neighbourhood area which lies within the national park, and as shown on the map in Appendix 2, as a neighbourhood area under Section 61(l) Town and Country Planning Act 1990.**

**139/14 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)**

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

The Committee noted that the recommended condition 25(ii) had been deleted as the operator had indicated that it would be difficult to work within the timescales and concerns about overnight noise from vehicles would be addressed through increased noise controls.

Cllr H Laws left the meeting at 2.35pm and Cllr C Carr left the meeting at 2.45pm during consideration of this item.

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

**RESOLVED:**

- 1. To APPROVE application reference NP/DDD/0913/0838 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) No working with covers open or removed, except for the purposes of maintenance**
  - (iii) 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. **To delegate authority 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.**

**140/14 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 (NP/HPK/1197/168, M9104, 537/9436, 23/07/2012, NH)**

Councillor A R Favell declared a personal interest in this item as he knew the Directors of Marchington Stone and left the meeting at 3.10pm. Cllr D Chapman and Cllr Mrs H Gaddum also left the meeting at 3.10pm.

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

**RESOLVED:**

**To APPROVE the conditions specified within the attached schedule for the purposes of Paragraph 9 of Schedule 13 of the Environment Act 1995, as the new conditions to attach to the planning permission.**

**141/14 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)**

The Director of Planning, John Scott, declared a personal non-prejudicial interest in this item as he had once been employed by the applicant's agent.

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

**RESOLVED:**

**To APPROVE the application 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

**142/14 16. PLANNING APPEALS (A.1536/AMC)**

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

**RESOLVED:**

To receive and note the report.

**143/14 16. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:**

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 will be disclosed at the relevant time to interested parties in accordance with statute, allowing disclosure at this time could result in actions being undertaken to frustrate the serving of a Prohibition Order

Councillor A McCloy left the meeting at 3.25pm following consideration of this item.

**PART B**

**SUMMARY**

**144/14 18. PROHIBITION ORDER (M6568 NH/DGB/JB)**

The meeting ended at 3.40 pm

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## **Appendix 1 Schedule of Conditions - Shire Hill Quarry Glossop**

### **APPENDIX 1**

#### **Minute number 140/14 - 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 12<sup>th</sup> 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 22<sup>nd</sup> February 2042. Restoration of the site shall be completed no later than 12 months after the cessation of mineral extraction or 22<sup>nd</sup> 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.

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## **(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.



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## **(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 9<sup>th</sup> 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**

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### **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 reseeding 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.



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## **6. Full application – Installation of a 150kw Ground Mounted Photovoltaic Solar Array, Wetwood Farm, Meerbrook (NP/SM/10141046 P.4307 398009/361583 3/11/2014/CF)**

### **APPLICANT: MR AND MRS J & M MOSS**

#### **Site and Background**

Wetwood Farm is a working dairy farm located around 1km to the north of Meerbrook. Land in ownership extends to around 152 hectares and much of this land occupies a hillside position that is overlooked by the Roaches, which lie around 3km to the east of the site.

The farm currently has a dairy herd of 350 cattle and uses approximately 200,000kW of electricity per annum in association with producing milk. The high demand for electricity on the farm arises from processes such as milking, cooling the milk, heating water to wash out milking parlours, and lighting for the buildings. Given the high demand for electricity, there is a clear need to consider energy saving measures on the farm and, where appropriate, renewable energy development to reduce energy costs to promote the future viability of the farm business.

The needs of the business sit alongside the applicants' wider environmental concerns in respect of reducing consumption of non-renewable energy sources and reducing carbon emissions, amongst other things. Progress on making the farm more sustainable is also increasingly required to be able to meet the requirements of various quality assurance schemes and the requirements of the businesses that the applicants sell their milk to.

To this end, the applicants have already taken measures on site to make their business more sustainable by installing solar panels on the roofs of buildings, and installing a bio-mass boiler under permitted development rights. The applicants also sought planning permission for a 50kw 34m high wind turbine in 2013. However, this application was withdrawn prior to determination by the applicants in the face of strong local concerns about the acceptability of the wind turbine and in the knowledge officers were recommending that the application be refused.

#### **Proposals**

The current application proposes the installation of a 150kW ground-mounted photovoltaic array within a field parcel immediately to the south of the existing group of farm buildings at Wetwood Farm. It is stated in the submitted application that the panels would produce 150,000kW of electricity per annum; the farm currently uses around 200,000kW of energy per annum. The array would consist of 600 photovoltaic panels arranged in six rows of panels angled at 30° and facing south.

In this case, each row would contain 100 panels (installed 2 panels high and 50 panels long) and the top edge of the panels would be a maximum of 2.64m above the adjacent ground level. There would be ten metres between the top edge of the panels in one row and the bottom edge of the panels in the next row. The bottom edge of the panels would be fixed one metre above the ground and the panels would be set on frames supported by a foundation post. This means that no concrete hardstanding is required for the array and sheep can continue to graze the land in and around the array. There would, however, be a requirement for underground cabling and a meter cabinet.

In terms of ground area covered by the development, the proposed array would be installed over an area measuring 67.04m x 49.70m (c. 0.33 hectare) in total, which is broadly equivalent in area to one half of a full size football pitch. However, the panels would only take up around one third of this area because of the 10m spacing between the rows. In these respects, the panels would cover a total area of 846.88m<sup>2</sup>, with each row taking up an area of 141.15m<sup>2</sup>. The individual panels would measure 1640mm x 994mm.

## **Site and Surroundings**

As noted above, the application site is to the south of the existing group of large modern farm buildings. The site itself comprises a field parcel that slopes downwards from north to south and that has mature planting along its eastern and northern boundaries. It lies in a slight hollow relative to the adjoining fields to the east, and to the north and west in particular.

There is a public footpath that runs along the edge of the application site, and another nearby public footpath passes the site on higher land to the west. There are, however, no nearby residential properties that directly overlook the site and there is a significant distance between the site and properties to the south of the site. This is significant as the panels are orientated southwards and there are long-ranging views out of the site from its southern boundary.

In terms of its wider landscape setting, the site is located within the landscape character area of the 'South West Peak' and in particular is located within a landscape type characterised in the Authority's Landscape Strategy and Action Plan as 'slopes and valleys with woodlands'. The application site and its immediate surroundings have many attributes in common with this landscape type including permanent pasture in fields enclosed by hedgerows and trees, scattered blocks of trees, and variable shaped, small to medium sized fields of various dates.

The Roaches, despite being some 3km distant, are also a significant feature in the landscape setting of Wetwood Farm, as are the 'upper valley pastures', which characterise the landscape type on lower land between the Roaches and Wetwood Farm; and the 'enclosed gritstone uplands', which is the more dominant landscape character type on higher land to the west of the application site. Gun Hill is a further important landmark within the landscape setting of Wetwood Farm; this lies on higher land to the west of the application site.

## **RECOMMENDATION:**

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

- 1. The development hereby permitted shall be commenced within three years of the permission.**
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans and specifications subject to the following conditions / modifications:**
- 3. At the time of their installation, the individual solar panels shall be provided with matt black surrounds and an anti-reflective finish and shall be permanently so maintained thereafter.**
- 4. Prior to the installation of the ground mounted array, a landscaping scheme shall be submitted to and agreed in writing by the Authority. Thereafter, the approved scheme shall be carried out in the first planting season after the development has been commenced.**
- 5. Prior to the installation of the ground mounted array, precise details of an interpretation panel, including its design and siting, shall be submitted to and agreed in writing by the Authority. Thereafter, the interpretation panel shall be installed prior to any of the panels within the proposed array being taken into use for the purposes of energy generation.**



- 6. Once the solar panels are no longer required for the purposes of energy generation, the ground mounted solar array shall be completely removed from the land, and the ground shall be reinstated to its original ground within three months of the solar panels being decommissioned.**

### **Key Issues**

- whether the proposed ground mounted solar array would adversely affect the valued characteristics of the National Park.

### **History**

The Authority's records show that various applications for farm buildings at Wetwood Farm have previously been submitted to and approved by the Authority including applications made in 1996, 2001, 2010, 2011 and 2014. As noted above, an application for planning permission for a 34m high 50kW turbine was also submitted in 2013 but this application was withdrawn prior to determination.

### **Consultation:**

County Council (Highway Authority) – No response to date.

Staffordshire Moorlands District Council – No response to date.

National Park Authority (Landscape Architect) - No landscape objections to the proposed solar panels. In particular, whilst there may be limited views of the panels from the Roaches, distance and existing trees will help the panels to be sited into the landscape and are more than likely to look like a part of the agricultural buildings.

The Authority's Landscape Architect also suggests that any surrounds to the panels are black rather than silver and that 7 trees are planted in the adjacent field to the east of the site. These should consist of 3 oak and 4 alder trees to act as replacement trees for the existing ash trees that are to the east of the site. The Authority's Landscape Architect also suggests that a simple A4/A3 interpretation panel being placed on the public footpath. This should cover the purpose of the panels and also include information about the biomass boiler and solar panels for the house.

Parish Council – No response to date.

### **Representations:**

At the time of writing this report, no further representations had been received by the Authority.

### **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 ground mounted solar array 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.

These policies set out a wide range of criteria for assessing the acceptability of development in the National Park with a particular focus on landscape conservation objectives. The Authority's Landscape Strategy and Action Plan (adopted in 2009) gives further guidance on how to conserve and enhance the established landscape character of the National Park, and is referred to specifically by policy L1 in the Core Strategy. 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 by the government in 2014, 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 ground solar mounted array 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 solar arrays. In these respects, the SPD indicates that ground mounted solar arrays may be a sensitive solution in many cases, but it does say that large scale ground mounted solar arrays are not appropriate and that ground mounted solar arrays outside the curtilage of a building should be avoided.

However, this SPD also states very clearly that limiting the visual intrusiveness of a solar array is a key consideration in determining an appropriate location for solar panels, and the siting and layout of a ground mounted solar array. Therefore, the SPD promotes a 'Landscape First' approach, and it has to be acknowledged that guidance in the SPD on ground mounted arrays is not especially supportive of the proposals in the current application.

#### Landscape Strategy and Action Plan

The Authority's Landscape Strategy and Action Plan gives further guidance on renewable energy development and the application of the "landscape first" approach promoted by the Authority's 'Climate Change and Sustainable Building' SPD. 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 'South West Peak' and specifically within the landscape character type of 'slopes and valleys with woodlands'.

In common with the slopes and valleys with woodlands landscape character type, the immediate landscape setting of Wetwood Farm is a peaceful and pastoral landscape with a varied undulating topography characterised by blocks of woodlands and fields of various sizes bounded by drystone walls and hedgerows. Notably, the Landscape Strategy and Action Plan says this landscape type may be appropriate for some forms of renewable energy development.

Equally, the development would be seen in the context of the upper valley pastures that lie in the valley between the Roaches and Wetwood Farm. The upper valley pastures is a settled landscape with dispersed gritstone farmsteads and loose clusters of dwellings, characterised by permanent pasture enclosed by a mixture of drystone walls and hedgerows. The Landscape Strategy and Action Plan says this landscape type may also be appropriate for some forms of renewable energy development.

However, on higher land above the application site at Wetwood Farm the landscape is more characteristic of the enclosed gritstone uplands that tend to be more sensitive to change. The Landscape Strategy and Action Plan says renewable energy infrastructure will generally be inappropriate in this landscape character type. There are also long distance views from the Roaches towards the application site where the proposed array would be seen in the context of the transition between the two different landscape types.

Therefore, the landscape setting of the application site has some capacity to assimilate renewable energy infrastructure but by virtue of its size and scale, and its location outside of the curtilage of the existing group of farm buildings, the proposed solar array may have a significant impact on landscape character. It is therefore reasonable to conclude that the proposed solar array may be difficult to accommodate in this landscape setting unless its siting and the particular characteristics of the application site successfully limits the potential for it to be visually intrusive.

#### Landscape and Visual Impact

In this case, the application site has been carefully chosen to not only maximise the co-efficiency of the solar panels, but also to limit the visual impact of the array. The field within which the array would be installed has a relatively open aspect to the south but there are mature trees along the eastern and northern boundaries of this field. This is highly significant because the existing trees along the eastern boundary would help to foil views into the site from the direction of the Roaches.

In this respect, the panels would be 'sideways on' to the Roaches. This means from higher vantage points, from where the panels might be more readily seen, the ten metre gaps between the rows will break up the physical and visual bulk of the rows, which would be around 3.2m in depth. However, taking into account the intervening distances, the overall scale of the development would be significantly diminished and the visual impact of the array would be further diminished if the panels were to have a non-reflective finish and matt black surrounds.

The array also has the advantage that it would be a static feature in the landscape and would not necessarily draw attention to itself, unlike the turning blades of a wind turbine, for example. Moreover, solar panels are designed to absorb light, and only reflect a small amount of the sunlight that falls on them compared to standing water or glass, for example, and it is not anticipated that the array would give rise to a problem from glare. In particular, an anti-reflective coating would reduce light reflections to between 2 and 4% of the strength of light falling directly on the panels, which would be far less than the glare off most other everyday objects.

Therefore, the overall impact of the array when experienced from the Roaches and distant vantage points to the east of the application site would be more like seeing lines of wrapped silage bails in the landscape, or ancillary outbuildings associated with the existing range of farm buildings, rather than seeing an inappropriate form of isolated or sporadic development in open countryside.

Moreover, the intervening distances and the relatively low height of the top edge of the panels would mean that the panels would not have any significant impact on the landscape character of the enclosed gritstone uplands on higher land above the application site when seen from the Roaches. In particular, the solar array would not skyline and would be sited in a relatively well-screened site that sits in a natural hollow that is at a lower level than much of the surrounding ground. Therefore, the array would not impose itself on the wilder landscape character of the enclosed gritstone uplands and would have a negligible impact on the setting of Gun Hill.

From Roaches Road, immediately below the Roaches, and at lower levels on both the eastern side and western side of the valley overlooked by the Roaches, the array would be increasingly less likely to be seen from vantage points closer to the application site. Primarily because the tree cover and topography of the surrounding land would become increasingly more effective at foiling views into the site and screening the entire length of the rows. There would otherwise be no likelihood that the panels would be seen from vantage points to the north of Wetwood because the existing buildings at Wetwood would block views into the application site.

From the west, the site will be visible from a nearby footpath and there is another footpath which runs along the boundary of the field. From these vantage points, the solar array will be very obvious, but the enclosed nature of the surrounding landscape to the west of the site would limit views into the site from this direction and prevent the array being seen from Gun Hill, for example. In these respects, the array would be seen from a relatively short length of the two footpaths that would be most directly affected by the development proposals because of landscape features such as tree cover, boundary hedges, the topography of the surrounding land, and the buildings at Wetwood. Therefore, it is not considered that the solar panels would have a significantly harmful impact on the enjoyment of the National Park by users of the affected footpaths not least, because as noted above, the development would be a static feature in the landscape.

Whereas wind turbines are sometimes criticised for their harmful impact on tranquillity and on the amenities of their immediate landscape setting, particularly in respect the turning blades, noise and disturbance, and the potential for shadow flicker, the proposed array would be a lower, static feature. In this case, it is also considered appropriate to erect an interpretation panel on the footpath closest to the array to explain why they are there and how they assist the adjacent farm. In these respects, the array would be seen in the context of the nearby farm buildings from the parts of the two footpaths from which the development will be seen. This has the further advantage that the array would be more easily 'read' as part of the farm complex rather than isolated or sporadic development in open countryside. However, the interpretation panel would assist in making this connection.

In terms of viewpoints from the south, it is notable that the application site has less tree cover on its southern boundary and it would be possible to gain views into the application site from higher land on Morridge Top and from vantage points from the Leek direction. However, the intervening distances between the site and Morridge Top and public vantage points to the south means the array is highly unlikely to be especially conspicuous or visually intrusive when seen from points broadly to the south of the application site.

It is therefore concluded that whilst the array may be seen from far distant vantage points on higher land to the east and south of the site, and the array will be very obvious from short lengths of two nearby footpaths, it would not be an unacceptably conspicuous feature in the landscape, despite its size and scale. In this case, the particular characteristics of the site selected for the array, and the presence of mature trees along its eastern boundary, would successfully limit the potential for the array to be visually intrusive and the array would not have a substantially harmful impact on the landscape character of this part of the National Park.

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, planning permission could be granted for the proposed ground mounted solar array because it would not have an unacceptable impact on the scenic beauty of the National Park by virtue of the nature of the development and its limited visual impact.

However, any permission for the array should be subject to conditions that specify external finishes for the solar panels, secure the provision of an interpretation panel, and secure a landscaping scheme. A landscaping scheme would be necessary in this case to supplement the existing trees on the eastern boundary of the site, which are Ash trees. This is because, as noted above, these trees play an important role in making the proposed development acceptable in planning terms, and this mitigation for the array should be maintained over the longer term, noting that spread of Ash dieback to the existing trees is a possibility.

It would also be reasonable to require the removal of the array when it is no longer required for generating energy, which would be an identical requirement to the limitations imposed on permitted development rights for solar panels by the Government, and this type of condition would be necessary in the interests of safeguarding landscape character. If the array were no longer required and was otherwise left to fall into disrepair, then it would have an increasingly detrimental impact on its immediate landscape setting.

#### Ecology

By virtue of the nature of the development, it is highly unlikely that the proposed array would have a substantial impact on any nature conservation interest. In particular, the array would not have any impacts on bats or birds and there are no records that indicate the application site provides habitat for any other protected species or has any special ecological interest. Moreover, no hardstandings are proposed in the current application, which limits the potential for disturbance of wildlife. Therefore, any approval for the current application would not conflict with specific policies in the Framework or policies L2 and LC17 that seek to safeguard biodiversity interests.

#### Heritage Assets

There is no evidence that demonstrates there is any extant archaeology of interest within the application site and there are no nearby listed buildings that could be affected by the development proposals. The intervening distance between Meersbrook Conservation Area and the application site and the very limited intervisibility between the two means that the proposals would have no impact on the setting of the Conservation Area. Therefore, any approval for the current application would not otherwise conflict with specific policies in the Framework or policies L3 and LC15 and LC16 that seek to conserve and enhance the cultural heritage of the National Park.

#### Amenity

There are no obvious reasons why the array would detract from the living conditions of any local resident. This is primarily because there are no nearby residential properties other than the two farm houses at Wetwood Farm, and the nearest properties beyond Wetwood Farm to the west north and east of the application site, such as New Zealand, Old Hay Top and Lapwing Hall Farm would not be able to see the development. There is one property to the south of the site from which the array might be seen 'straight on', but this property is over 700m away from the application site. At this distance, the panels could not be reasonably held to be likely to affect outlook or detract from the quiet enjoyment of this property.

As noted above, the array would not give rise to any other amenity issues such as noise and disturbance, shadow flicker, or other issues that are often raised in respect of turbines and, also as above, the nature of the development is such that solar panels are designed to absorb light and only reflect a small amount of the sunlight that falls on them. Therefore, it is not considered that reflectivity is likely to be an issue, despite the size and scale of the proposed array, and it is not considered the panels would harm the general amenities of the local area because of glare.

In these respects, the proposals comply with the specific requirements of policies LC4 and GSP3 and the national planning policies in the Framework that seek to safeguard amenity and protect the living conditions of local residents affected by development proposals.

### Other Considerations

This report sets out the substantive reasons for approval of the current application; it is considered the proposals would not have an unacceptable harmful impact on landscape character, and there are no objections to the proposals on any other grounds. In these respects, 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.

However, it is acknowledged that whilst it is considered the proposals accord with the 'landscape first' approach taken in the SPD, there is some conflict with guidance in the SPD which says large scale ground mounted solar arrays are not appropriate and that ground mounted solar arrays outside the curtilage of a building should be avoided. Equally, whilst it is considered that the array would not be visually intrusive, the array will be seen either fully or partially from various vantage points. In these respects, the Framework also requires the Authority to weigh any harm arising from the proposed array against the public benefits it would achieve.

The electricity produced by the array would clearly make a substantial difference to the farm business, taking into account the panels do not need direct sunlight to work – they can still generate some electricity on a cloudy day. The economic difficulties dairy farms face is well documented, alongside the benefits that dairy farming in the National Park provides in terms of providing local employment opportunities, supporting the wider rural economy and managing the landscape appropriately. In this case, these socio-economic considerations can be given significant weight as the assessment is that the array is unlikely to have more than a very limited impact on the valued characteristics of the National Park, and would not compromise the character of its landscape setting.

It is also recognised that any renewable energy projects provide a valuable contribution to cutting greenhouse gas emissions and in comparison to the energy exported from the grid, the proposed array would reduce carbon emissions by 64.5 tonnes per annum. The array would also reduce dependency on non-renewable energy at Wetwood Farm and help make the business more sustainable. These aim and objectives are fully supported by the SPD on renewable energy and are promoted and encouraged by policy DS1 and GSP1 of the Core Strategy, and national planning policies in the Framework. These environmental considerations can be given significant weight given that the solar array is considered unlikely to substantially detract from the landscape, wildlife and cultural heritage of the National Park, or harm the amenities of the local area.

Moreover, the farm has already introduced renewable energy technologies including the installation of a biomass boiler and installation of solar panels (under permitted development rights) and has pursued other options to meet the farm's energy needs, including a proposed 34m high wind turbine. The application for this turbine was submitted in 2013, but was withdrawn prior to determination. The applicants have also considered mounting solar panels on the roofs of the existing modern farm buildings, but aside from the fact the roofs over the larger buildings do not face south, there is also a problem with the buildings used to accommodate livestock. These buildings have vents in the roof that would discharge over any roof-mounted panels, further

reducing their efficacy.

It is therefore considered that other options have been explored and discounted before the current proposals have come forward and the proposed site for the solar array has been carefully chosen to limit the visual impact of the panels. The array would be far more visually intrusive on other land in the applicants' ownership. As such, it is considered that the least damaging practicable option has been found for the proposed development, which is a consideration that weighs in favour of the current application.

### Conclusions

It is therefore concluded that there are material considerations that weigh in favour of the current application and the benefits of allowing the scheme would outweigh any limited harm arising from any approval of the current application. In these respects, the proposed development can be considered to constitute sustainable development promoted and encouraged by DS1 and GSP1 and the Framework. However, it is considered the proposed development would not have a significant adverse visual impact on its landscape setting, and would not harm the scenic beauty of the National Park. It is also considered that the proposed development would not harm the amenities of the local area and would not harm any other valued characteristic of the National Park.

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

Accordingly, the current application is recommended for approval subject to the conditions set out in the earlier sections of the report and listed above.

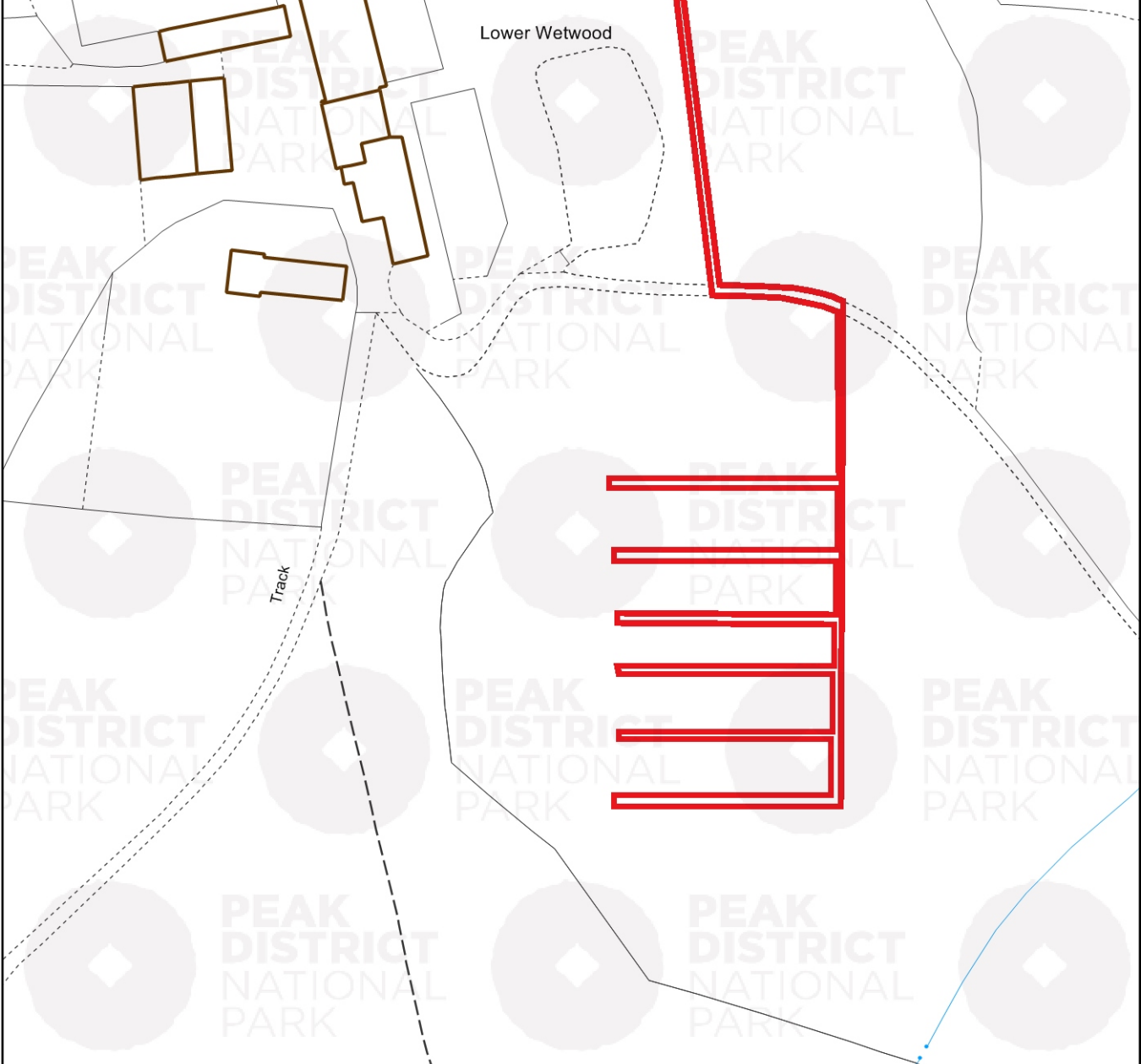
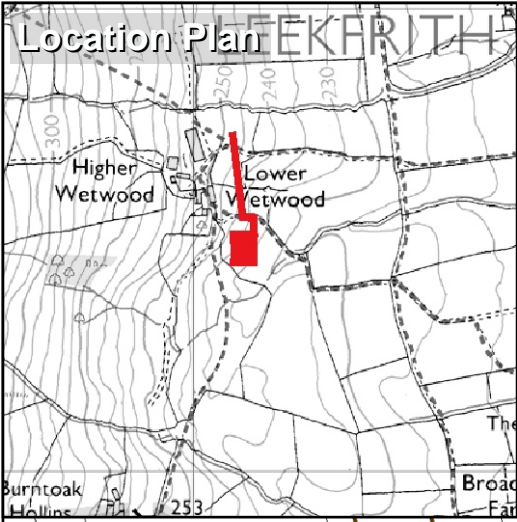
### Human Rights

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


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

Nil





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Committee Date:	14/11/2014	<b>Title:</b> Wetwood Farm, Meerbrook	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	6		
Application No:	NP/SM/1014/1046		
Grid Reference:	398088 361435		

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**7. Full Application – Erection of One 50kw Wind Turbine, 24.6m to Centre of Hub and Base to Blade Tip Height of 34.4m and Erection of Ancillary Building on Land Adjacent to Pikehall Farm, Pikehall (NP/DDD/0814/0817 419206/359151 P.10599 CF/03/11/2014)**

**APPLICANT: Hartington Creamery Limited**

**Site and Surroundings**

Pikehall Farm is situated adjacent to the A5012, which leads from Newhaven to Grangemill. The farm is a large working dairy farm that is currently let out to a tenant. There are two dwellings on the farm; the original farmhouse at Pikehall Farm, which is a Grade II listed building, and a farm worker's bungalow. There is a range of stone-built barns within the curtilage of the listed building and two of these buildings have been converted to house a small cheese-making unit alongside associated staff, training and education facilities for Hartington Creamery Limited.

The application site is approximately 500 metres to the north west of the cheese factory and the existing group of modern farm buildings at Pikehall Farm. The site itself comprises a field parcel that lies on higher land above the main farm buildings that has some mature planting along its eastern boundary. There are no public rights of way within close proximity to the site but the High Peak Trail passes within 600m of the application site. The application site is within 400m of the A5012, which passes through Pike Hall, where there is a relatively small number of residential properties.

In terms of its wider landscape setting, the site is located within the landscape character area of the 'White Peak' and in particular is located within a landscape type characterised in the Authority's Landscape Strategy and Action Plan as 'limestone plateau pastures'. The application site and its landscape setting have many attributes in common with this landscape because the application site is surrounded by a typical of an upland pastoral landscape with small to medium sized rectangular fields bounded by limestone walls, with occasional groups, and small shelter belts, allowing wide views to the surrounding higher ground.

This is also a landscape often characterised by isolated stone farmsteads and field barns, medieval granges surrounded by older fields, relict lead mining and quarrying remains, and Prehistoric monuments, often on hilltops. Of these types of features, the Scheduled Ancient Monument at Minning Low is the most distinctive and conspicuous in the landscape setting of the application site despite being over 3km away. It is also notable that the Derbyshire Dales National Nature Reserve lies to the east of the site and includes Long Dale and Gratton Dale Sites of Special Scientific Interest, which also form part of the Peak District Dales Special Area of Conservation.

**Background**

The Hartington Creamery Limited cheese factory was started up with assistance from grant-in-aid funding and has been producing Peakland White and Peakland Blue since 2012. The business has increased production of cheese from one day a week to three days a week and began producing Stilton cheese in 2014. The cheese factory currently produces around 30-70 cheeses per week. It is intended to increase production of cheese to six days a week, which will involve expansion of the existing factory and increase local employment opportunities. However, cheese production relies on relatively high levels of energy consumption, amongst other things, regulating the temperature of maturing cheese requires air-conditioning/refrigeration units to be used 24 hours a day. The process of maturing cheese can also take several months. This leads to several issues for the business, not least that the existing 'maturing' facilities are close to capacity and more capacity is required to build the business, which will lead to increased energy consumption.

Increased energy consumption will result in higher overheads, which causes problems with cash flow when energy is needed constantly to mature cheeses, but they may not be ready for sale for several weeks or months. This relatively intensive consumption of energy already gives rise to a significant cost to the business per annum, and this overhead is said to be one obstacle to the continued growth of the business. In supplementary information submitted with the application prepared by Hartington Creamery Limited, it is said that the business currently takes around 52,000kW of electricity per annum from the National Grid at a cost of around £6,000 per annum. To increase production from around 30-70 cheeses to 180-420 cheeses per week, it is said the business will require an additional 100,000kW of electricity per annum, which would cost around £12,000 if it were to be obtained from the National Grid.

Given the high demand for electricity at the cheese factory, the applicants consider that there is a need to consider renewable energy development from a commercial perspective, as this would help to reduce energy costs to promote the ongoing viability and future growth of the business. Some energy saving measures, such as high standards of insulation for the building, have already been carried out, and there is little that can be done within the process of producing cheese to reduce requirements for regulating air pressure and temperature controls. The needs of the business also sit alongside the applicants' wider environmental concerns in respect of reducing dependency on non-renewable energy sources and reducing carbon emissions, amongst other things. Progress on making the business more sustainable is also increasingly required to be able to meet the requirements of various quality assurance schemes and the requirements of the businesses that the applicants sells their cheese to.

To this end, the applicants have considered their options and concluded that a 50kW rated wind turbine would be the best option to meet the energy needs of the growing business.

### **Proposal**

The application proposes the erection of a single wind turbine in a field 500 metres to the north west of the buildings currently used by Hartington Creamery Limited and the nearby group of modern farm buildings. The turbine would have a base to blade tip height of 34.4m and the centre of hub height would be 24.8m relative to the adjacent ground levels. The specific model of the wind turbine is an Endurance E-3120, which is rated as a 50kW wind turbine, which the suppliers say is ideal for larger commercial/industrial sites and will produce 100,000 - 250,000 kW per annum in appropriate wind conditions.

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 submitted Design and Access Statement notes that the external finish for the wind turbine, including the tower and blades, would be a recessive off-white, with a non-reflective finish.

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 turbine, measuring 2.25m high with a footprint measuring approximately 2.1m x 1.25m. The submitted plans also show the detail of the connection to the grid. The concrete base for the turbine would measure 3m x 4.5m above ground with concrete foundations below ground measuring 6m x 6m. The grid connection for the turbine would be undergrounded, with the cabling running back to the farm buildings.

In this case, there are no proposals for the construction of a new track to the proposed site for the turbine because a temporary access track will be used to allow for the installation of the turbine.

## **RECOMMENDATION:**

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

- 1. In this case, the proposed development would have a significant adverse visual effect on the character of its landscape setting, and it would harm the scenic beauty of the National Park by virtue of its size, scale and siting. The current application is therefore considered to be contrary to Core Strategy policies GSP1, GSP3, L1, 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.**
- 2. Moreover, it cannot be determined that the potential impacts of the proposed turbine on archaeological remains that might be present within the application site would cause substantial harm to a non-designated heritage asset. In the absence of proper evaluation of these impacts and in the absence of demonstrably appropriate mitigation measures, the current application also fails to meet the requirements of policy L3 of the Core Strategy, conflicts with saved Local plan policies LC15 and LC16, and does not accord with guidance in the Planning Practice Guide and policies in the 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**

There is an extensive planning history for Pikehall 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. In 2011, planning permission was granted for the change of use of two buildings at Pikehall Farm to B2 (cheese making only) with ancillary office space and D1 training facility (NP/DDD/0711/0714) and listed building consent was granted for the associated works to the two ‘curtilage listed’ buildings later the same year (NP/DDD/0911/0993).

A formal screening opinion was requested for the current proposal earlier this year and the Authority determined that an Environmental Statement was not required to support the application (Enquiry PE\2014\ENQ\20544). The Authority’s screening opinion identified the potential landscape and visual impact of the proposed turbine, and concluded that the turbine would have some impact on the landscape setting of Pikehall Farm. The Authority’s screening opinion also suggested the area which will be disturbed by the construction of the turbine, turbine house and any access road should be archaeologically evaluated in advance of a planning application being submitted.

## **Consultation:**

### **External Consultees**

Hartington Nether Quarter Parish Council – Support the application based on the details submitted application and with reference to the consultation exercise carried out by the applicants.

Derbyshire County Council (Highway Authority) – No objections

Derbyshire Dales District Council – No response to date.

English Heritage – Do not wish to make detailed comments on the current application and say the advice of the Authority's in-house historic environment specialists should be sought in respect of the assessment of on and off site historic environment impacts and their potential mitigation (including in respect of below ground remains and the impacts of turbine base, hard standings for access and cabling etc). English Heritage otherwise offer a brief summary of archaeological features within the landscape setting of the application site.

MOD – No response to date

NATS – No response to date.

Natural England – Require a Habitats Regulation Assessment in respects of the potential impacts of the proposals on the nearby Peak District Dales SAC but do not have any objections to the proposals in respects of its potential impacts on the SAC, or in respects of the proposed developments potential impact on Long Dale and Gratton Dale SSSI. Natural England also have no overriding objections to the proposals in respects of the potential impact of the proposed turbine on protected species.

Natural England do however raise concerns regarding the submitted LVIA and the landscape and visual effects of the proposed turbines but have not yet made any further comments on the addendum LVIA submitted by the applicants to address points raised by Natural England. Natural England otherwise state that advice should be obtained from the Authority's landscape architect to help assessment of the landscape and visual effects of the proposed turbine.

The full details of the Natural England's consultation response, which contains more supporting detail on Natural England's position on the submitted LVIA, are available to view on the Authority's website.

### **Internal Consultees**

National Park Authority (Senior Conservation Archaeologist) - Recommends that the application be refused because the direct impacts of the proposed development on archaeological deposits within the application site cannot be properly addressed and because the proposed turbine would have an unacceptable impact on the setting of Minning Low when considering how the setting of this monument has been affected by other wind turbines. The full details of the Authority's Senior Conservation Archaeologist's consultation responses, which provide further discussion of the issues, are available to view online.

National Park Authority (Ecology) – No objections subject to appropriate planning conditions and concludes through a Habitats Regulations Assessment that the proposed turbine would not affect the qualifying features of the Peak District Dales SAC. The full details of the Authority's Ecologist's consultation responses that give further explanation of the potential ecological impacts associated with the proposed turbine are available to view online.

National Park Authority (Landscape Architect) – In summary, recommends that the application be refused because the proposed turbine would have a high visual impact in the local area and on views from the scheduled ancient monument at Minning Low. The full detail of the Authority's landscape architect's consultation response is available to view online and contains further commentary on the submitted LVIA and the potential landscape and visual effects of the proposed turbine.

### **Representations:**

At the time of writing this report, representations made on behalf of the Derbyshire Green Party were received by the Authority that are highly supportive of the current application. In summary, one of the most relevant part of the Derbyshire Green Party's submission is considered to be their view that the creamery is an amazing risk venture, re-inventing the former Hartington Stilton cheese factory, noting that cheese making is a very competitive environment and concluding that every support ought to be given to the business including the Leader grant and the energy offset from the turbine.

The Derbyshire Green Party's following comments on landscape and visual effects are also relevant. The Derbyshire Green Party comments that the application site is a strong and complex landscape, especially the splendid tall beech wood that runs all the way from the buildings to beyond the turbine position. The Derbyshire Green Party go on to say it is inevitable that an efficient turbine harvests clean wind from the west, so it is also inevitable that this site is open to some public viewpoints from the west. In other views it is well contained, such as from the trail crossing and the Embankment and whilst much is made of the view from Minning Low; the distances involved means the proposed turbine will not significantly 'harm' the view. The response also notes that polling of public opinion nationally demonstrates a substantial majority acceptance of wind turbines.

The Authority has also received representations on behalf of Derbyshire NFU who are also highly supportive of the current application. The NFU supports this application on the grounds that it will improve the viability of Hartington Creamery Ltd as well as making it more sustainable in energy terms. The NFU go on to say the local processing of agricultural produce into high value products for sale locally and further a field is what Government has been encouraging the farming sector to do for many years. The NFU say Hartington Creamery Ltd is an example of a company that is doing this and it deserves all the support it can have. The NFU concludes that in landscape terms this is a 'big' landscape that can accommodate the turbine.

A further five representations in support have been received by the Authority, and whilst these representations are short in length they convey full support for this application for a wind turbine mainly on the basis that it would help with the running costs of the factory with emphasis on the importance of the cheese making business to local people.

Six representations raising objections to the current proposals have also been received by the Authority albeit two of these representations are from the same person. These representations tend to be very detailed and set out strong objections to the proposed turbines on various grounds. Issues raised in these representations include reference to the potential harmful landscape and visual effects of the proposed turbine, the potential detrimental impact of the turbine on archaeology and the setting of various archaeological features in the landscape including scheduled ancient monuments. The thrust of the representations against the proposals is therefore that the proposed turbine would harm the National Park, and its enjoyment by others, and should be refused.

There are number of references to suggested flaws in the planning case for the proposed turbine, the submitted LVIA, discrepancies in the submitted details, and what is considered to be very limited consideration of less damaging alternative options. In these respects, the thrust of the representations against the proposals is that the proposals do not properly comprise sustainable development and the harm arising from any approval would not be outweighed or offset by the benefits to the business itself, or the wider public benefits that might be achieved by granting planning permission for the turbine.

All the representations referred to above can be read in full online via the planning application search function on the Authority's website.

## **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 (2014) 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.

These policies set out a wide range of criteria for assessing the acceptability of development in the National Park with a particular focus on landscape conservation objectives. The Authority's Landscape Strategy and Action Plan (adopted in 2009) gives further guidance on managing the established landscape character of the National Park, and is referred to specifically by policy L1 in the Core Strategy. 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 by the Government in March 2014 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."*

In these respects, some of the landscape attributes of 'Limestone Plateau Pastures' that are particularly sensitive to change and may be adversely affected by 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), annotated photoviews and the photomontages, help to illustrate the potential landscape and visual effects of the proposed turbine. The submitted ZTV identifies where the proposed turbine is likely to be seen from and suggests that the turbine would have a significant visual impact within the immediate local area of the application site. The ZTV indicates the turbine would have a strong visual influence along a 10km 'corridor' running on north west-south east axis 5km either side of the application site. The ZTV also suggests the whole turbine would be seen from the western edge of Youlgrave and from Elton.

It is therefore considered that the visual effects of the turbine would be quite substantial and by virtue of its size and siting, the turbine would be a visually intrusive and conspicuous feature on the skyline from various nearby vantage points including from parts of the High Peak Trail. This is primarily because the proposed turbine would be 34.2m tall (from base to blade tip) with a blade diameter of 19.2m and would be sited some 500m 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.

However, the annotated photoviews do support the conclusions drawn in the submitted Landscape and Visual Impact Assessment (LVIA) that the turbine would be seen against the backdrop of trees and higher land behind the turbines from a number of the viewpoints identified in the ZTV. From these viewpoints, the turbine would be better related to landscape features but would still appear to be isolated and sporadic development in open countryside by virtue of its siting in an elevated location away from the existing group of buildings at Pikehall Farm.

The turbine would be an engineered vertical structure in a landscape setting that is characterised by the absence of vertical manmade features. This is quite clearly illustrated by the submitted photoviews. The LVIA otherwise suggests that the chimneys at DSF Engineering at Friden, and the transmitter at Stanton Moor have an influence on the character of the landscape setting of the proposed turbine. However, it is also acknowledged in the LVIA that the chimneys are not seen at the same time as the turbine from any single vantage point, and the transmitter is over 7km away from the application site. On this last point, the submitted ZTV serves to demonstrate that the impact of objects in the landscape tends to diminish beyond 5km from the site.

Therefore, the LVIA tends to underplay the potential landscape and visual effects of the proposed turbine. Equally, it also tends to underplay the effects of the turbine on the tranquillity of the landscape setting of the turbine by emphasising the significance of the siting of the turbine close to the A5012. The photoviews show that the road would not be seen from many of the viewpoints that have been identified, and the annotations confirm that the road is not a significant influence on the character of the landscape that would be affected by the presence of the turbine. In these respects, the LVIA underplays the visual effects of a white vertical structure seen against a dark backdrop of trees and hillsides, and the effects of the turning blades that would draw attention to the turbine in what is otherwise a peaceful and pastoral landscape broadly unspoilt by modern developments.

In terms of archaeological features and other heritage assets within the landscape setting of the turbine, the LVIA asserts there would be no effects on any of the scheduled monuments or listed buildings within the ZTV. However, there are a limited number of photoviews provided with the application that would support these conclusions. There is no proper assessment of the impact on the listed building at Pikehall Farm for example, and limited assessment of the potential impact of the turbine on the setting of Minning Low. There is also no assessment of the views of the turbine from Minning Low or Arbor Low, albeit these monuments are 3.2km and 5km distance from the application site.

Therefore, in terms of cultural heritage, it is difficult to reach a firm conclusion whether the turbine proposals would have a visual impact that would conflict with the specific criteria of policies GSP1 and L3 in the Core Strategy and national planning policies in the Framework. However, there is clear evidence that 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 scenic beauty of the surrounding landscape.

In summary, by virtue of its siting in an elevated location away from the existing group of buildings at Pikehall 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. Consequently, any approval of the current application would also conflict with national planning policies in the Framework that afford great weight to landscape conservation objectives in the National Park.

#### Cumulative and Successive Impacts

Although it is considered that the turbine would be harmful in its own right, there are also some concerns that the proposed turbine 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, for example. The issue relates to the successive impacts of seeing different turbines moving through the National Park rather than the cumulative impacts of seeing the proposed turbine in the same view as other wind turbines in the landscape.

In these respects, the LVIA does offer a thorough assessment of the cumulative and successive impacts of the turbine proposed in this application in relation to the existing turbines in the local area alongside turbines that have permissions that have not yet been commenced such as the 'Viaton' and Ryder Point proposals, and the turbines proposed at Griffe Grange. It is considered that the LVIA correctly concludes that it is unlikely that the turbine would have a significant cumulative impact insofar as it would not be seen in conjunction with any of the existing turbines within the local area albeit a glimpse of the tips of the turbines at Carsington Pastures may be seen in conjunction with the proposed turbine at Pikehall Farm. The LVIA also quite convincingly argues there is a sufficient distance along the High Peak Trail, for example, between views of the turbines at Carsington Pastures, the turbines at Hill Top Farm and the turbine proposed in this application to avoid any harmful successive impacts.

Officers consider that there is sufficient separation distance between the various turbines noted above to be able to conclude that it is unlikely that the turbine would give rise to such substantial successive impacts that would exacerbate the adverse effects of the turbine identified in the above section of this report when taken in isolation. Nonetheless, the cumulative impacts of another turbine in the setting of the monument at Minning Low would have a harmful cumulative impact when considering the setting of the monument has already been strongly influenced by the turbines at Carsington Pastures, and to a lesser extent perhaps, by the turbines at Hill Top Farm.

Officers also remain concerned that if turbines were increasingly to become part of the established landscape character of the White Peak then 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. Moreover, 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.

The submitted LVIA does not make this argument not least because it would be seem to be 'common ground' between the applicant and the Authority that this particular turbine would not give rise to any direct cumulative impacts, in terms of the intervisibility of proposed and existing turbines in this area of the National Park, which does carry some weight in favour of the current application.

### Archaeology

In this case, despite the submission of archaeological assessment and walk over survey of the land at Pikehall Farm, the submitted application fails to properly address the potential for the development to have a direct impact on archaeological interest within the application site. In summary, the need for a more thorough assessment of archaeology including field evaluation was identified at pre-application stage and is mentioned in the Authority's adopted screening opinion, but this work has not yet been carried out.

Subsequently, there have been various discussions between the Authority's senior conservation archaeologist, the applicants' archaeologist, the applicants' agent and planning officers that have resulted in field evaluation being commissioned by the applicants, but this work will only commence on site on 10 November 2014. Therefore, the outcomes of this work are not yet known, and it may not be possible to provide any further updates to the Planning Committee at the meeting on 14 November 2014.

In these respects, there seems to be common ground between the Authority's senior conservation archaeologist and the applicants' archaeologist that the application site and its immediate landscape setting must be seen as part of an exceptionally rich archaeological landscape, and that development could have a direct impact on buried and unknown archaeological deposits. Furthermore, there are HER records that confirm there have been repeated finds of prehistoric material within the immediate local area.

It also seems to be common ground that whilst there remains the possibility of in situ archaeological deposits on the application site, in the absence of reliable field evidence, it is difficult to predict the likely state of survival and preservation of any archaeological deposits which might exist. Therefore, a field evaluation prior to commencement of the development is not only proportionate but this approach, now commissioned by the applicants, would allow a better opportunity to assess the significance of the application site in archaeological terms and a better opportunity to consider appropriate mitigation measures in the event the proposed turbine were to be granted planning permission.

However, there appears to be a divergence of views on the likely significance of the archaeological deposits that might come to light following a field evaluation. On one hand, the applicants' agent considers that, on the basis of the evidence that has come to light so far, it is possible to conclude that appropriate mitigation measures could be secured by a 'pre-commencement' condition and this issue does not prevent a positive decision on the current application. Appropriate mitigation in the type of circumstances envisaged by the applicants' agent may include publishing a report on the findings from the field assessment and any artefacts of particular interest that are revealed by the field assessment being transferred for display in a local museum, for example.

On the other hand, the Authority's senior conservation archaeologist considers that there is a real possibility that the field assessment may reveal something of much more significance that would be better preserved 'in situ' and/or lead to a conclusion that the most appropriate mitigation measures would be to relocate the turbine. In these circumstances, a pre-commencement condition may lead to additional costs to the applicants that might have been avoided if the field evaluation had been carried out at an earlier stage in the process and used to inform the siting of the development proposals. Alternatively, if any pre-commencement condition stipulating compliance with mitigation measures identified by the field evaluation and subsequent report had the effect of requiring a different site for the proposed turbine then the terms of the condition would effectively nullify the permission, which would be a wholly unacceptable outcome.

One option would be to defer a decision on this application until the results of the field evaluation are known, but the applicants' agent indicates this approach is not acceptable and advocates the use of a pre-commencement condition, which, as also noted above, may be against the applicants' best interests and not necessarily consistent with best conservation practice.

However, at this stage, the significance of any archaeological deposits on the application site is not known and there is no evidence that clearly demonstrates whether the development would harm any extant archaeological interest, or subject to mitigation, whether the development would result in less than substantial harm to a non-designated heritage asset.

Therefore, it cannot be concluded that the proposed development would meet the requirements of L3(A) which says that development must conserve, and where appropriate, enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including heritage assets of local importance or special interest. It also cannot be concluded that proposed development would meet the requirements of L3(B) which says that other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, again, including heritage assets of local importance or special interest.

In these respects, the proposals also conflict with the detailed criteria of saved Local Plan policies LC15 and LC16, because these policies also require the results of the field evaluation and appropriate mitigation measures to be in place before permission granted. National planning policies in the Framework and Planning Policy Guidance do not suggest that these concerns should be set aside because it is not yet clear that the proposed development can be made acceptable in archaeological terms. Therefore, the absence of sufficient detail to properly assess the direct impacts of the proposed turbine on archaeology within a particular landscape that is rich in pre-historic remains forms a substantive reason for refusal of the current application, alongside the potential landscape and visual effects identified in the above section of this report.

### Ecology

It is notable that the Derbyshire Dales National Nature Reserve lies to the east of the site and includes Long Dale and Gratton Dale Sites of Special Scientific Interest, which also form part of the Peak District Dales Special Area of Conservation. However, the Authority's Ecologist is satisfied that the proposed turbine would not have any direct or indirect impacts on the special conservation interest comprised within these sites. The ZTV indicates the turbine would not have any further visual effects on these sites.

The Authority's Ecologist has also undertaken an assessment required under the Habitat Regulations and has concluded the turbine would not impact directly or indirectly upon any of the habitat features underpinning the SAC designation Peak District Dales Special Area of Conservation. Therefore, Appropriate Assessment is not required to support the current application.

The Authority's Ecologist is also satisfied that the proposed turbine would be unlikely to impact on bird populations, primarily because the application site does not provide appropriate habitat for any bird species of special interest, and there is common ground that subject to appropriate conditions. The proposed turbine is unlikely to have any significant impact on bat populations, taking into account the intervening distance between their habitat and field boundaries and the proposed site of the turbine.

Notably, the current application is supported by thorough survey work and the only area of concern in relation to bats is whether the operation of the turbine will need to be modified between dusk and dawn. The survey work completed to date suggests that bats will only very occasionally approach the turbine and, by managing the land in a particular way, there are opportunities to ensure that the field in which the turbine would be located does not become more likely to attract bats over time.

Taking all these factors into account, it is concluded that there are no objections to the proposed turbines on ecological grounds, and subject to conditions, the application conforms to policy L2 and LC17, and national planning policies in the Framework, which seek to safeguard wildlife interests and promote and encourage biodiversity in the National Park.

## Amenity

In this case, there are no overriding concerns that the proposed turbine would have any direct impact on the tranquillity and quiet enjoyment of the National Park other than by virtue of its impact on visual amenity. In these respects, issues such as ‘shadow flicker’ and ‘blade swish’ are not considered to warrant further consideration, taking into account the relatively remote location of the turbine relative to the nearest public rights of way and the nearest neighbouring residential properties.

The LVIA provides a reasonable assessment of the likely impacts of the proposed turbine on the amenities of the nearest neighbouring properties amongst the main cluster of properties at Pike Hall, and the outlying Mouldridge Grange and Croft Barn either side of Pikehall Farm. This assessment is supported with some reference to photoviews and a photomontage and in broad terms, the turbine would be seen from the curtilages of some of the properties within the local area. However, officers agree that the proposed turbine would not have an especially intrusive in the outlook from the habitable windows of nearby properties, and the intervening distances between the properties and the turbine diminishes the likelihood that the turbine would be an oppressive or over dominant feature that would detract from the quiet enjoyment of these properties or the living conditions of local residents.

It is therefore considered that the current application would not conflict with the specific provisions of Local Plan policy LC4, policy GSP3 of the Core Strategy and national planning policies 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

It is therefore considered that the proposed turbine would not be unneighbourly and, as noted above, the turbine is unlikely to have any significant impact on wildlife interests (subject to appropriate planning conditions) if permission were to be granted. However, this report sets out substantive reasons for refusal of the current application on landscape and archaeological grounds. In these respects, 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.

In this case, it is clear that the proposed turbine would provide a valuable contribution to cutting greenhouse gas emissions. In comparison to the energy exported from the National Grid, the turbine would replace 64.5 tonnes of carbon dioxide annually if the cheese factory’s energy consumption was equivalent to 150,000kW per annum as anticipated in the applicants’ forward planning for the business. Moreover, the proposed turbine would contribute to reducing dependency on non-renewable energy and contribute positively to the future viability of the cheese factory, with potential ‘knock on’ benefits to the tenant farmer at Pikehall Farm.

However, the Planning Practice 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. This stance was also supported in the appeal decision at Hill Top Farm, Parwich (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. 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 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 the cheese factory, and the associated benefits of providing renewable energy development at Pikehall Farm, 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.

However, in reaching these conclusions it must be acknowledged that the impact of the proposed turbine is likely to be less substantial than suggested by the ZTV, and the enclosed nature of the landscape setting of the application site would serve to limit the impact of the turbine over the wider landscape setting of the White Peak. Equally, whereas the turbine would contribute to the increase presence of turbines within the setting of the scheduled ancient monument at Minning Low, there would not any significant intervisibility between the proposed turbine and the range of turbines further to the south and south east of the application site. It is also considered that the landscape and visual effects of the proposed turbine when seen in isolation would not be significantly exacerbated by the successive impacts of seeing the turbine proposed in this application alongside others that can be seen along the High Peak Trail, for example.

Therefore, the impacts of the proposed turbine would be 'localised' and there is scope to consider that a smaller turbine sited in a less elevated site could be appropriate. However, the applicants' agent has stated very clearly that the applicants are currently unable to countenance these types of changes.

#### Other Considerations

In this case, ecological constraints support the applicants' stance that the proposed site for the turbine has been carefully sited to minimise potential impacts on bat populations. The Authority's Ecologist would agree that siting the turbine closer to the existing trees and especially siting the turbine lower down the hill and closer to the existing mature plantation at Pikehall Farm would mean that a turbine would be more likely to affect bat populations. However, these considerations do not necessarily rule out the possibility that a better site for the turbine exists noting that maximising co-efficiency and energy production would still remain a key driver for any proposed siting.

In these respects, it is notable that information submitted to support the current application otherwise sets out how the proposals have arisen from an initial assessment of the energy needs of the business and then seeks to identify the type of renewable energy development that would be most appropriate to meet the needs of the business. This approach is not consistent with the 'landscape first' approach set out in the Authority's SPD and fails to properly consider any other option other than meeting all of the cheese factory 'energy needs'. Whilst this approach might make sense commercially, this 'preliminary assessment' does not offer any convincing evidence that the turbine proposed in this application is the only way to offset the cheese factory's 'energy costs' and there is nothing in the submitted application that places the costs of the development (c. £250,000) in the context of the potential savings for the cheese factory of around £30,000 per annum and the future growth of the business.

Notwithstanding this, the 'preliminary assessment' narrows down the options available to the applicant to a choice between solar panels and wind energy and contains a very limited discussion of other energy saving measures employed on site and/or other energy saving measures that could be introduced. In respects of solar panels, this document offers some

evidence that roof mounted panels would not offer a practicable solution, and some evidence that a ground mounted array may be difficult to accommodate in the landscape and would not be as effective as a wind turbine in terms of producing energy.

However, there is little if any consideration of whether a mix of renewable technologies and the introduction of other energy saving measures would work, and there is a presumption throughout the submitted application and supporting documents that only a wind turbine that meets all the future needs of the cheese factory is the only appropriate option in this choice. Therefore, officers cannot conclude that less damaging alternatives are not available to the applicants that would not only support the future viability of the business and achieve 'knock on' benefits within the local economy but also have less substantial impacts on the landscape setting of Pikehall Farm.

In terms of whether the landscape and visual impact of the proposed turbine could otherwise be made acceptable in its proposed location, it is clear that a significant scheme of landscaping would not be appropriate in this landscape type, and there is insufficient land in the applicant's control to be able to use strategic planting to modify the visual effects of the turbine from a wide range of public vantage points from which part or all of the turbine would be seen. Equally, modifying the colour of the proposed turbine is difficult from a technical point of view and where this approach has been used elsewhere in the National Park; the evidence suggests that a different external finish has limited impacts on the visual effects of a 34m high turbine, as proposed in this application. Therefore, whilst it remains unclear whether the potential archaeological impacts associated with the turbine could be made acceptable, officers do not consider the landscape and visual effects of the turbine could be effectively mitigated because of its size and scale, and proposed siting.

The applicants have submitted an addendum LVIA to address concerns raised by Natural England in respect of the LVIA, and further information seeking to rebut the Authority's landscape architect's comments. These documents have been assessed but do not alter the recommendation of refusal on landscape grounds, which has been reached on the merits of the proposals with reference to representations, the prevailing policy context and guidance at local and national level. The addendum LVIA also contains a lengthy review of policies in the National Park Management Plan, but it is considered that the key issues raised in the Management Plan are consistent with the prevailing planning policy context.

The National Park Management Plan reflects the same aims and objectives that run through the Framework and the Development Plan, and the wider range of supporting policy context the applicants' planning consultant has submitted with the application: namely that combatting climate change is an important issue, as is supporting rural businesses, but these matters have to be balanced against the environmental impacts of renewable energy development in the National Park. As noted above, landscape and visual effects must carry great weight in a protected landscape area that the nation has chosen to designate for its scenic beauty and in a situation where a turbine harms landscape character, as in this case, greater priority must be given to conserving the natural beauty of the landscape. In this case, there is also an unresolved issue in respect of archaeology.

Finally, the applicants' planning consultant is keen to emphasise a study previously presented to the Authority's Planning Committee that presents research on public perceptions to wind turbines within the National Park. Representations have been received on a similar theme, which seeks to add positive perceptions of turbines into the balance of considerations for and against the turbine proposed in this application. However, as stated elsewhere in the submitted application, the proposed turbine must be dealt with on its individual planning merits. Opinion polls and public perceptions, whether positive or negative, do not relate to this particular case and cannot carry any weight in the determination of this application.

### Conclusion

It is therefore concluded that there are no other material considerations that indicate that the potential benefits of allowing the scheme would outweigh or offset the harm arising from the substantial adverse impacts arising from the proposed turbine. 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.

The proposed development would have a significant adverse visual effect on the character of its landscape setting, and it would harm the scenic beauty of the National Park by virtue of its size, scale and siting. 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.

Moreover, the potential impacts of the proposed turbine on any archaeological remains that might be present within the application site have not yet been assessed. In the absence of proper evaluation of these impacts and in the absence of demonstrably appropriate mitigation measures, the current application fails to meet the requirements of policy L3 of the Core Strategy, conflicts with saved Local plan policies LC15 and LC16, and does not accord with guidance in the Planning Practice Guide and policies in the Framework.

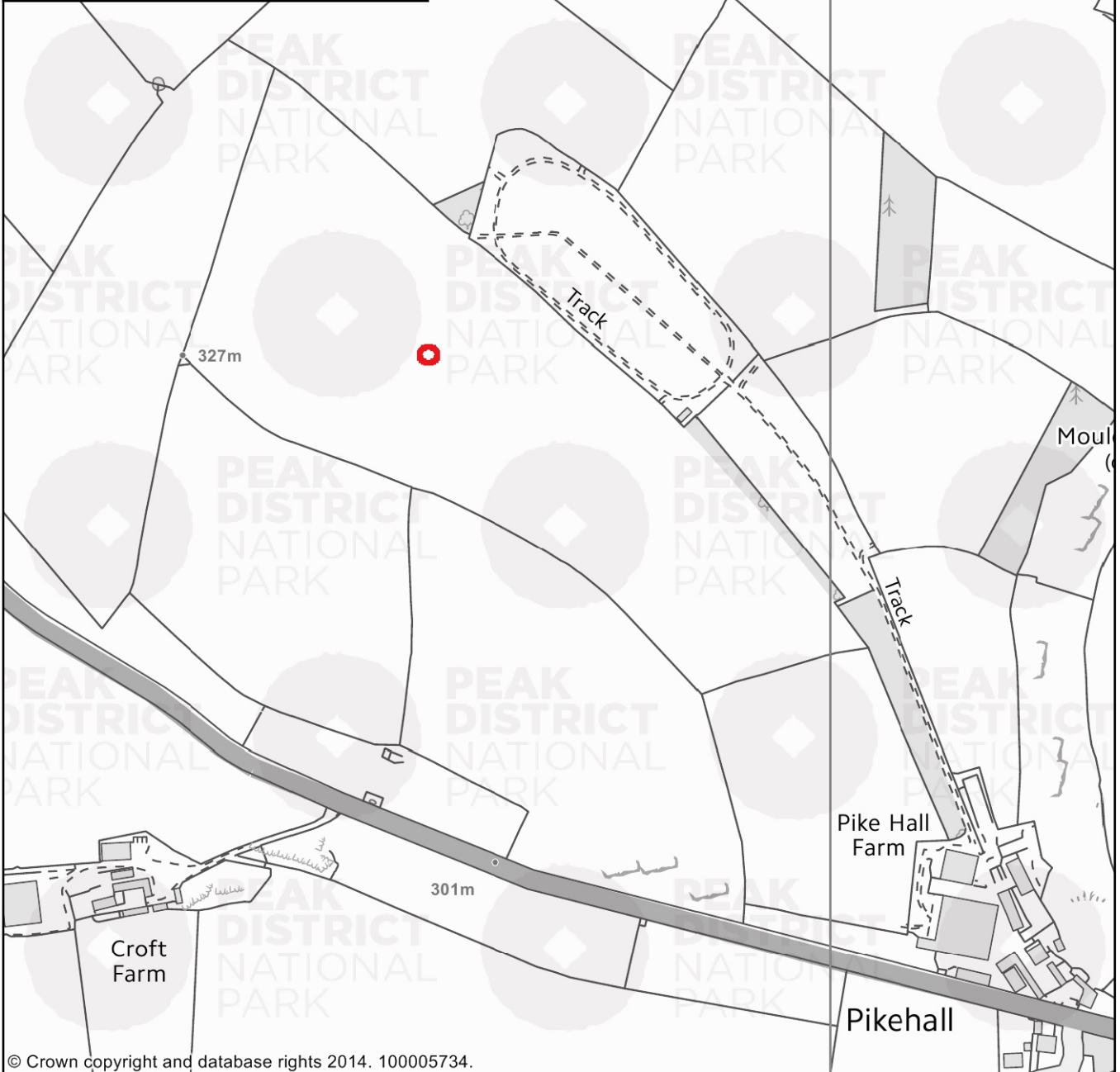
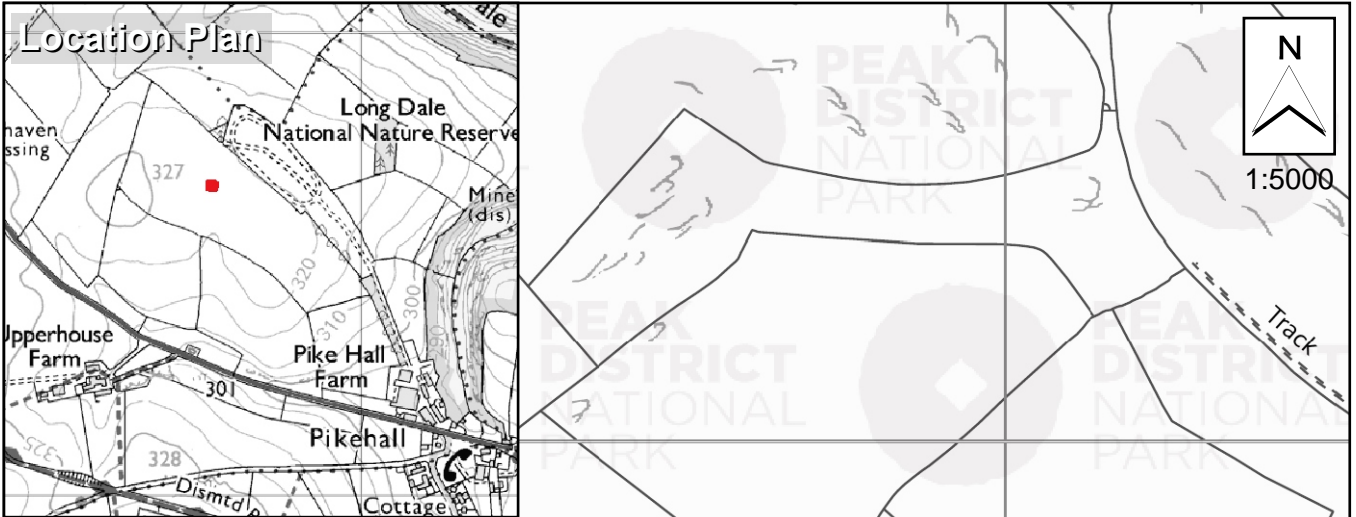
Accordingly, the application is recommended for refusal.

### **Human Rights**


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

List of Background Papers (not previously published)

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Committee Date:	14/11/2014	<b>Title:</b> Land adjacent to Pikehall Farm, Pikehall	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	7		
Application No:	NP/DDD/0814/0817		
Grid Reference:	419206 359151		

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**8. Full Application – Erection of Ancillary Accommodation, Leisure Accommodation, Owners Flat and Greenhouse and Change of Use from Yard Area, Home Farm, Sheldon (NP/DDD/0414/0454, P11157, 417605 368801, 30/10/2014/KW)**

**APPLICANT: MR AMMIR KOHANZAD**

**Site and Surroundings**

Home Farm is located towards the eastern limits of Sheldon and lies within the designated Sheldon Conservation Area. The main building at Home Farm is a converted barn that faces onto the main road through Sheldon. The two-storey stone-built building was originally a redundant farm building that was converted to a dwelling but it is now operating as a guest house known as Sheldon's Luxury Retreat.

The guest house is a relatively unusual building compared to other properties in the village as a number of rather insensitive changes to its appearance have resulted from the exercise of permitted development rights associated with its former authorised use as a dwelling house, albeit these primarily involve doors and windows and are not irreversible. Notwithstanding these alterations, this is a substantial traditional building, which has a strong robust form and presence that contributes to the character and setting of Sheldon and Sheldon Conservation Area

To the rear of the main guest house building there is a mainly subterranean building which is attached to the western half of the rear elevation. This building is used as a dining room for guests staying at the guest house. Immediately to the east of the subterranean building a 10.0m x 8.0m (approx. dimensions) area of ground has been excavated to the same level as the subterranean building. These excavation works have been undertaken without planning permission and were the subject of a Temporary Stop Notice. There is also the concrete framework of an old farm building left standing immediately to the rear of the eastern end of the guest house building.

On the higher yard level to the rear of the guest house is a 17.5m x 9.5m building constructed of concrete blockwork with a corrugated sheet roof, which is stated to be a storage building. Enclosing the yard area to the east is a 17.5m x 5.5m Dutch barn constructed of corrugated tin sheets. These buildings in the rear yard were presumably originally erected as farm buildings as part of the original working farm. These buildings and the associated yard area form part of the submitted scheme. There are two separate residential properties immediately to the east of the guest house site, which are situated on a lower ground level relative to the rear yard area of Home Farm.

Car parking for the guest house is situated on the western side of the rear yard. There are also two residential properties adjacent to the western site boundary of Home Farm and a small traditional building (in separate ownership) abutting the western site boundary which is used as a holiday cottage. Another smaller range of traditional buildings attached to the holiday unit about the western site boundary and provide ancillary store/wc/laundry facilities. Other land in the same ownership as the guest house includes a paddock to the rear of the main group of building. There is another 37.0m x 9.0m relatively modern storage building along the western boundary of the rear paddock, alongside the boundary with the churchyard, and a further 15.5m x 11.0m corrugated sheet building within the rear paddock to the north.

Further to the east and north of the rear paddock are a number of fields also in the applicant's ownership. These fields are generally typical of the surrounding landscape character type defined as Limestone Village Farmlands in the Authority's Landscape Strategy and Action Plan, which is a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls.

**Proposal**

The proposed development comprises the following:

- Removal of the three modern buildings in the rear yard area.
- Erection of an 18m x 6.9m ancillary accommodation building footprint, providing a gym, two sauna rooms, a steam room, two therapy rooms, a cold pool, two changing rooms, reception and WC facilities on the ground floor and a two-bedroomed manager's flat on the first floor. The ground floor of the proposed building is situated on the same excavated ground level as the adjacent subterranean building and the building footprint is situated about 2.75m away from the rear elevation of the main guest house building. This building would be linked to the main guest house via a 2.9m wide single-storey, pitched-roof link building. It would also be linked to the existing subterranean extension.

The proposed building is mainly two-storey in form, but as it would be built from the lower excavated area would appear as a 1½-storey building when viewed from the higher ground level of the rear yard. The two-storey element extends along the remaining rear elevation of the main guest house and then extends beyond this point as a single-storey building for a distance of 5.0m. The ridge/eaves heights of the two-storey element of the building would be the same as the main guest house, however, the gable width (6.8m) would be slightly wider than the widest gable width of the existing guest house (6.6m). The gable width of the majority of the existing guest house building is 5.7m.

The building is designed to resemble a traditional outbuilding, constructed of random rubble limestone under a natural blue slate roof. The proposed building has coped gables and natural gritstone quoinwork surrounds to the main window and door openings. The north elevation of the proposed building is pierced with four horizontally proportioned window openings. The south elevation facing the main guest house is pierced with 8 small square window openings. The south-facing roof slope of the two-storey building would be almost entirely covered with solar panels.

- Erection of a 10.75m x 6.3m greenhouse adjacent to the eastern boundary of the site, partly on the site of the demolished Dutch barn.
- Extension of the existing car parking area on the western side of the yard area, mainly on the land presently occupied by the demolished storage building. This would increase the parking provision from the current 6 spaces to 14 spaces. A relatively small part of the extended car parking area (29.25m<sup>2</sup>) would extend into the rear field area.
- The remainder of the existing rear yard including the area presently occupied by the modern store building would be converted to a garden area. A relatively small part of the proposed garden area (27m<sup>2</sup>) would extend into the rear field area.

### **RECOMMENDATION:**

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

- 1. The proposals constitute substantial new accommodation in open countryside that is of a scale, size and form, and proposes an extensive range of uses and facilities that cannot be regarded as ancillary to the existing guest house use, and the proposals do not offer any significant benefits or substantial enhancement to the character, appearance or amenities of the local area, contrary to policy RT2 (B) and policy GSP2 of the Authority's Core Strategy.**



2. **The position, scale, form and design of the proposed Ancillary Accommodation Building and the Greenhouse Building are insensitive to the locally distinctive pattern of development and insensitive to the character and immediate setting of the existing guest house building. Therefore, the current application fails to meet the requirements of Local Plan policies LC4 and LC5, and policy GSP3 and L3 of the Authority's Core Strategy.**
3. **No accompanying justification statement submitted in support of the proposed Manager's Flat accommodation. The proposed Manager's Flat accommodation would therefore be contrary to Core Strategy policies HC1 B and HC2.**

### **Key Issues**

1. Whether the principle and the size/scale of the proposed development would comply with the terms of Core Strategy policy RT2 B.
2. Whether the proposed development would provide sufficient enhancement to the character and appearance of the host property and its setting, including, the surrounding designated Conservation Area to warrant an exception to policy RT2 (B) of the Authority's Core Strategy.
3. Whether the proposed Manager's flat is justified and complies with the Authority's Core Strategy housing policies, specifically Core Strategy policy HC2.
4. Impact upon village amenity residential amenities of neighbouring properties.

### **History**

The site has an extensive planning history. The following planning applications are relevant to the current application:

- 1979 Planning permission granted for a change of use of the subject building to holiday cottages.
- 1981 Planning permission granted for conversion of the subject building to dwelling.
- 1989 Planning permission refused for conversion of second barn to holiday lets.
- 2004 Outline planning permission refused for creation of wildlife observation room, erection of greenhouse, and creation of car park.
- 2009 Planning permission refused for residential development for the extended family, comprising a single storey free standing courtyard development of 12 en-suite bedrooms at the rear of the existing house.
- 2009 Planning permission refused for householder development and curtilage extension.
- 2009 Conservation Area Consent granted for demolition of three modern farm buildings.
- 2009 Planning permission refused for retention of three LPG tanks.
- 2009 Planning permission granted for change of use of the subject building from dwellinghouse to guest house.
- 2010 Planning permission refused for extensions to guest house.

2010 Planning permission refused for erection of glass house.

2011 Planning permission refused for erection of conservatory.

2011 Temporary consent granted for conversion of part of guest house to tea room.

2011 Partial discharge of Condition 7 attached to temporary consent granted earlier in 2011.

2011 Planning permission refused for extension to rear of existing guest house. The subsequent appeal was dismissed.

2012 Planning permission refused for courtyard development of ten rooms for the guesthouse and associated change of use of the land.

2014 Planning permission refused for re-cladding the now half-demolished concrete frame at the immediate rear of the guest house.

2014 Planning permission refused for the change of use of the guest house at Home Farm to a mixed use of guest house and tea room. An appeal has subsequently been lodged by the applicant and is awaiting determination.

There are also a number of enforcement issues related to the property, but none of these issues are considered to constitute material planning considerations that are directly relevant to the current application. However, it should be noted that the excavation within which the proposed extension would be located is unauthorised and was the subject of a Temporary Stop Notice in June 2014. Whilst work on this appears to have stopped, the excavation remains

### **Consultations**

Highway Authority – No reply to date.

District Council – No reply to date.

Parish Meeting - Object to the current application on the following grounds:

- The village of Sheldon is within a Conservation Area; Home Farm is within the heart of the village; which is in itself in the heart of the National Park. Such a location demands the highest level of protection afforded within the planning system.
- The NPPF clearly states (section 11, para 115) that National Parks have the highest status of protection and that because of National Park purposes the conservation of the natural beauty of the landscape and countryside (including cultural heritage) should be given great weight in planning policies and development control decisions.
- Sheldon is a non-designated settlement in CS policy DS1 and is therefore in open countryside for the purpose of the development plan. It is set in the upland, windswept limestone landscape that is such a valued characteristic of the Peak District National Park. The present proposal is for a mixed-use (residential and commercial) new build development in a non-designated settlement.
- The proposed development would be adjacent to a converted traditional Hay Barn which is over a hundred years old, is a valued characteristic of the Conservation Area and was allowed to be converted because it is a building of architectural merit; and was not, as the applicant asserts, of no architectural merit.

- The proposed extension would radically alter the essential design and massing of the building so as to create, in effect a two-storey twin pitched roof building when viewed from all local roads and pathways. The site is clearly visible from the entrance road to the village, from the village playing field and picnic area, and from local footpaths. The twin roofs will also be seen from the nearby churchyard, the Church being a grade II listed building. This is not the characteristic of a traditional Derbyshire Hay Barn. The Planning Inspector in a previous appeal stated *“I place substantial weight on the intention to rigorously maintain both the character and the appearance of the conservation area. That intention goes beyond mere visibility in the street scene and other public areas, which in this case would be limited, to the essential character of the building itself, which materially contributes to that of the conservation area.”*
- The application incorrectly states that the site is not adjacent to features of geological or conservation importance. The development is, however, adjacent to the Village Church, Grade II listed building. The NPPF (section 12, para 132) requires the Park Authority to give great weight to the impacts and harm of the proposed development on such heritage assets.
- The proposal continues the attempt by the owner of Home Farm to develop the property beyond its natural context in a small Peak-Land village. This is the sixth attempt in the last five years to build a large unsuitable extension to the rear of the building for commercial purposes, all of which have been refused. The present proposal has many similarities to previous applications, which were refused as they were incompatible with policies LH1, LH4, LH6 and LC12 of the Local Plan, policies 1,8,13,14 and 15 of the now revoked East Midlands Regional Plan and contrary to guidance in PPS7 (now the NPPF).
- The design of the development is insensitive to the locally distinctive pattern of development and insensitive to the agricultural character of the application site and the surrounding area. Consequently, it is contrary to the PDNPA’s supplementary planning documents and design principles set out in policy LC4 of the Local Plan.
- The proposal would fail to preserve the special qualities of the Conservation area and would harm the landscape setting of Home Farm and conflicts with the intent of primary legislation in the NPPF and the authority’s Local Plan policies LC4, LC5 and LC8.
- Wish to remind the PDNPA that an officer’s report for a previous extension to the rear of Home Farm suggested that if the area of encroachment of the residential curtilage into agricultural land was less, then approval would have been recommended. It was made clear at the planning committee meeting, however, the planning committee disagreed with statement and that any encroachment of non-agricultural land into open countryside was totally unacceptable. The present development is unacceptable due to similar encroachment into the very same agricultural land.
- The applicant states in the current application that pre-application advice from an Authority officer indicated that a small amount of additional accommodation could be acceptable. The applicant’s further supporting statement states that officers have previously supported as an exception to policy, a courtyard development with parking and a greenhouse at the rear of the former hay barn to enable the site to be tidied up. Sheldon Parish Meeting find this pre-application advice, if correct, to be alarming as such development is clearly contrary to important policies of the PDNPA and to comments made by the planning committee members on a previous application. There is also in existence a planning approval for the demolition of the semi-derelict former farm building and their replacement with suitable landscaping. This consent is subject to strict conditions and contains no reference to new buildings.

- The proposal for a rear parallel extension would be to a scale that overwhelms the parent building. According to the applicant, the present floor area will be increased by 186m<sup>2</sup>, representing a 63% increase in the available floor area; this is not a modest extension by any definition to a building that has already benefitted from an extensive floor area increase.
- As the PDNPA is aware, considerable excavation work to the natural ground level at the rear of the main building was carried out prior to this application and without any approval; a Stop Notice was issued by the PDNPA in a belated attempt to cease further groundwork.
- The impact on the social fabric of the Community would be considerable and intolerable with the potential to increase the population of the village by an additional 25% (from around 80 persons to over 100 persons). The plans for the ancillary accommodation clearly show two bedrooms; however, the application form details only indicate one bedroom.
- The proposed extensive leisure facilities of a gym, saunas and treatment rooms to be opened to the public from 10am to 10pm every day of the year would generate large volumes of traffic, create serious noise intrusion to local residents and intolerable intrusion and nuisance factor to immediate neighbours, impacting on their well-being and the amenity value.
- Considerable concerns raised in respect of the impact on road safety by the additional flow and additional parking requirements of a significant number of extra vehicles. In addition to the coming and going of vehicles used by Home Farm residents, staff, deliveries and other traffic, further on-street/verge parking is inevitable. The proposal includes the provision of 14 car parking spaces, most of which will be outside the guesthouse curtilage on agricultural land. Obstruction caused by parking on the main street is already a problem that has been reported to the police and Local Authorities. Grassed areas in the vicinity of Home Farm, according to Derbyshire county Council, have village green status and may be damaged by increase verge parking resulting from this development.
- Unsuitability of the narrow approach roads to the village, particularly from the A6 and conflict with pedestrians emerging from the nearby public footpath within and in the vicinity of the village. The A6 approach roads have been the subject of several accidents in the last year and will not be sufficient to handle the increase in traffic generated by a much larger scale commercial activity than already exists.
- Sheldon village is served by only one bus to Bakewell per day. Consequently this is not a sustainable location for such a development and is contrary to the NPPF (section 4, para 34).
- No appraisal of how the extension will connect into the present main drainage system and the impact upon the present infrastructure of the village. There have at least two occasions in the past two years where the drains at Home farm have become seriously blocked. Water management was conditioned on the original guest house approval; however Sheldon parish meeting is unaware that this condition was ever discharged.
- Incorrect details submitted on the application form; extensive leisure facilities will necessarily generate trade effluent and waste. No details have been submitted of the proposed sustainable drainage system.
- No justification for the new-build manager's flat accommodation, when ample residential facilities for the owner are already provided in within the guesthouse.

- The proposal constitutes a large commercial enterprise that is entirely inappropriate in a small community, and comprises an over-intensification of use inappropriate for a conservation area within a National Park. The proposal is to extend an established business outside a Local Plan settlement into open countryside and does not benefit from any of the limited exceptions in Local Plan policy LE4 (b). Also wish to remind the Authority that Core strategy policy RT2 (c) clearly states that new-build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
- By virtue of its size and scale, its design and the materials to be used in its construction, and its siting; the proposed greenhouse would not respect the character of the existing traditional buildings or the special qualities of the Conservation Area and would fail to conserve the scenic beauty of the surrounding attractive landscape.
- The proposal conflicts with policies LC4, LC5 and LC13 of the Local Plan and government guidance in the NPPF.
- The PDNPA is reminded that a similar application (NP/DDD/0910/0927) was refused on all of the points listed above.
- If such a grossly inappropriate development is permitted in the conservation Area in the heart of the National Park, it sets a precedent for all protected areas of the country – that commercial business is always more important than preservation, conservation and protection. Such a development will further undermine public confidence in both the planning system and the purpose of National Parks.

### **Representations**

During the statutory consultation period, the Authority received 14 letters from local residents stating objections to the current proposals. A letter of strong objection has also been received from the CPRE South Yorkshire and Friends of the Peak District. These letters of objection raise many concerns of a similar nature and strength as reported in the above representations made by Sheldon Parish Meeting. Additional concerns raised by the individual third party representations include the following issues:

- Concerned at the inappropriate and unauthorised development at Home Farm and encourage the Authority at this juncture to ensure that extant enforcement notices are complied with, especially if the current application is refused (CPRE & FOTPD).
- The sewage system in the village is old and under strain. The addition of the proposed 2 saunas and pool are likely to bring it to breaking point.
- Allowing this development and opening up a commercial venture in the centre of the village is likely to attract other businesses and result in the peaceful village life being lost.
- The businesses being run from Home Farm already cause nuisance and disturbance; the scale of the development proposed would be out of proportion in Sheldon, leading to a large hotel/leisure complex in the heart of the village, creating even more disturbance, and resulting in loss of amenity for the village.
- Approval of the guesthouse was granted by the Authority on the basis that it was a modest bed and breakfast business. The current proposal for the use of the additional accommodation is not entirely clear but it appears that additional bedrooms are to be provided together with other amenities that will clearly create a full scale hotel. This use would be contrary to PDNPA policy wherein any new hotel must be in Bakewell.

- The proposed extension into agricultural land would be disproportionate in terms of size and scale to the original building and would be an incongruous and prominent addition to the property that would fail to conserve or enhance the character and appearance of Home Farm and the designated Conservation Area.

The letters are available to view in full on the public file.

### **Main Policies**

Relevant National Planning Policy Framework policies include: policies set out in paragraphs 14, 17, 28, 115, 126 and 128

Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3, L3, and RT2

Relevant Local Plan policies: LC4 and LC5

### **National Planning Policy Framework**

The National Planning Policy Framework (the Framework) 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. The policies in the Development Plan listed above are considered to 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 these policies in the Development Plan and more recent Government guidance in the Framework with regard to the issues that are raised. The following paragraphs from the Framework, however, are of particular relevance to the current application.

Paragraph 14 states that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-making.

Paragraph 17 states, amongst other things, that a set of 12 core land-use planning principles should underpin both plan-making and decision-taking. These 12 core principles place requirements on local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by re-using land that has been previously developed (brownfield land) providing that it is not of a high environmental value; promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas; and conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 28 states, amongst other things, that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things, support sustainable rural tourism.

Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty and the conservation of wildlife and cultural heritage are of particular importance in a National Park.

Paragraphs 126 – 137 state that local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment and sets out the means by which heritage assets should be assessed and protected.

## **Assessment**

### **Introduction**

A brief supporting statement accompanies this application. This states that in 2009 planning permission was granted to use the dwelling as a six-bedroom guest house. It further states that since 2004 the applicant has been in discussions with the Authority's officers over plans for the site and that officer support would be given for a small courtyard development behind the farmhouse with parking and a greenhouse in the farmyard to enable the site to be tidied up.

The latest proposals are to replace 508m<sup>2</sup> of existing buildings with 186m<sup>2</sup> of new buildings in the farmyard, designed to match the guesthouse to grow fruit and vegetables for use by the guest house.

The supporting statement states that the applicant's sole intention is to provide a viable use for the site and replace the non-conforming uses and tidy up the site. The applicant also confirmed verbally with the Authority's officer that the proposed ancillary facilities are for the sole use of guests staying at the guest house.

### **Issue 1 -Whether the principle and the size/scale of the proposed development would comply with the terms of Core Strategy policy RT2 B.**

In respect of the present Home Farm Guest House facility, this is situated within the settlement of Sheldon. Sheldon is a small settlement with few community facilities save for the church and the public house. As such, Sheldon is not included within the 'named settlements' listed in Core Strategy DS1 where new-build development for affordable housing, community facilities and small-scale retail and business premises may be permissible. The settlement of Sheldon is, therefore, classed as 'open countryside' for development plan purposes, where small-scale developments including appropriate extensions to existing tourism accommodation may be permissible or where other development and alternative uses are needed to secure effective conservation or enhancement.

In this respect, Policy RT2 (B) of the Core Strategy says that appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted. In this case, the submitted scheme proposes an ancillary building that has a building footprint of 124m<sup>2</sup>, which is almost equivalent to that of the footprint size of the existing main guest house building (148m<sup>2</sup>). Moreover, the range of facilities proposed on the ground floor of the building are considered to be well in excess of what is considered to be required by the number of guests staying at a six-bedroomed guest house, and are more akin to the facilities provided by a hotel. In addition to these facilities, a first floor manager's flat is proposed.

Taken as a whole, the range and scale of facilities proposed, including the manager's flat, together with the overall size, scale and footprint of the proposed building, does not constitute an appropriate minor development as envisaged by Core Strategy policy RT2B. Consequently, the principle of the proposed development would not meet the terms of this policy.

Moreover, the development cannot be considered to accord with the current Government's stated aims for the planning system in the National Planning Policy Framework because the development would not constitute sustainable economic development. Primarily, this is because the proposed development would replace one undesirable form of development with another. This issue is discussed in more detail in the following sections of the report.

Issue 2 - Whether the proposed development would provide sufficient enhancement to the character and appearance of the host property and its setting, including, the surrounding designated Conservation Area to warrant an exception to policy RT2 (B) of the Authority's Core Strategy.

Policy GSP2 (A) of the Core Strategy says opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Policy GSP2 goes on to say

- B. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other Core Policies.
- C. When development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives.
- D. Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings

In this case, the enhancement arising from the removal of the three redundant buildings was considered to be sufficient to warrant approval of Conservation Area Consent for their demolition in 2009. Conditions attached to this consent required the land to be restored to meadow once the buildings have been demolished. However, the consent has not been implemented and the current application indicates that the applicant considers the proposed development to be 'enabling development' that would facilitate the demolition of the existing buildings

The development proposed in this application would support the existing guest house and, as noted above, planning policies at local and national level would normally support extensions and improvements to existing tourist accommodation. There is also some support in the Framework for replacement buildings where existing buildings are not suitable for re-use and the buildings at Home Farm would not be appropriate for any use other than for agriculture by virtue of their design, general condition, and materials used in their construction. It is also acknowledged that the immediate setting of Home Farm and the character and setting of the Home farm complex and from wider viewpoints, particularly when approaching the village on the higher ground to the east, would be enhanced through the removal of these buildings.

However, there is no supporting information in the submitted application that the development is essential or reasonably necessary to ensure the future viability of the guest house and the submitted details do not include any suggestions that the proposed development would offer any specific social or economic benefits to the local community. Therefore, the acceptability of the proposals that otherwise conflict with RT2(B) because of their size and scale would rest on the environmental benefits that might be achieved if permission was granted for the current application.

As such, one of the key issues in the determination of the current application are considered to be whether the proposed development would be enabling development that meets the criteria set out in GSP2, as approval of the current application would facilitate the removal of the three existing buildings, and demolition of these buildings could enhance the valued characteristics of



the National Park. In this case, the key considerations are considered to be whether there would be a significant overall benefit to the natural beauty, wildlife and cultural heritage of the area if the scheme were to be allowed taking into account:

- whether the design of the proposed development respects the character of the area; and
- whether the proposed development would conserve the valued characteristics of the site and its surroundings

### Design

In this case, it is relevant that the application site is on land that is situated within the Sheldon Conservation Area. In these respects, policy LC5 of the Local Plan, and policy L3 of the Core Strategy are also relevant to the current application. L3 seeks to ensure the National Park's historic built environment is conserved and enhanced for future generations. LC5 also seeks to preserve and enhance the National Park's historic built environment and respectively address development that would affect the special qualities of a designated Conservation Area and its setting.

Core Strategy policy L3 set out three criteria under which the current application should be assessed because of the potential impacts proposed development on cultural heritage assets of archaeological, architectural, and historic significance:

- A. 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;
- B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;
- C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.

LC5 seeks to preserve and enhance the National Park's historic built environment and respectively address development that would affect the special qualities of a designated Conservation Area and its setting. L3 also seeks to ensure the National Park's historic built environment is conserved and enhanced for future generations.

Local Plan policy LC4(a) says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4(b) goes on to say, amongst other things, particular attention will be paid to scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting.

Local Plan policy LC4 is now also supported by the more recently adopted policy GSP3 of the Core Strategy which says development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. GSP3 goes on to say, amongst other things, particular attention will be paid to:

- A. scale of development appropriate to the character and appearance of the National Park
- B. siting, landscaping and building materials
- C. design in accordance with the National Park Authority Design Guide

Officers acknowledge that the setting to the rear of the guest house is presently marred by the existing modern agricultural buildings and consider that the recent subterranean addition also to some extent compromises the original agricultural character and setting of the guest house, which was a barn prior to its conversion to a dwelling in 1981. However, whilst it may be accepted that the principle of the removal of the existing inappropriate buildings and their replacement with buildings of a traditional size, form and scale could achieve an overall enhancement of the setting of the guest house in accordance with CS policy GSP2, it is considered that the scheme as submitted fails to achieve this.

As submitted, the proposed building occupies the remaining space along the rear elevation of the existing guest house and then extends beyond this point as a single-storey building for a distance of 5.0m. The ridge/eaves heights of the two-storey element of the building are the same as the main guest house, however, the proposed gable width (6.8m) is slightly wider than the widest gable width of the existing guest house (6.6m). The gable width of the majority of the existing guest house building is 5.7m. The proposed building would be situated within 2.75m of the rear wall of the guest house.

The ridge/eaves heights of the two-storey element of the building are the same as the main guest house, but the gable width (6.8m) is slightly wider than the widest gable width of the existing guest house (6.6m). The gable width of the majority of the existing guest house building is 5.7m. The building is designed to resemble a traditional outbuilding, constructed of random rubble limestone under a natural blue welsh slate roof. The proposed building has coped gables and natural gritstone quoinwork surrounds to the main window and door openings.

The north elevation of the proposed building is pierced with four horizontally proportioned window openings. The south elevation facing the main guest house is pierced with 8 small square window openings.

Therefore, there are some elements of the proposed building that have been designed on traditional lines, but, due to its size, form, scale and detailing, and its proximity to the rear wall of the existing building, the proposed development would severely compromise the character and integrity of the guest house building. Consequently, the new building would compete with the established form and composition of the original building and detract significantly from its setting, and as a consequence, the character and setting of the Conservation Area.

In addition to the proposed ancillary accommodation building, a 10.75m x 6.3m greenhouse is proposed adjacent to the eastern boundary of the site, partly on the site of the demolished Dutch barn. Whilst the principle of a greenhouse providing home-grown produce for the guest house is considered to be appropriate, the proposed position of the greenhouse adjacent to the eastern boundary is considered to be inappropriate as it is too divorced from the existing guest house building and would be situated in a fairly prominent location on the higher ground levels in relation to the adjoining residential property.

Consequently, it is considered that the proposed ancillary accommodation building by virtue of its position, its inappropriate size, form, design and massing' together with the proposed greenhouse, would severely compromise the character and setting of the existing guest house building, contrary to Core strategy policies GSP3 and L3 and Local Plan policies LC4 and LC5, and contrary to national planning policies in the Framework requiring high standards of design sensitive to the locally distinctive character of the host building and qualities of the surrounding Conservation Area.

For these reasons, it is considered that the proposal fails to achieve significant and appropriate enhancement of the guest house site and its setting within Sheldon Conservation Area, contrary to core strategy policy GSP2.

### Landscape and Visual impact

Notwithstanding the conclusions made in the last section of the report, it is important to acknowledge that the bulk of the development proposals would be at the rear of the existing guesthouse and in many respects would have a limited visual impact on the street-scene. Therefore, it is important to assess whether the development proposals could achieve significant public benefits by enhancing the landscape setting of the village, the environmental quality of the Conservation Area and views into the designated Sheldon Conservation Area by removing some of the redundant farm buildings at the rear of the guest house.

Paragraphs 17, 115 and 126 of the NPPF and, as noted above, Policies L1 and Policy L3 of the Authority's Core Strategy respectively seek to conserve and enhance the valued characteristics of the National Park landscape and preserve the special qualities of the National Park's historic built environment including its designated Conservation Areas and their settings. The provisions of L1 and L3 are supported by Local Plan policies LC4 and LC5 which, as also noted above, are permissive of development that would respect, conserve and, where possible, enhance the landscape, built environment and other valued characteristics of the area.

The rear yard of the Home Farm guesthouse is presently fairly well screened on its east and west sides by the existing modern farm buildings on the upper yard level. The Dutch Barn along the eastern yard boundary is particularly prominent when approaching the village on the higher ground to the east and glimpses of the skeletal form of the partly dismantled building immediately to the rear of the guesthouse can be viewed from the main street.

The long modern building on the western side of the churchyard (north store) is easily visible from the churchyard, but this effectively screens views into the rear yard and field area. The storage building in the centre of the rear yard is largely screened from public viewpoints by the guest house building and the adjacent modern buildings on the eastern and western boundaries. These three buildings all have an adverse landscape impact upon the setting of Home Farm and the wider landscape.

Conservation Area consent was granted for the removal of these three buildings, subject to the submission of a landscaping scheme to restore the land to a meadow. However, this permission has not been implemented, save for the partial demolition of the building immediately to the rear of the guesthouse building.

The submitted scheme proposes the removal of the two of buildings within the rear yard in order to accommodate the new ancillary accommodation building. The remainder of the rear yard area would then be used as a rear garden area for the guesthouse and would provide improved car parking incorporating an increase in vehicle parking spaces from the present 6 spaces to 14 spaces. The proposed car parking/garden space also encroaches into the adjacent rear field. This is a relatively small encroachment extending to around 56.25m<sup>2</sup>. The parking/garden area created by the removal of the existing building would be enclosed by drystone boundary walls.

The proposed removal of the Dutch Barn and the other modern farm building in the rear would significantly enhance the setting of the Home Farm guesthouse and the wider landscape setting, but the removal of the Dutch Barn would to some extent enable the rear yard area to be viewed from the distant viewpoints from the higher ground levels of the approach road to the village from the east. From here, the detached greenhouse would be particularly prominent and appear incongruous in the landscape.

Whilst the proposed ancillary accommodation building would be visible, it is considered that it would have a less harmful impact on the wider landscape than the existing modern buildings due to its proximity to the rear of the guesthouse building, reduced height and form, and the use of traditional materials.

However, it is not considered that the proposed additional parking/garden areas, even with the slight encroachment into the rear field, would have any significant adverse impact on the wider landscape. The removal of the existing modern building on the western side of the rear field would open up views of the rear yard area and the proposed new ancillary accommodation building, which would otherwise mean the impact of the proposals on the setting of the nearby listed church to the immediate west of the site, would need to be assessed. However, this building is not proposed for removal as part of this proposed scheme.

Therefore, whilst the proposed ancillary accommodation building would have a detrimental impact upon the immediate setting of Home Farm and the Conservation Area, there may be some degree of enhancement to the landscape setting of the village because it could be a less visually intrusive development than the existing buildings. It is not considered that the proposed car parking/garden areas would have a significant adverse impact upon the wider landscape setting of Home farm or the character and setting of the Conservation Area.

However, the proposed greenhouse would have a more harmful impact upon the wider landscape setting of Home farm or the character and setting of the Conservation Area than the existing buildings that would be dismantled. Moreover, the proposed ancillary building would only make a marginal improvement to the wider landscape setting of Home Farm whilst having a significant harmful impact on the character and appearance of the existing guest house and its immediate setting.

For these reasons, it is considered that the development proposals in the current application would fail to achieve any significant and appropriate enhancement of the guest house site within its wider landscape setting and would fail to provide any substantial enhancement to important views into the Sheldon Conservation Area. Therefore, the proposals would fail to achieve any substantial public benefits that would offset and outweigh the criticisms of the inappropriate design of the development that would not be sensitive to the surrounding Conservation Area, and the proposals would not be 'enabling development' because any approval for the current application would simply replace one form of inappropriate development with another, contrary to Core Strategy policy GSP2.

Issue 3 - Whether the proposed Manager's flat is justified and complies with the Authority's Core Strategy housing policies, specifically Core Strategy policy HC2.

Core Strategy policy HC2 states that new housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests. The scheme proposes a two-bedroomed manager's flat in the first floor of the accommodation building. No supporting functional or financial appraisal has been submitted with the proposal demonstrating the need for the manager's flat accommodation.

As originally approved, Sheldon's Luxury Retreat is a fairly modest-sized guest house and, when approved, showed provision for first floor manager's accommodation within the main body of the existing guest house building. In the absence of any supporting information justifying the need for the additional manager's accommodation, and as there is already provision for manager's accommodation (35m<sup>2</sup> inc. attic bedroom) within the existing guest house, this element of the proposal would be contrary to Core Strategy policy HC2.

Issue 4 - Impact upon village amenity and the residential amenities of neighbouring properties.

The comments from the Highway Authority have not yet been received, but they have not raised highway objections on similar previous applications, and there are no particular issues relating to nature conservation interests, drainage or surface water run-off.

The environmental performance of the development would seemingly be enhanced by the indicative provision of solar collectors but these issues do not weigh especially for or against the current application in light of the fundamental policy objections to the proposal as submitted.

In relation to residential amenity, Core Strategy policy GSP3 states that particular attention will be paid to the form and intensity of the proposed use or activity and its impact upon the living conditions of communities. Local Plan policy LC4 further states that particular attention will be paid to the amenity, privacy and security of the development and of nearby properties.

Due to intervening buildings and boundary walls, there are no windows in the proposed accommodation building that would directly overlook the adjoining residential properties. Moreover, the uses proposed in the ground floor of the building, are 'quiet' uses that, if confined to the use by existing staying guests would not give rise to noise or disturbance or have any significant impacts upon the residential amenities of the neighbouring properties.

It is also considered that whilst the development is not necessarily small-scale or low key in policy terms, it is not of a size and scale whereby it would have an inevitable and unacceptable adverse impact on the amenities of the local area. It is considered therefore, that in respect of residential amenity issues, the proposal would meet the terms of Core Strategy policy GSP3 and Local Plan policy LC4. In these respects, it is considered that local objections to the proposals on amenity grounds are unsustainable but this conclusion does not offset or outweigh the fundamental policy objections to the proposal as submitted.

## **Conclusion**

In conclusion, there are fundamental policy objections to the proposal as submitted. The proposed development comprises a substantial amount of inappropriate development which has been found to be contrary to the provisions of the Development Plan and contrary to national planning policies in the Framework.

The proposed development would have a harmful visual impact because its design fails to respect the character and appearance of the host property, and does not reflect the character of the surrounding area. By virtue of its design, the proposal would also fail to preserve the special qualities of the surrounding Conservation Area, and would not conserve or enhance the setting of Home Farm and its immediate surroundings.

By virtue of the scale of the proposed ancillary accommodation building and its position, and the prominent position of the detached greenhouse building, the development would also have an unacceptable adverse impact on the wider landscape setting of Home Farm. The proposed development would be an incongruous and alien feature that would be prominent in views into Sheldon and the development would not be sensitive to the remote and rural character of this limestone plateau village or the surrounding relatively unspoilt landscape.

Consequently, any enhancement that might be achieved by demolition of existing buildings on the site would be overridden by the harmful visual impact of the proposed development and its detrimental impact on the character of the landscape setting of Home Farm. In these respects, any approval for the proposals would amount to replacing one form of inappropriate development with another contrary to the specific provisions of GSP2.

It is therefore concluded that the current application irreconcilably conflicts with policies in Development Plan and because any benefits that may be associated with the proposed development are substantially outweighed by the identified demonstrable harm to the local area

there is no opportunity to consider national planning policies in the framework would otherwise allow consent to be granted.

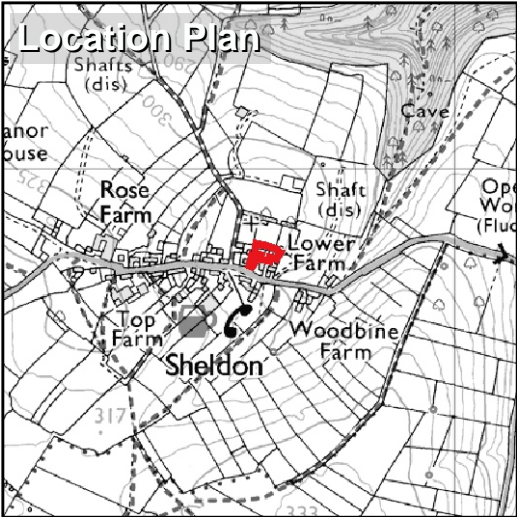
In the absence of any other relevant planning considerations that indicate an exception to the Development Plan may be warranted, the current application is accordingly recommended for refusal.

### **Human Rights**

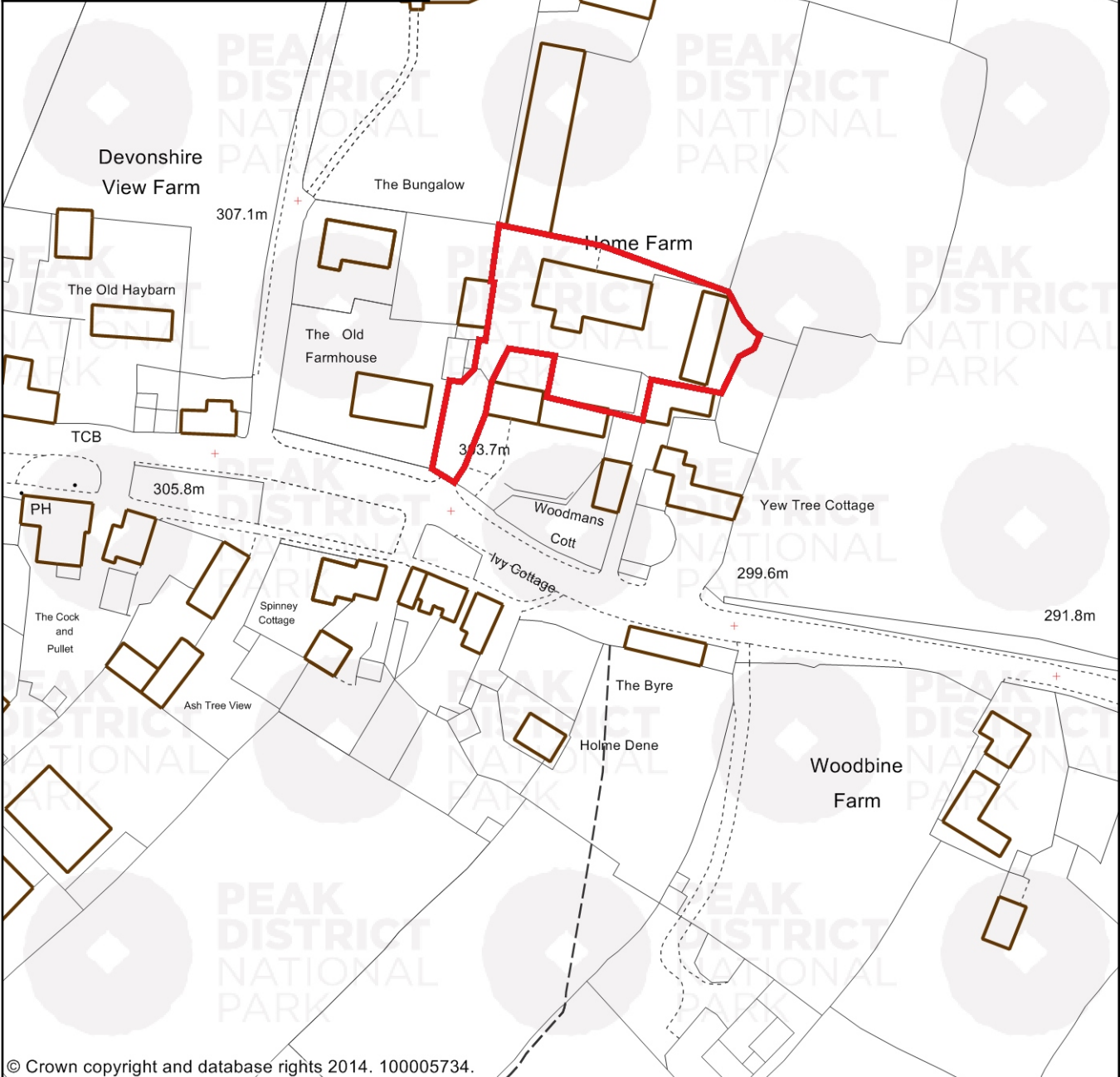
Any human rights issues have been considered and addressed in the preparation of this report.

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


Nil



1:1250



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Committee Date:	14/11/2014	<b>Title:</b> Home Farm, Sheldon	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	8		
Application No:	NP/DDD/0414/0454		
Grid Reference:	417605 368801		

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**9. Full Application – Erection of Two Affordable Dwellings, The Croft, Litton Dale, Litton (NP/DDD/0814/0879. P4939, 415986 / 374947, 28/10/2014/AM)**

**APPLICANT: MR & MRS ROBERT AND ELLEN HOPKINS**

**Site and Surroundings**

The site lies to the south west of Litton within Litton Dale. The site comprises of a small piece partially overgrown land known as the Croft, which includes a pre-fabricated garage and which is currently used for domestic storage. The site is located outside of the designated Litton Conservation Area.

Access to the site is via an existing gate onto the adjacent highway. The nearest neighbouring properties in this case are the recently erected pair of semi-detached local needs houses to the north east of the site and Dale Cottages to the south west.

**Proposal**

This application seeks planning permission for the erection of two semi-detached affordable local needs houses on the application site.

The submitted plans show that each dwelling would have two bedrooms and a total internal floor area of 57m<sup>2</sup>. The dwellings would be set within the existing walled croft with vehicular access provided through the existing gate. Each dwelling would be provided with a small front and back garden, which combined measure approximately 24m<sup>2</sup>. A total of four parking spaces would be provided to the east of the building for the two dwellings.

The dwellings would be two storeys in height and would be constructed in natural limestone under pitched roofs clad with natural blue slate and painted timber windows and doors.

**RECOMMENDATION:**

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

- 1. The application site is not within or on the edge of Litton or any other named settlement as defined in Core Strategy policy DS1. Furthermore, the proposed development would be sited in an open and prominent position where it would have a harmful landscape and visual impact, particularly where seen from the roadside and from elevated positions looking down onto Litton Dale. Therefore the proposals would represent an unsustainable form of development that is contrary to policies GSP1, GSP3, L1 and HC1 of the Core Strategy, contrary to saved Local Plan policies LC3, LC4 and LH1, and contrary to national policies in the National Planning Policy Framework.**
- 2. The development of this open space would lead to pressure to infill the intervening gaps which would continue linear residential development out and away from the village core in a manner which would harm the overall pattern of built development in Litton.**
- 3. The Authority is aware of alternative sites within Litton and Tideswell which have been identified, in principle, as being able to accommodate housing to meet identified local need for affordable housing. Therefore, in this case it is considered that there is no exceptional or overriding justification to approve development which would have a harmful impact outside of the village.**

## **Key Issues**

- The acceptability of the site in policy terms and the availability of other sites within Litton and Tideswell.
- Whether there is a proven local need for the proposed dwellings.
- Whether the size and type of the proposed dwellings would be affordable to local people on low or moderate incomes.
- The design of the proposed dwellings, landscape and visual impact and highway safety.

## **History**

### **Application Site**

2002: NP/DDD/0602/268: Refusal of planning permission for the erection of a dwelling to meet local need on the application site because the site was considered to be isolated and prominent from the road and clearly beyond the confines of Litton village. It was also considered that the development of the site would increase pressure to infill the gap between the edge of the village and the existing cluster of properties 110m beyond the village to the south west. Permission was also refused on the grounds of lack of proven need for the dwelling and highway safety issues.

2003: NP/DDD/0303/120: Re-submission of the above application refused planning permission for the same reasons as the 2002 application.

### **Adjacent Site**

2009: APP/M9496/A/08/2086082: Planning appeal allowed for the erection of two affordable houses on land adjacent to Sycamore House, Litton Dale (a site 27m to the north east of the current application site).

In allowing the appeal, the Inspector considered that there was a proven local need for the dwellings and that the appeal site could be considered to be on the edge of the village and that the dwellings would provide a firmer visual edge to the existing built development.

## **Consultations**

Highway Authority – No objections subject to the submission of revised drawings by the applicant to demonstrate exit visibility sightlines of 2.4m by 47m in each direction and the location of bin storage areas within the application site.

District Council (Environmental Health) – No objections subject to conditions to deal with potential contamination caused by spillages and asbestos related to existing garage.

Tideswell Parish Council – Supports the application for much needed affordable housing within the village, but wish the views of Litton Parish Council to be sought as the area is adjacent to their boundary.

Litton Parish Council – Request that the Authority defer the application until an up to date overview of affordable housing need and supply in the parishes of Litton and Tideswell is undertaken. The Parish Council gives the following reasons for this request:

1. The site is in Tideswell but adjacent to the Litton boundary. The application is supported by the 2009 Litton Housing Need Survey and makes no reference to Tideswell. An overview of both should take place before any decision is taken.

2. The Peak District Rural Housing Association has presented a proposal for three to four affordable houses within Litton. The Parish Council is aware of other proposals in Cressbrook and that a planning application for the site adjacent to the Croft site has been received by the Authority but not validated. The existence of these proposals supports the need to take an overview using up to date information.
3. The District Council Rural Housing Enabler is intending to undertake a housing need survey in Litton Parish in October this year.

### **Representations**

One general comment has been received to date and states that the wall shown on the south west of the site should remain and not provide access to the neighbouring land.

### **Main 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. Finally, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (such as meeting the essential need for a rural worker to live at or near their place of work in the countryside).

Policy DS1 of the Authority's Core Strategy reflects the objectives of national policy and sets out very clearly new residential development should normally be built within existing settlements in 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. Litton is a named settlement for the purposes of Core Strategy policy DS1.

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.

### **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 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.

Policy LC3 sets out criteria to determine whether proposed development is in or on the edge of a local plan settlement and states that regard will be had to the developments relationship to nearby buildings and structures and to the settlement's overall pattern of development, which should be complimented and not harmed. LC3 goes on to say that development will not be permitted where it is separated from the existing settlement to such a degree that it no longer forms part of the whole or is likely to result in pressure to infill an intervening gap.

#### 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.

## **Assessment**

### **Location of Site and Housing Policy:**

This application seeks planning permission for the erection of two dwellings to meet local needs for affordable housing. Relevant policies in the Framework and the Development Plan would offer support for the proposed development, in principle, provided that the site is located either within or on the edge of Litton and it is demonstrated that the development would meet eligible local need for affordable housing.

The key issue in this case is considered to be whether the application site is located within or on the edge of Litton or outside of the settlement in open countryside and the impact of the development upon the local area.

Local Plan policy LC3 (a) sets out criteria for assessing whether proposed development is in or on the edge of the settlement. In this case, the croft forms part of Litton Dale and an open area of land which separates the built up edge of the village from a group of buildings (including Dale Cottages and Dale House) approximately 95m to the south west. Historic mapping shows that the historic core of the village centred around Hall Cross, with later inter and post war residential development in-filling part of the land between the village core towards the cottages at the northern end of Litton Dale.

The proposed dwellings would be sited in a prominent, central position within the open space and the crofts on either side, which are in separate ownership, would be retained. In these respects it is considered that the proposed development would be sited on land which is not well related to nearby buildings within Litton. It is considered that the erection of the proposed dwellings on this open and prominent site would have a harmful visual and landscape impact from the roadside and from elevated public vantage points to the south east which look down onto Litton Dale. The development of this open space would continue linear residential development out and away from the village core in a manner which would harm the overall pattern of development in Litton.

Having regard to LC3, it is considered reasonable to conclude that the application site is located beyond the edge of Litton and that for the purposes of the development plan that the site should be considered to be in open countryside.

In reaching this decision Officers have had regard to the decision of the Authority's Planning Committee in 2002 and 2003 to refuse planning permission for the erection of a single dwelling on the application site. On both occasions the Authority determined that the site was clearly outside of Litton and that development of the site would increase pressure to infill the gap between the edge of the village and the existing cluster of properties beyond the village to the south west.

Officers have also had regard to the more recent appeal decision (allowed in 2009) for the erection of two local needs dwellings on land approximately 27m to the north east of the current site. In allowing the appeal the Inspector considered that the appeal site was at the edge of the main built-up area of Litton and that the appeal development would provide a firmer visual edge to the existing development. The appeal decision is therefore a material consideration because the Inspector clearly sets out what he or she considered to be the edge of the village at that time.

The current application site is clearly beyond this point.

Little has changed on the ground since the Authority determined the previous applications in 2002 and 2003 and especially since the more recent appeal decision in 2009. These decisions are therefore considered to support the conclusion in this case that the current proposed development is located outside of Litton.

It is therefore considered that the application site is outside of Litton and in open countryside. In these circumstances LC3 (b) is relevant because approval of the development would be likely to result in pressure to infill intervening gaps left on either side of the site. This is evidenced by a separate planning application (which has been received by the Authority, but not yet validated, pending determination of the current application) for the development of a single local needs dwelling on land adjacent to the site.

The proposed dwellings are not required to achieve the conservation or enhancement of a valued vernacular building and therefore any approval of the proposed development would be contrary to national policy within paragraphs 54 and 55 of the framework and the Authority's housing strategy set out in Core Strategy policies DS1 and HC1 and Local Plan policies LC3 and LH1. The development of the application site would in fact have a harmful impact upon the settlement pattern of Litton and upon the local area contrary to Core Strategy policy GSP3 and Local Plan policy LC4.

#### Need and Affordability of Proposed Dwellings

In this case, the submitted application seeks to demonstrate the need for the proposed dwellings with reference to housing needs surveys carried out for Tideswell (2011) and Litton (2009), rather than with reference to the circumstances of named first occupants. The two dwellings are therefore proposed to meet the needs of these villages rather than, for example, the needs of a named individual or local family forming a household for the first time and who cannot afford housing on the open market.

The housing needs survey for Litton identifies a need for a total of three properties, a clear requirement for 2 bedroom houses, and that the majority of households in need are single adults. The survey goes on to conclude that the majority of need is for rented accommodation. The Litton survey was published in September 2009 and Officers do share the concerns raised by Litton Parish Council that the survey is out of date. Officers are also aware of a single bedroom dwelling that has been granted planning permission to be occupied as an affordable dwelling earlier this year which is currently being offered for rent.

The application is also supported by the more recently published Tideswell housing needs survey (September 2011). Tideswell is located in an adjoining parish and therefore it is appropriate to consider that the proposed development could meet part of the identified need in Tideswell because any prospective planning obligation would allow occupation of the dwellings by people resident in there. The Tideswell survey identifies a need for 33 properties in total with the main requirement for 2 bedroom houses, 1 & 2 bedroom flats and 1 & 2 bedroom bungalows. The survey also identifies that there is very little opportunity for local people to meet their housing need by buying or renting existing market or affordable housing.

Therefore, having had reference to the Tideswell housing needs survey, which is more up-to-date, it is considered that there is a proven need for the type of housing this application proposes (2 bedroom properties).

However, the fact that the development could contribute to meeting identified local need does not override the significant policy objection that the development would be outside of Litton or the conclusion that the development would have a significant adverse impact upon the character of the locality and local settlement pattern.

Importantly, Officers are also aware of on-going alternative proposals to develop affordable housing on different sites within Litton and Tideswell and have been involved in discussions with the District Council Rural Housing Enabler and Parish Council in these respects. Specifically, the Rural Housing Enabler has recently presented a scheme to Litton Parish Council for three or four dwellings for rent located on Hall Lane within the heart of the settlement.

At this stage there is no certainty that any of the alternative sites within Litton or Tideswell will be development for affordable housing in the near future. However, it is clear that there are alternative sites within Litton and Tideswell which could, in principle, be developed to meet the identified need for affordable housing. In these circumstances it is considered that there is no overriding justification for approving development which would be located in a harmful location outside of the village.

The size and type of the proposed dwellings are otherwise considered to fall within the Authority's space guidelines for a two or three person dwelling. The proposed semi-detached housing, set within a very modest domestic curtilage and with shared parking would be a type which would be likely to remain affordable to local people on low or modest incomes in perpetuity. Detailed financial information would normally be required to demonstrate anticipated costs and completion value (for sale and for rent). Officers have not requested this additional information in this case because there are strong objections to the development in principle.

#### Other Issues

Whilst there are significant concerns in regard to the impact of developing this site, there are no overriding objections to the design or layout of the building itself because the dwelling would reflect the design, form and massing of local vernacular buildings and would be built from local natural materials (natural limestone and blue slate).

It is also considered that there would be adequate visibility for vehicles exiting the site provided that the applicants submitted revised drawings to demonstrate the visibility splays to be maintained throughout the lifetime of the development. Furthermore, there is ample space within the site for four vehicles to park and turn clear of the highway. Therefore, it is considered that the development would be unlikely to harm highway safety or the amenity or road users.

There are no concerns in this case that the development of this site would impact upon any nature conservation or archaeological interest. The Environmental Health Officer has requested that if permission is granted that conditions are imposed to require the developer to assess and remedy any ground contamination. Given the use of the croft has been for domestic storage and garaging, it is considered unlikely that there will be any significant ground contamination. Therefore if permission was granted it is considered that the Environmental Health Officers recommended conditions would not be necessary.

These issues while not weighing against the proposed development do not offer any substantial or overriding reasons to grant planning permission for development which is considered to be substantially contrary to the Framework and policies within the development plan.

#### Conclusion

The application site is considered to be outside of Litton and therefore should be considered to be in open countryside for the purposes of the development plan. The erection of new built housing in this location would therefore, in principle, Core Strategy policy DS1 and HC1 and saved Local Plan policy LH1.

Furthermore, the proposed dwellings would be sited in an open and prominent position and that the development, if allowed, would have a harmful landscape and visual impact from the

roadside and from elevated public vantage points to the south east looking down onto Litton Dale. The development of this open space would lead to pressure to infill the intervening gaps which would continue linear residential development out and away from the village core in a manner which would harm the overall pattern of built development in Litton.

While there it is acknowledged that there is a proven need for affordable housing, there is no overriding justification for approving planning permission for development which would have a harmful impact on a site outside of the village contrary to Core Strategy policy GSP3 and L1 and saved Local Plan policies LC4 and LH1. In this case, Officers are aware of alternative sites within Litton and Tideswell which have been identified with the District Council Rural Housing Enabler and which, in principle, could accommodate housing to meet identified need.

It is considered that relevant Development Plan policies are in accordance with the Framework and should be accorded full weight in decision making because both documents seek to promote sustainable residential development to meet local need which conserves the landscape and valued characteristics of the National Park.

In the absence of any further material considerations, the current application is therefore recommended for refusal.

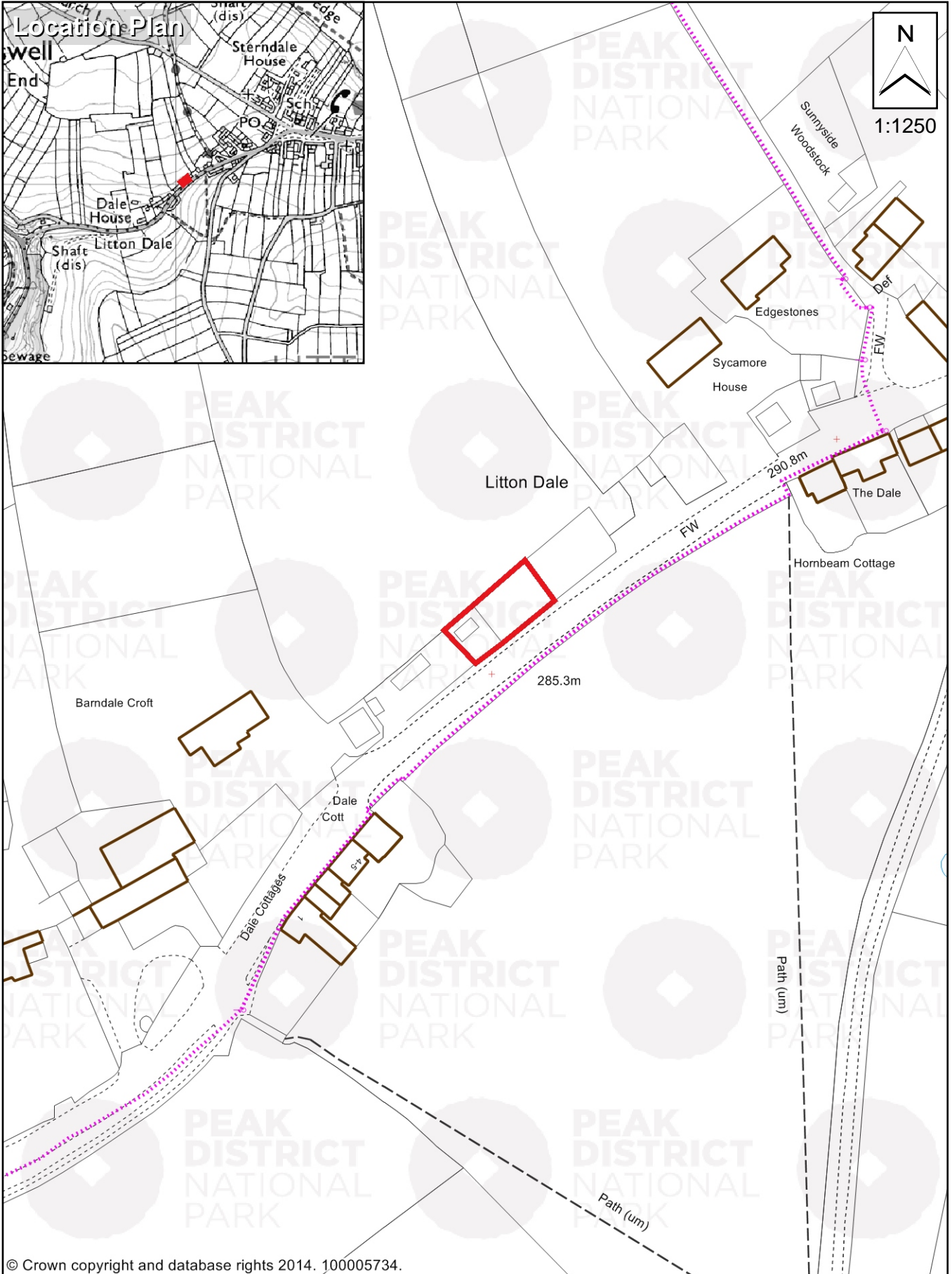
### **Human Rights**

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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Grid Reference:	415986 374947

**Title:** The Croft, Litton Dale, Litton



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**10. Outline Application - Erection of Building to Accommodate 6 No. One Bedroom Flats, Endcliffe Court, Ashford Road, Bakewell (NP/DDD/0914/0997 P.11903 420931/368985 3/11/2014/CF)**

**APPLICANT: COUNTY ESTATES (BAKEWELL) LTD**

**Site and Surroundings**

Deepdale Business Park lies approximately 1km to the northwest of Bakewell's town centre and is accessed from the A6 Ashford Road. The site is designated for employment uses (B1 & B2) by saved policy LB6 in the Local Plan, and to the rear of the site there are a range of units occupied by various tenants.

At the front of the site, there are two units known as Media House and Endcliffe House, which overlook the A6. These buildings have a curved plan form and are built primarily from natural stone and have pitched roofs clad with blue slates. Until recently these buildings have been unoccupied for some time, but both now have consent under permitted development rights for conversion to C3 dwellings. Endcliffe House has already been converted to six residential apartments, which are currently being rented out.

**Proposals**

The current application seeks outline permission for the erection of a new building between Endcliffe House and the A6, which would accommodate six one-bedroom flats. In this case all matters have been reserved, which means that the precise details of the appearance of the building, means of access from the A6, landscaping, layout and scale would not normally be included with the submitted application.

However, the submitted application does include plans that show the proposed building would be almost identical to Media House and Endcliffe House in terms of its design and the materials used in its construction albeit the new building would be on a rectangular plan rather than a curved plan. The plans also show that each flat would have an internal floor area of around 54m<sup>2</sup> and the occupants of the flats would utilise the existing access and parking arrangements.

Significantly, the application makes it clear that the new flats are intended to be rented out on the open market to meet general demand. A financial development appraisal has been submitted that supports the applicant's offer of a commuted sum of £55,000 to facilitate affordable housing to meet local needs elsewhere in Bakewell if permission is granted for the current application.

**RECOMMENDATION:**

**That the application be APPROVED subject to prior entry into a s.106 legal agreement securing payment of a commuted sum and retaining the new housing in the same ownership as the remainder of the site and subject to the following conditions:**

- 1. Statutory time limits for submission of reserved matters and commencement of proposed development.**
- 2. Requirement to submit details of reserved matters**
- 3. Limitations on size and scale of development**
- 4. Specifications for design details and construction materials including energy saving measures.**

## **5. Provision and maintenance of parking and access provision to meet Highway Authority requirements**

### **Key Issues**

- whether the benefits that would be achieved by approving this application justify an exception to the Authority's adopted housing policies.

### **History**

- 2000 Full planning permission granted conditionally for Media House (NP/DDD/0499/187).
- 2002 Full planning permission granted conditionally for Endcliffe House (NP/DDD/0901/406).
- 2013 Planning permission refused for the change of use of Media House and Endcliffe House from offices to apartments (NP/DDD/0612/0616).
- 2013 Notification of the change of use of Endcliffe House to residential use accepted (NP/GDO/0613/0452)
- 2013 Notification of the change of use of Media House to residential use not accepted because of condition 12 attached to NP/DDD/0499/187 limiting the use of the building to offices (NP/GDO/0913/0771).
- 2013 Planning permission refused for variation of condition 12 - office use only on NP/DDD/0499/187 – the subsequent appeal was allowed in 2014 and condition 12 has been deleted (NP/DDD/0613/0451).
- 2014 Notification of the change of use of Media House to residential use accepted (NP/GDO/0514/0562).

It is also relevant to the current application that the Authority has received further notifications to change the use of a third building at Deepdale Park known as Ardern House. These notifications were not accepted because there is a condition attached to the building limiting its use to a B1 use. This condition was imposed to enable the National Park Authority to retain control over the extent of the use and to prevent any adverse effect upon the character of the area.

### **Consultations**

County Council (Highway Authority) – No objections subject to conditions

District Council - No response to date

Town Council - Resolved to recommend approval of the current application subject to parking concerns being resolved and a Section 106 agreement securing a sum of at least sixty thousand pounds to be reinvested in Bakewell.

### **Representations**

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

## **Main Policies**

The application proposes new housing therefore the most relevant policies in the Development Plan are policy HC1 of the Core Strategy and saved Local Plan policy LH1. HC1 says provision will not be made for housing solely to meet open market demand and that housing land will not be allocated in the development plan. HC1(A) goes on to say exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it addresses eligible local needs. LH1 provides the detailed operational criteria for assessing affordable housing proposals.

These policies are consistent with policies in the National Planning Policy Framework ('the Framework') which say 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.

Policy E1 of the Core Strategy and saved Local Plan policy LB6 of the Local Plan are also relevant to this application. In particular, LB6 says general industry or business development (Use Classes B1 and B2) will be permitted on Deepdale Business Park and development which would prejudice the development of this site for general industry or business development will not be permitted.

E1(D) says the National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location such as Deepdale Business Park. E1(D) goes on to say where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

These policies are also consistent with the Framework, which promotes sustainable rural economic development but encourages local planning authorities to consider appropriate alternative uses of employment sites that are no longer viable.

## **Wider Policy Context**

The Authority's housing and economic development 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.

These policies are consistent with the core planning principles set out in the Framework including the Government's objectives to secure high quality design that is sensitive to the locally distinctive characteristics of the National Park's built environment.

## **Assessment**

### **Reserved Matters**

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, plans have been submitted which show a development that gives rise to no overriding objections in terms of its design, siting and layout. The building would harmonise with the adjacent Endcliffe House and Media House and because it would be sited close to the boundary of the site against the backdrop of rising land and Endcliffe Wood, the new building would not have a significant visual impact on the wider landscape.

The proposals would not be unneighbourly by virtue of the orientation of the new building relative to the adjacent Endcliffe House and the intervening distances between the two nearest neighbouring residential properties either side of the Business Park. Access and parking provision would be adequate for the new development and the twelve apartments that would be located in Endcliffe House and Media House. Importantly, this part of the site is also now functionally and physically separate from the remainder of the employment units on the Business Park and there are no overriding concerns that the employment units and the residential accommodation at the front of the site would be incompatible uses.

Therefore, whilst these issues generally relate to reserved matters that would need to be controlled by planning conditions if permission were granted for the current application, the new building would not conflict with the range of design and conservation policies in the Development Plan and the Framework or result in any demonstrable harm to the amenities of the local area. Equally, the proposals would not result in the loss of employment land or compromise the ability of the remainder of the site to be retained for employment uses. Therefore, the proposals do not conflict with Local Plan policy LB6 and E1(D) insofar as these policies seek to safeguard the existing business land and buildings at Deepdale Business Park.

Consequently, if the proposed flats were intended to be affordable housing to meet local need, it would be possible to conclude that the proposals would meet the requirements of E1(D), which is otherwise permissive of affordable housing to meet local need on employment sites albeit where the site is no longer viable. The proposals would also meet the criteria of housing policies HC1 of the Core Strategy and saved Local Plan policy LH1 if the flats were found to be needed by, and affordable to, people on low and moderate income who had an appropriate local qualification. However, the houses are intended to meet general demand and this weighs heavily against the acceptability of the principle of the proposed development.

### **Principle**

In summary, there are no provisions for open market housing in the National Park to meet general demand unless the proposed housing would be required to conserve or enhance a valued vernacular or listed building, or within settlements, the proposed housing would be required to achieve enhancement objectives or the relocation of a non-conforming use in accordance with policy HC1(C)II of the Core Strategy. In this case, the proposed development simply does not meet the requirements of HC1(C)II and the current application conflicts with the more general presumption in HC1 and LH1 that new housing within the National Park will only be allowed exceptionally if it is affordable housing to meet local need.

In these respects, the Authority's housing policies are generally consistent with rural housing policies in the Framework. However, paragraph 54 does say that planning authorities should

consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local need. This scenario is not provided for in the Authority's Development Plan. Therefore, the Authority has to be mindful of the provisions of paragraph 14 of the Framework, which says where the Development Plan is absent, silent or relevant policies are out-of-date, local planning authorities should grant permission for development unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

In this case, it is clear that the proposed development would not harm the valued characteristics of the National Park, and whilst the proposals may conflict with housing policy in the Development Plan, there are no overriding concerns that the housing would be in an unsustainable location, for example. Therefore, the acceptability of the development is considered to rest on whether the benefits of granting permission for the application outweighs or offsets the potential adverse impacts of either making an exception to, or departing from the Authority's adopted housing policy. For clarity, this assessment arises because the development Plan does not cover the issues raised by this application rather than any concerns that housing policies in the development plan are out-of-date.

The adverse impacts of making an exception to the Development Plan can include undermining the consistency of decision making within policy within the National Park by creating considerations that are easily repeated elsewhere. For example, a proliferation of similar developments that are outside of policy could follow a single exception where others are able to repeat the arguments used to justify a non-conforming development. The adverse impacts of making a departure from the Development Plan can include allowing development that would have a significant impact on the National Park and/or significantly compromise the implementation of policies in the Development Plan.

In this case, the proposed development would be a departure if the case for the development was simply that open market housing should be allowed in the National Park in the absence of harm. If the development was allowed on this basis then any approval would significantly compromise affordable housing policies and lead to a significant impact on the National Park. However, there is an offer of a commuted sum that is intended to help facilitate the proposed housing scheme in Bakewell at Lady Manners school. If this scheme were to come forward, it would provide 40 affordable houses that would meet identified need for affordable housing in Bakewell.

Therefore, the proposed commuted sum would be supported by the provisions of paragraph 54 of the Framework, which would mean that if the proposals were allowed on the basis of the commuted sum, this development would be an exception to the Development Plan supported by national planning policies. The Framework provides for off-site provision of affordable housing where it can be robustly justified. In this case, the financial development appraisal demonstrates the development proposed in this application would not be viable if it were subject to the Authority's normal affordability criteria either in terms of private sale or renting below market value. In particular, the construction costs of the development restrict the profitability of the proposals, and the specifications for stone-clad buildings are the principal factor that increases the cost of individual developments within the National Park. The affordable housing scheme at Lady Manners would otherwise provide a far better opportunity to improve the stock of affordable housing to meet local need in Bakewell.

Therefore, it is considered there is some justification to accept the principle of the proposed development based on the exceptional circumstances of the case whereby allowing the six flats would be an exception to housing policy. However, an approval for the proposed development

would help to facilitate development of a significant amount of affordable housing to meet local need elsewhere in Bakewell, in circumstances where, the development proposed in this application would not harm the valued characteristics of the National Park.

### Other Considerations

It is acknowledged that the commuted sum in itself would not provide an equal amount of affordable housing commensurate with the development proposals. However, it is important to note that the development proposals would not normally be a viable proposition in the first instance if this was a stand-alone development. The only reason that these proposals make commercial sense is because they would provide a source of income to support the viability of the Business Park as a whole.

In summary, the rental income from the six flats proposed in this application would support retention of the employment units of the rear of the site that experience fluctuating occupancy at a time when market demand for these type of units is not strong - hence the reason for converting Media House and Endcliffe House to housing under permitted development rights. From the developer's perspective the housing at the front of the site promotes the viability of the employment units at the rear of the site.

In these respects, the current proposals do represent a way of producing a supplementary income that would help to safeguard and prevent the loss of business land and buildings in business use on Deepdale Business Park in accordance with the aims and objectives of LB6 and E1(D). This is an important factor in determining the overall benefits of the current application because the previous planning history associated with Deepdale Business Park indicates that in the prevailing market conditions there is a real risk that other employment units could be lost to housing via the operation of permitted development rights.

Therefore, the benefits to the National Park of allowing this application would be twofold because the proposals would help facilitate a significant amount of affordable housing elsewhere in Bakewell alongside helping to safeguard high quality employment land, which is in a suitable location in Bakewell. These benefits would be closely linked to the overall aims and objectives of the Development Plan and if they were to be achieved would make a significant contribution to the viability and vitality of Bakewell itself.

However, these benefits could only be achieved if the commuted sum were to be secured by a legal agreement, which should also be used to prevent the subdivision of the site.

### Legal Agreement

Planning obligations offered in the form of a legal agreement can only be considered to be a reason for approval of any planning application - in law - if they meet three tests set out in Regulation 122 of *The Community Infrastructure Levy Regulations 2010*, as amended. These three tests are whether the obligations are:

- 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.

The Framework sets out identical 'policy' tests and says planning obligations should only be used to secure affordable housing or where it is not possible to address unacceptable impacts of development proposals through a planning condition. Planning Practice Guidance published by the Government this year offers further guidance and make it clear that that the requirement for a planning obligation must be fully justified and evidenced before it can be accepted.



In this case, the financial development appraisal clearly evidences that the offer of a commuted sum of £55,000 is fairly and reasonably related in scale and kind to the development. In summary, the appraisal applies realistic construction costs, yields and plot value and demonstrates that the project could not viably make a payment (contribution) towards the provision of affordable housing. However, because the applicant is able to consider the longer term contribution of the rental income in the context of supporting the commercial viability of the site as a whole, the plot value (i.e. land costs) can be taken out of the equation. This approach allows the applicant to create exceptional circumstances and an opportunity to make a contribution that would not otherwise be forthcoming from the market.

The suggested contribution is at a level that an independent and suitably qualified surveyor considers to be reasonable and sustainable, but it would be necessary, in planning terms, to ensure the proposed flats are 'tied' to the remainder of the estate at Deepdale Business Park by way of a legal agreement. Preventing the separate sale of the flats could not be achieved by a planning condition. It is necessary to prevent the subdivision of the estate to ensure the benefits of allowing this application would be realised in terms of supporting the continuing employment uses of the site and securing a commuted sum not least because of the marginal viability of the proposals.

The commuted sum is necessary to make the proposals acceptable in planning terms, given that the proposals are not in conformity with housing policies in the Development Plan. The commuted sum is also directly related to the development because no on-site provision of affordable provision is proposed, but the open market housing would facilitate delivery of a significant amount of affordable housing elsewhere in Bakewell in accordance with the provisions of national planning policies in the Framework.

Therefore, a legal agreement containing obligations securing the commuted sum offered by the applicant and preventing the separate sale of the flats would meet the policy tests in the Framework and these obligations would constitute 'valid' reasons for approval of the current application.

### **Conclusions**

It is therefore concluded that an appropriate legal agreement would allow the current application to be considered an appropriate exception to the Authority's housing policies, also taking into account the proposals are otherwise in conformity with national planning policies in the Framework. In particular, this application proposes a commuted sum that would facilitate off-site provision of affordable housing in a manner that is provided for by the Framework, but in a manner that is not covered by housing policies in the Development Plan.

In this case, there are exceptional circumstances that demonstrate that this type of proposal and the justification for its approval are unlikely to come forward elsewhere. In particular, any approval for this application does not rest on the absence of demonstrable harm or the acceptability of the siting and design of the housing, even though these factors are relevant considerations that weigh in favour of this application.

One exceptional circumstance that does exist in this case only arises because this development could help facilitate delivery of a significant amount of affordable housing, and in the current economic climate there is a limited likelihood of any schemes of a similar size to that proposed at Lady Manners School coming forward in the foreseeable future.

It is also exceptional that the proposals do not involve the loss of employment space and would go some way towards safeguarding the business use of land and buildings at Deepdale Business Park. Furthermore, it should be noted that this scheme would not be commercially viable other than by the applicant's willingness to offset the commercial viability of the development against

the viability of the wider estate in order to provide a contribution to social housing.

In these respects, it is not considered that the proposals would significantly undermine or compromise the implementation of policies in the Development Plan but it is considered that the benefits of granting permission would be closely linked to the overall aims and objectives of the Development Plan. If the aims and objectives of facilitating the delivery of affordable housing and safeguarding employment land were to be achieved then the approval of this application would also make a significant contribution to the viability and vitality of Bakewell itself.

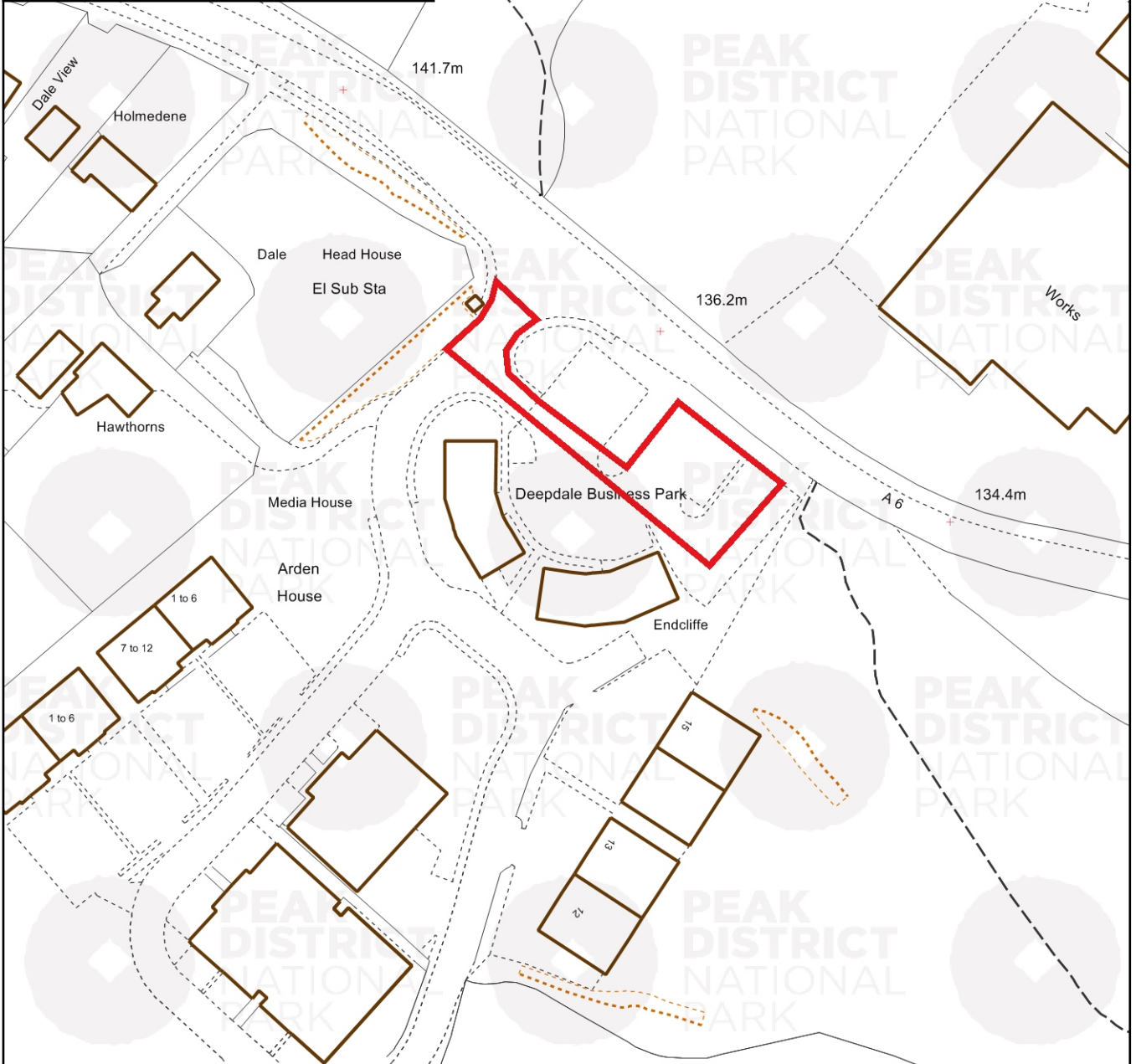
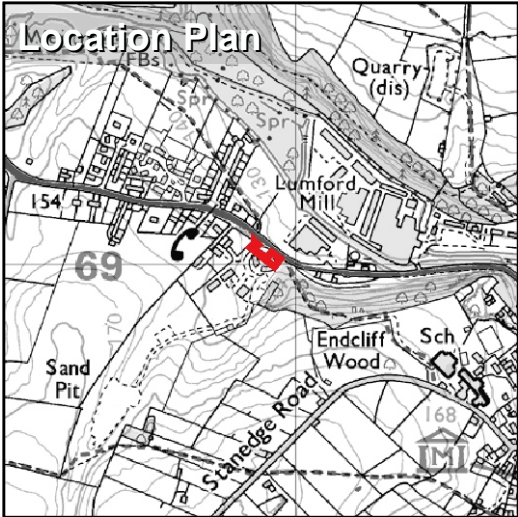
Accordingly, the current application is recommended for approval subject to prior entry into an appropriate legal agreement and subject to conditions that would be required to ensure that the proposed development would be completed to the high standard of design required by policies in the Development Plan and national planning policies in the Framework.

### **Human Rights**


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

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

Nil



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Committee Date:	14/11/2014	<b>Title:</b> Endcliffe Court, Ashford Road, Bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	10		
Application No:	NP/DDD/0914/0997		
Grid Reference:	420931 368985		

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**11. Full Application – Proposed Demolition of Existing Detached Dwelling and the Erection of a New Replacement Dwelling in the Same Location, Dale Head Farm, Ashford Road, Bakewell (NP/DDD/0814/0808, P11903, 31/10/2014, 420848/369049/CF/ALN)**

**APPLICANT: MR P HUNT**

**Site and Surroundings**

The application site is located on land above the entrance to Deepdale Business Park off the A6 (Ashford Road). The application site comprises a bungalow and associated curtilage. The bungalow is currently unoccupied. The walls are constructed in a mixture of reconstituted 'Davie blocks' and render and the roof is clad with natural blue slates.

Access to the property is from the A6 by way of a narrow access track which has been referred to as David Lane in representations made to the Authority on previous applications at this site. The nearest neighbouring properties in this case are two dwellings located to the south west and north west of the site. There is an open paddock to the east of the site. The property lies within Bakewell's Development Boundary (Local Plan policy LB1), but outside of the designated Conservation Area.

**Proposals**

The current application proposes the demolition of the existing bungalow and its replacement with a one and a half storey dwelling.

The footprint of the new dwelling would be in the same position and largely the same size as the existing bungalow, other than the addition of a 5 metre long extension off the north east facing gable end. The dwelling would be orientated with its ridge running north-east to south-west in the same manner as existing. The eaves and ridge height of the dwelling would be approximately 1.3 metres higher than the existing bungalow. The first floor rooms would be lit by conservation rooflights on both roofslopes. As submitted, the plans showed that the walls of the dwelling would be constructed in a mixture of natural limestone and render, under a blue slate roof.

It is also proposed to erect a double garage to the south of the dwelling house. As submitted the plans showed that the garage would be constructed in timber with the two doors placed in the north west facing gable end.

**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. Stonework to be in natural limestone - sample panel to be agreed.**
- 4. Remove permitted development rights for extensions, alterations and outbuildings.**
- 5. Restrict domestic curtilage to area edged red on submitted location plan.**
- 6. Development to be built to a minimum of Code Level for Sustainable Homes required of RSLs.**
- 7. Copy of the summary score sheet and Post Construction Review Certificate to be**

**submitted verifying that the minimum Code Level shall be achieved.**

- 8. Garage to remain available for the parking and private domestic vehicles in association with Dale Head Farm.**
- 9. Minor Design Details**
- 10. No trees to be felled or damaged without the Authority's prior written consent.**

### **Key Issues**

- whether the proposals would meet the requirements of Local Plan policy LH5.

### **History**

March 2011 – NP/DDD/0111/0046: application for demolition of bungalow and erection of replacement dwelling withdrawn prior to determination.

October 2011- NP/DDD/0911/0985: Planning permission granted conditionally for replacement dwelling, (this planning permission has not been implemented to date).

January 2013 – NP/DDD/1212/1275: consent granted for extensions and alterations to existing dwelling

January 2013 – NP/DDD/1212/1272: consent granted for incorporation of adjacent agricultural field into garden of dwelling

January 2014 – NP/DDD/1213/1157: application for the proposed demolition and replacement of the existing dwelling with a new larger family dwelling with detached double garage withdrawn prior to determination.

### **Consultations**

County Council (Highway Authority) - No objection subject to applicant maintaining 3no. off-street parking spaces clear of adequate manoeuvring space to enable all vehicles to enter and exit the site in a forward gear.

District Council – No response

Town Council – Recommend approval

### **Representations**

One letter of representation has been received from the owner of the property immediately to the north west of the application site ('Holmedene'). The letter raises the following points:

- David Lane is not a private access driveway but a historic lane with no known owner – it should not lose its identity.
- Concerned that double garage would block the second access to Dale Head from Deepdale Business Park. This second access point alleviates the need for vehicle turning which looks on the plans to be a problem for 4 cars in the confined area available.
- Previous approval for a new build dwelling was more suitable with fewer windows overlooking their garden to front and rear with a less pronounced frontage.

## **Main Policies**

In this case, saved policies LC4 and LH5 are considered to be especially relevant to the key issues in the determination of the current application.

Policy LC4 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Particular attention will be paid to, amongst other things, the amenity, privacy and security of the development and of nearby properties.

Policy LH5 (Replacement Dwellings) states that the replacement of unlisted dwellings will be permitted provided that:

- (i) the replacement contributes to the character or appearance of the area.
- (ii) it is not preferable to repair the existing dwelling.
- (iii) the proposed dwelling will be a similar size to the dwelling it will replace.
- (iv) it will not have an adverse effect on neighbouring properties.
- (v) it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

LH5 also says the existing structure must be removed from the site prior to the completion of the replacement dwelling or within 3 months of the occupation of the new dwelling where the existing dwelling is a family house.

Policy LH4 of the Local Plan otherwise provides specific criteria for assessing householder extensions including outbuildings such as the garage proposed in this application. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

## **Wider Policy Context**

Relevant Core Strategy policies include: CC1, GSP1, GSP2, GSP3, L1 and L2

Relevant saved Local Plan policies include: LC17, LT11 and LT18

Policy GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Policy GSP2 states that, when development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives.

Policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals. Policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.

Core Strategy policy CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources, must take account of the energy hierarchy and must achieve the highest possible standards of carbon reductions and water efficiency. Policies CC1 is also supported by the Authority's adopted supplementary planning document (SPD) on Climate Change and Sustainable Building.

L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT20 seeks to safeguard important trees that might be affected by development proposals. LT11 and LT18 otherwise require development to be provided with appropriate access and parking provision that would harm the environmental quality of the National Park.

#### National Planning Policy Framework ('The Framework')

It is considered that the relevant policies in the Development Plan, noted above, are consistent with national policies in the Framework in this case because both local and national planning policies promote sustainable development that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

#### **Assessment**

##### Proposed Garage

Whilst the proposed garage adds to the overall scale of new-build development proposed in this application, it is likely that a separate application for a garage to serve the existing bungalow, or a replacement dwelling, could be looked upon favourably subject to normal planning considerations. Therefore, it is not considered that the proposals for a new garage weigh heavily in the assessment of the acceptability of the replacement dwelling, particularly when assessing whether the replacement dwelling would be a similar size to the dwelling it would replace.

Amended plans have been received which show the garage constructed in natural stone rather than timber and the roof turned by 90 degrees such that the doors are under the eaves in the traditional manner. The design of the garage is now in complete accordance with the Authority's adopted design guidance and it would be not have a significant impact on the character and appearance of the local area by virtue of its relative modest size and scale and by virtue of its appropriate design. By virtue of its siting, the garage would not have any significant impact on the amenities of the nearest neighbouring properties and in itself, the garage would not have any significant impact on highway safety because it would not compromise existing access or parking provision on site or generate additional vehicular traffic to and from the site.



Therefore, the revised proposals for the garage are in conformity with policy LH4 that sets out specific criteria for householder development. The garage, as shown on the amended plans, would conform to the wider range of applicable design and conservation policies in the Development Plan and the Framework and could be granted planning permission. However, approval for the garage would be dependent on the acceptance of the parallel application on this committee agenda (NP/DDD/0814/0814), which proposes the change the use of the land on which the garage would sit from agricultural use to domestic curtilage. Approval of the garage also rests on acceptance of the replacement dwelling proposed in this application as it is not possible for the Authority to issue a split decision in the event the garage is determined to be acceptable but the replacement dwelling is not.

#### Background to proposals for replacement dwelling

In October 2011 permission was granted to replace the existing dwelling with a traditional two-storey house in a modest vernacular style. Although still extant, this consent has not been implemented. In January 2013 permission was granted for extensions and alterations to the existing bungalow. The consent is still extant and that approval allowed the roof of the bungalow to be raised and for extensions and alterations that would result in a building that would be very similar to the replacement dwelling now being proposed.

In these respects, amended plans have been received that have modified the original submission so the main difference between the scheme approved in 2013 and the replacement dwelling is that the 2013 scheme had a single garage attached to the south west gable end of the dwelling whereas in the current scheme the garaging would be provided by means of the detached double garage discussed in the previous section of this report and proposed in this application. The current scheme would also be 'handed' so as to locate that main entrance on the north west side closer to the point of access thereby providing improved outlook from the main living spaces.

The amended plans for the replacement dwelling proposed in this application shows a scheme that is similar to, if not marginally better in design terms than, the scheme of extensions and alterations to the existing bungalow approved in 2013. However, neither scheme reflects the local building tradition. This gives rise to one key issue in the determination of the application insofar as the design of the replacement dwelling would closely replicate a scheme that has previously been accepted but would not be significantly better in design terms than what has already been approved. Therefore, a replacement dwelling is not strictly required to achieve conservation and enhancement objectives unless it can be demonstrated that it is not preferable to extend and alter the existing dwelling.

#### Whether it is preferable to repair the existing dwelling

Local Plan policy LH5 permits the replacement of unlisted dwellings, provided that the proposals meet all the policy's five criteria of which, LH5 (ii) states that replacement dwellings will be permitted provide it is not preferable to repair the existing dwelling. The agent states that the decision to replace the existing dwelling rather than carry out extensions and alterations to the bungalow has been made due to its poor condition and uncertainty with regard to its ability to withstand the extent of works necessary to achieve reasonable levels of thermal efficiency.

The Design and Access Statement goes on to say that to provide sufficient insulation to the ground floor would necessitate raising the existing finished level significantly or alternatively taking up the whole floor and re-laying a new floor construction. External walls would require an internal dry lining system which would take 65mm of the dimensions of the rooms affected, some of which already show signs of dampness. The general disturbance to the load bearing walls, given the uncertain standard of their construction would necessitate such a high level of making good or rebuilding that it is considered better and more cost effective to rebuild completely, thereby providing a dwelling that is fully compliant with Building Regulations.

The existing bungalow does not make a positive contribution to its immediate setting by virtue of its design and materials used in its construction which are not in keeping with the local building tradition. Therefore, whilst there is some scope to repair and improve the existing bungalow, the existing building does not have any particular features that would warrant resisting its replacement, and officers consider it would be preferable to consider a replacement dwelling that has improved thermal efficiency (in accordance with Core Strategy policy CC1), rather than seek to retain an allow the existing building to be altered and extended provided that the other criteria of policy LH5 are met.

#### Scale of Proposed Dwelling

Criteria (iii) of LH5 requires a replacement dwelling to be a similar size to that which is replaces. The volume of the existing dwelling is approximately 388 cubic metres. Whilst the footprint of the new dwelling is almost the same (other than the 33.5 square metre extension off the north east facing gable), the proposed dwelling is higher and therefore the volume is approximately 690 cubic metres, an overall increase of 56%. In terms of volume, the replacement dwelling would be larger than the existing property and if the double garage proposed in this application were to be included in this calculation, there would be an additional volume of around 142 cubic metres to take into account.

Therefore, the current proposals do not fully meet the requirements of LH5(iii) and the garage would exacerbate this conflict if it were to be considered to be part and parcel of the replacement dwelling proposals. However, this aspect of the policy uses the phrase 'similar size' as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like for like floor space or volume calculation. This enables a degree of flexibility necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate for any particular site and its setting. In this case the replacement dwelling would be larger than the existing, so its acceptability therefore very much depends upon whether the proposals would contribute to the character of the area or offer up other planning gain that would outweigh any concerns about the increase in size.

This is an important point because the visual impact of the existing bungalow on its surroundings is limited by virtue of its relatively limited ridge height which is shown at 5.5m above the adjacent ground level on the submitted plans. Therefore, by approving this application, the Authority would not be replacing one form of inappropriate development with another more conspicuous form of inappropriate development on the site taking into account the design of the replacement dwelling is not in keeping with the local building traditions. However, as noted above, it should also be taken into account that planning permission has already been granted to extend and alter the existing bungalow in 2013 (which is still extant) and if this permission was implemented these alterations and extension would, in practice, result in a building that looks very similar to the replacement dwelling that is now being proposed. These issues are discussed in more detail in the next section of the report.

#### Landscape and Visual Impact

Clause (i) in policy LH5 requires that the replacement dwelling must contribute to the character and appearance of the area and clause (v) states that it should not be more intrusive in the landscape either through increased building mass or the greater activity created. In this case, given the flexibility offered up in clause (iii) in terms of the dwelling being of a 'similar' rather than the same size as the dwelling to be replaced, and in light of the acceptability of the extensions to the existing bungalow approved in 2013, officers consider that a slightly larger dwelling could be accommodated on this site without necessarily causing harm to the landscape.

As noted above, amended plans have been received which show improved detailing for the replacement dwelling and the amended scheme has elevations that offer an overall improvement on the 2013 scheme for alterations and extensions. However the basic design concept is still

suburban in character with a ‘two room deep’ plan form that results in wide gables (7.4m) and a dominant roof structure. Although the number of rooflights has been reduced there are still four on each roofslope. There would be some enhancement in that the walls of the dwelling would be constructed completely in natural limestone rather than the current artificial ‘Davie block’ and render.

Whilst buildings of this design are not usually appropriate in the National Park and are discouraged in the Authority’s Design Guidance, in this case there are factors which must be weighed against this general presumption. Firstly, this is an area of Bakewell that is suburban in character with a number of other properties to the north and west that have similar characteristics. Secondly, the dwelling would be well screened from the A6 to the north and east and whilst the south east elevation would be seen from a section of the A6 to the south, the views would be from some distance (80m approx.) and therefore the dwelling would not be unduly conspicuous.

Thirdly, and perhaps most importantly, as explained previously there is an extant permission for an almost identical dwelling by extension and alteration of the existing bungalow. At the time planning permission was granted for these extensions and alteration to the existing bungalow it was concluded that these proposals would *‘conserve the character, appearance and amenity of the existing building, its setting and that of neighbouring properties’*.

Consequently, taking all these factors into account, it is considered that the proposals would have a ‘neutral’ impact on the character and appearance of the area and the dwelling would not generally be more obtrusive through increased building mass than the existing bungalow, or the extended bungalow if the 2013 approval were to be implemented. Therefore, it is considered - on balance - that the proposals are compliant with clauses (i) and (v) of LH5.

On this basis and given the issue of the extant consent, the enhancements proposed in terms of materials and the opportunity to impose a condition requiring the development to reach the equivalent level in the Code for Sustainable Homes required of Registered Social Landlords (i.e. Code Level 3) can be given significant weight in favour of approving the current application. This is because a more sustainable development with a higher standard of design could be achieved by approving this application than could be achieved through the existing approval. However, it must also be demonstrated the replacement dwelling would not be unneighbourly before permission could be granted for the current application taking into account amenity issues have been raised in representations on this application.

#### Impact on Neighbours

Criteria (iv) of LH5 requires that replacement dwelling should not have an adverse effect on neighbouring properties. Core Strategy GSP3 and Local Plan policy LC4 have similar requirements.

The application site is relatively well screened by existing planting that blocks some views into and out of the site especially from ground level. There are a number of window openings at ground floor level in the existing building in any event. Consequently, there are no overriding concerns that the proposal would have any adverse impacts on the amenities of the nearest residential properties.

Notwithstanding this, at first floor level, there are rooflights proposed in the replacement dwelling facing towards the property directly to the north known as ‘Holmedene’. However, the amended plans demonstrate that the lower rail of the rooflights would be some 1.8m above floor level and as such there would be no opportunities for overlooking Holmedene from the rooflights serving the bedrooms in the replacement dwelling.

Similarly, the proposed first floor window in the south west elevation could potentially overlook the neighbouring property to the south west because of the facing distance (10m) which could result in a loss of privacy for both sets of occupants. The amended plans show that this window would be obscurely glazed and non-opening which would overcome this issue.

There are otherwise no concerns that the proposed extensions would be overbearing to any neighbouring property or result in any significant loss of light because of the intervening distances and the orientation of the replacement dwelling relative to the orientation of the nearest neighbouring residential properties. Therefore, it is considered that the proposals would not detract from the amenity, security or privacy of the property or any neighbouring property and the replacement dwelling would comply with the provisions of LH5 (iv) , GSP3 and LC4.

### Access and Parking

In terms of other issues raised in representations about the neighbourliness of the proposed replacement dwelling, the Design and Access Statement explains that vehicular and pedestrian access will continue to be gained via the existing track known as David Lane. There is some disagreement as to whether the track is a private access or a historic lane, but this is not a material planning consideration. There is adequate visibility at the access point onto the A6 from David Lane and there would be no material intensification of the use of David Lane as a result of replacing one dwelling with another.

There have also been concerns raised that the garage will block a second access into the site from Deepdale Business Park. However, provided that one suitable access point is maintained, as proposed, this is not considered to be an issue that should be given weight in the current decision. The Highway Authority has not objected to access arrangements proposed in this application and the level of on-site parking and manoeuvring space proposed in the application is considered to be adequate. The proposals are therefore considered to be compliant with Local Plan policies LT11 and LT18 and there are no overriding objections to the proposals on highway safety grounds.

### Impact on Trees and Hedgerows

The application forms state that no trees will be affected by the development. However, there are trees and hedgerow plants on the northern boundary of the site along David Lane, which not only contribute to the character of the lane but also provide some screening between the proposed dwelling and the property immediately to the north. Therefore, it would be important to keep these trees, or secure replacements if they needed to be removed, which would be supported by Local Plan policy LT20 that aims to safeguard trees likely to be affected by development proposals. A condition requiring that no trees or hedgerows are removed without the Authority's prior consent is considered to be reasonable and necessary in this case.

### Conclusion

It is therefore concluded that, subject to conditions, the replacement dwelling proposed in this application is compliant with saved Local Plan policy LH5. Although the dwelling would be larger than the existing bungalow and suburban in character, it would not be preferable to repair the existing bungalow and the new dwelling would be in keeping with its immediate surroundings and would not be harmful to the landscape character of the area.

However, this is a finely balanced judgement and the fact that there is permission for a similar scheme involving extensions and alterations to the existing bungalow weighs in favour of approval of the replacement dwelling, as shown on the amended plans. The fact that a replacement dwelling could more readily achieve higher level of thermal efficiency than the scheme approved in 2013 also weighs in favour of approval of this application.

In all other respects, the replacement dwelling proposals are in conformity with the wider range of design and conservation policies in the Development Plan and national planning policies in the Framework and the garage that is also proposed in this application does not give rise to any other planning issues or overriding objections, as shown on the amended plans.

Accordingly, the current application is recommended for approval subject to conditions securing compliance with the amended plans in the interests of the proper planning of the local area, conditions ensuring the enhanced environmental performance that partly justifies a replacement dwelling is achieved, and a condition safeguarding the trees on site. It is also be reasonable and necessary to restrict the use of the garage to ensure adequate parking provision is retained on site and impose conditions specifying various design details including the requirement for a sample panel for the new stonework in the interests of the character and appearance of the completed development.

It is also considered that the exceptional circumstances exist in this case which justify removing permitted development rights for extensions and alterations to the replacement dwelling. In particular, some alterations if not managed properly may have an adverse impact on the amenities of the neighbouring properties. Moreover, the unfettered use of permitted development rights could have the effect of detracting from the appearance of the completed dwelling, which still remains at the boundaries of what might be deemed to be acceptable in design terms in a National Park.

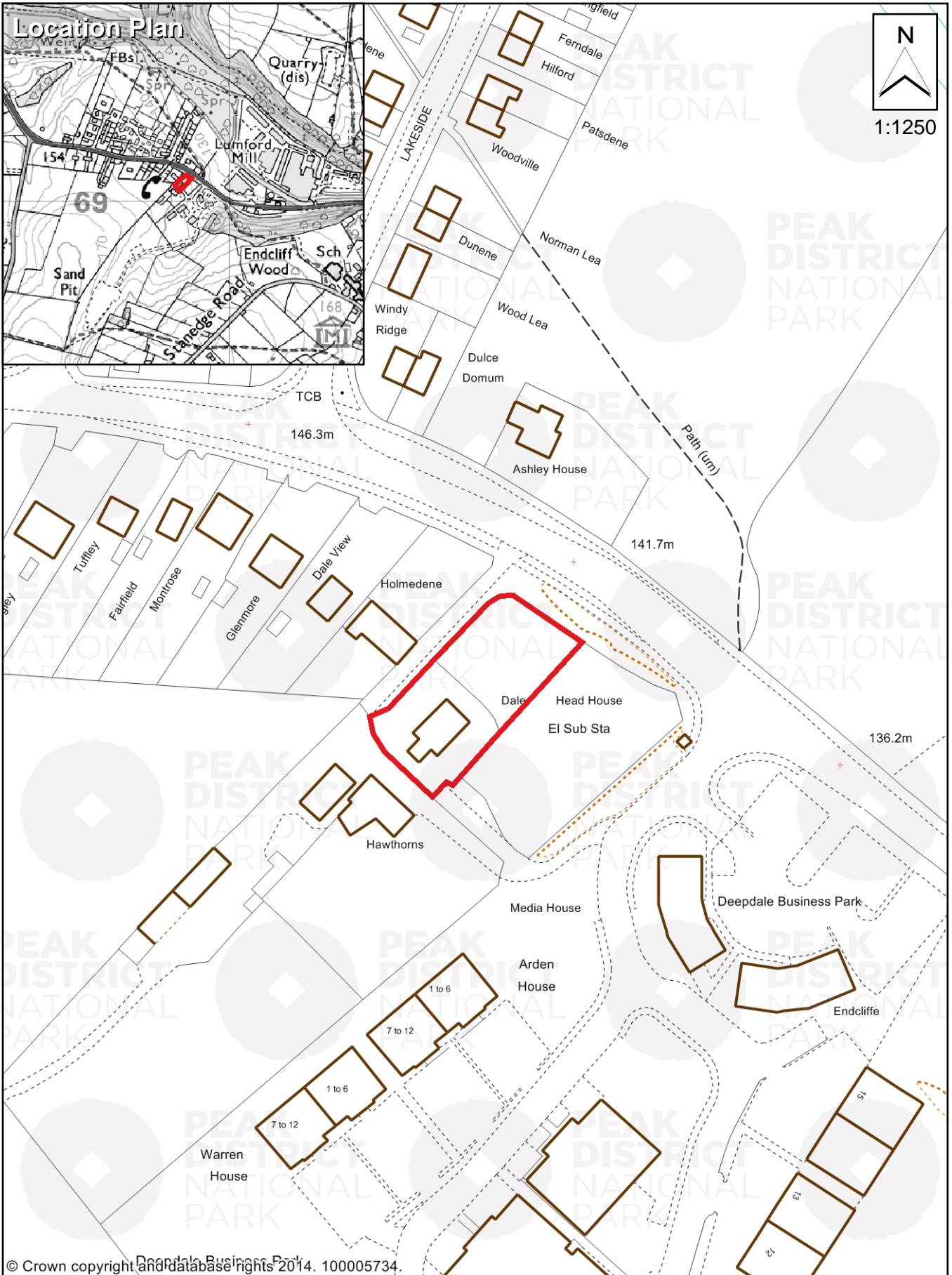
### **Human Rights**

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


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

Nil

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Committee Date:	14/11/2014	<b>Title:</b> Dale Head Farm, Ashford Road, Bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	11		
Application No:	NP/DDD/0814/0808		
Grid Reference:	420848 369049		

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**12. Full Application – Proposed Change of Use of Small Area of Agricultural Land to be Incorporated into The Garden at Dale Head Farm, Ashford Road, Bakewell (NP/DDD/0814/0814, P11903, 31/10/2014, 420848/369049/CF/ALN)**

**APPLICANT: MR P HUNT**

**Site and Surroundings**

The application site is located on land above the entrance to Deepdale Business Park off the A6 (Ashford Road). The application site comprises a bungalow and associated curtilage. The bungalow is currently unoccupied. The walls are constructed in a mixture of reconstituted 'Davie blocks' and render and the roof is clad with natural blue slates.

Access to the property is from the A6 by way of a narrow access track which has been referred to as David Lane in representations made to the Authority on previous applications at this site. The nearest neighbouring properties in this case are two dwelling houses located to the south west and north west of the site. There is an open paddock to the east of the site. The property otherwise lies within Bakewell's Development Boundary (Local Plan policy LB1) but outside of the designated Conservation Area.

**Proposals**

The current application proposes the change of use of small area of the agricultural paddock to the south of the dwelling house to residential curtilage in association with construction of the double garage proposed under the previous committee item NP/DDD/0814/0808. The area of the piece of land in question measures 8 m by 5m.

**RECOMMENDATION**

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

- 1. Standard 3 year time limit to commence development.**
- 2. Adopt submitted plans.**

**Key Issues**

- whether the change of use of the land would be harmful to the landscape character of the area.

**History**

March 2011 – NP/DDD/0111/0046: Application for demolition of bungalow and erection of replacement dwelling withdrawn prior to determination.

October 2011- NP/DDD/0911/0985: Planning permission granted for replacement dwelling (this planning permission has not been implemented to date).

January 2013 – NP/DDD/1212/1275: Planning permission granted for extensions and alterations to existing dwelling

January 2013 – NP/DDD/1212/1272: Planning permission granted for incorporation of adjacent agricultural field into garden of dwelling

January 2014 – NP/DDD/1213/1157: Application for the proposed demolition and replacement of the existing dwelling with a new larger family dwelling with detached double garage; withdrawn prior to determination.

### **Consultations**

Highway Authority - no response

District Council – no response

Town Council – express concern that a change of use potentially creates a precedent which could have unfortunate consequences in the future.

### **Representations**

One letter of representation has been received from the owner of the property immediately to the north west of the application site ('Holmedene'). The letter states that it is for the National Park Authority to decide whether or not to allow part of this land to be used to increase the footprint of the existing house and garden perimeter. Their main concern would be that if granted, in time this could open the door for further applications for more development of the site.

### **Main Policies**

Policy GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Policy GSP2 states that, when development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives.

Core Strategy policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals. Policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.

Policy LC4 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Particular attention will be paid to, amongst other things, the amenity, privacy and security of the development and of nearby properties.

### **National Planning Policy Framework ('The Framework')**

It is considered that the relevant policies in the Development Plan, noted above, are consistent with national policies in the Framework in this case because both local and national planning policies promote sustainable development that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

### **Assessment**

The piece of land in question currently forms part of an agricultural paddock to the south of the house. In February 2013 permission was granted to incorporate part of the paddock to the east

of the house into the residential curtilage of the property. Although this has not been implemented, the current application for a replacement dwelling also proposes to take that part of the field into the curtilage of the new dwelling.

The current proposals seek consent for the change of use to allow the double garage proposed under application no. NP/DDD/0814/0808) to be constructed. The piece of land in question is modest in size and well related to the existing dwelling. Its incorporation into the curtilage would not compromise the open character of the rest of the paddock or generally detract from the landscape quality of the area. The existing drystone wall that forms the southern boundary of the garden of the dwelling would be extended around the area, so even if the garage were not constructed, the area would be enclosed visually.

The Town Council has not raised objections to the construction of the replacement dwelling and double garage under application ref NP/DDD/0814/0808), but it has raised concerns about the change of use of the land on which the garage would sit. The Town Council and the neighbour are concerned that approval could set a precedent for future developments. However, if the applicant wished to change the use of more of the paddock to domestic curtilage, then planning permission would be required and the Authority could exercise necessary control.

### **Conclusion**

It is therefore concluded that the current application must be determined on the individual planning merits of the current proposals, and it is considered the modest change of use of land proposed in this application would not detract from the character of the site or its surroundings. As such, the current application meets the requirements of Core Strategy policies GSP1, GSP2, GSP3, and policy LC4 of Local Plan, and is in conformity with national planning policies in the Framework. Accordingly, the current application is recommended for approval.

### **Human Rights**

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

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

Nil

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**13. Householder Application - Erection of New Double Domestic Garage at The Bungalow, Fenny Bentley (NP/DDD/0814/0903 P.9771 417624/350308 30/10/2014 CF/DH)**

**APPLICANT: MR D CALLADINE**

**Site and Surroundings**

The Bungalow is a detached dwellinghouse that is located on the north-western edge of the named settlement of Fenny Bentley just beyond the boundary of the Conservation Area, which runs along the western boundary of the application site, and 184m to the north west of St Edmund's Church, which is a Grade II listed building.

To the north and south of the property there is open farmland. The access to the site is in the south-eastern corner of the plot onto the existing lane which is a Public Right of Way (PROW). There is a high conifer hedge running alongside the PROW on the southern boundary of the property. The nearest neighbouring residential properties are Creeveen, which lies to the east of The Bungalow, and School House, which lies to the west of the Bungalow.

The Bungalow itself has recently been extensively modernised and extended. It is of block and render construction rather than being stone-built and has a blue slate roof. It stands in a relatively large plot of rising ground and to the rear of the property is a garden area. At the front of the property, there is an area of roughly surfaced hardstanding adjacent to the access to the property.

**Proposal**

The application proposes the erection of a double garage in the south west corner of the roughly surfaced area at the front of The Bungalow. Amended plans have been submitted and show the proposed garage would be of block and render construction with a pitched roof clad with blue slates to match the existing dwelling.

The ridge of the roof over the garage would run along a north-south axis and the garage would have a pair of vertically timbered double doors situated under the eaves of the building in its east facing elevation. The side elevation facing towards the existing dwelling would have a single vertically timbered pedestrian door but there would be no other door or window openings in the garage.

Principally, the amended plans differ from the original submission in respect of a reduction of 500mm in the height of the ridge line from 5m (above the adjacent ground level) as originally proposed to just under 4.5m. This reduction has been achieved by reducing the roof pitch by 2.5 degrees, removing the lintels over the garage doors, and reducing the height of the garage doors by 100mm. The revised application is identical to the original submission in all other respects.

**RECOMMENDATION:**

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

- 1. The development hereby permitted shall be begun within three years of the date of the permission.**
- 2. The development shall not be carried out other than in complete accordance with the amended plans, Drawing No. 01/9349 received by the National Park Authority on 8 October 2014.**

3. **The development shall not be carried out other than in complete accordance with specifications for minor design details including specifications for construction materials, external doors and windows, and rainwater goods.**
4. **No external lighting without the Authority's prior written consent.**
5. **The garaging shall be retained for the garaging of domestic vehicles.**

### **Key Issues**

- whether the proposed garage would detract from the character, appearance or amenity of The Bungalow, its setting or neighbouring properties.

### **History**

Planning permission was granted in 2013 for extensions and alterations to The Bungalow including new roof with a dormer and increased ridge and eaves height, wider gable to front and gable extension to back, single storey utility extension (NP/DDD/0413/0337).

### **Consultations**

County Council (Highway Authority) - No objections

District Council – No response to date

Parish Council – Raised concerns regarding the original submission and were consulted on the revised application. The amended plans however do not address the Parish Council's original concerns that the proposed garage would have a significant impact. Amongst other things the Parish Council consider the proposed garage would be:

- extremely large and would be highly visible and intrusive;
- would overshadow and have an overbearing presence on the common boundary with the neighbour with loss of light;
- there are trees that are within falling distance of the development; and
- the design and appearance of the garage are not in keeping with its location and its rural setting.

The Parish Council would recommend members of the Planning Committee visit the site and the application not be approved.

### **Representations**

One letter of objection to the current application has been received by the Authority from the owner/occupier of one of the properties neighbouring The Bungalow. This letter sets out the author's view that the proposed garage would be a very large domestic double garage, that it would be built on a "green field" front garden, and positioned in front of the building line. Therefore, the garage would be seen from an adjacent public footpath and from the nearby B5056 road and in the author's opinion, would be inherently harmful to visual landscape character.

Notwithstanding this, the author of the letter goes on to suggest several limitations and conditions that should be imposed on the garage if the application is granted including (i) a reduction in the floor area; (ii) a hipped (or pyramid) roof be used to reduce the overall scale of the development;



(iii) at no time in the future will roof lights, dormer windows or "loft level" gable end windows be permitted; (iv) the use of the garage to be restricted to that stated in the planning application; (vi) hedge height adjacent to the public footpath/bridleway to be not lower than its present height; and (vii) no intrusive external lighting be permitted. The author of this letter also asks that it is noted access to the main road is by an unadopted, unmetalled, "green lane".

### **Main Policies**

In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing householder extensions including outbuildings. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

### **Wider Policy Context**

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

As the proposed development would be sited adjacent to the boundary of the Conservation Area, policy L3 of the Core Strategy and Local Plan policy LC5 are also relevant. These policies seek to ensure the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced, including its setting and important views into or out of the area. Local Plan policy LT18 otherwise says safe access and adequate parking provision are a pre-requisite of any new development in the National Park.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and 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.

### **Assessment**

In this case, the design of the proposed double garage (shown on the amended plans) closely reflects the type of garage suggested in the Authority's adopted design guidance because it has

a simple rectangular form with a pitched roof, modest detailing and the main garage doors would be situated under the eaves. The garage would be of block and render construction rather than stone-built because the existing dwelling is of a block and render construction and this would help the garage to harmonise with the existing house.

In terms of layout, the garage is sited in a logical position relative to on-site constraints and there is not enough space within the curtilage to site the garage at the side of the existing house, for example. The garage would also be close to the vehicular access to the property and it would be orientated to maximise ease of access and minimise loss of manoeuvring space within the curtilage at the front of the property. Therefore, there are no overriding objections to the proposed siting of the garage even though it is in front of the existing house, which in other circumstances may be less appropriate.

There is also a high hedge along the boundary of the property that would help to screen the garage if it were to be sited as proposed. The presence of the high hedge is quite important because the hedge along the southern boundary of the property (on the applicant's land) would reduce the impact of the garage on the character and appearance of the adjoining Conservation Area and foil views of the garage from the PROW. The hedge along the western boundary of the property would reduce the potential for the garage to impact negatively on the outlook from the neighbouring property to the west known as the School House.

In particular, the first floor windows in the principal elevation of the neighbouring property broadly overlook the site but the existing hedge would mostly block views of the garage from the ground floor windows in the front of School House. In these respects, the garage would not harm the outlook from this property to any significant extent especially if the hedge on the common boundary, which belongs to School House, was retained because the overall physical bulk of the development would be disguised and only the roof over the garage and the upper part of the building including the apex of the north facing gable would be seen from the south facing windows at School House.

However, the orientation of the garage relative to the south facing windows at the front of School House and the distance between these windows that look towards the application site means the garage would not have an unduly oppressive or over bearing affect on the outlook from School House even if the hedge on the boundary were to be removed. These factors also mean the garage would not obstruct or block light to the windows in School House and there are no rooflights or other windows openings proposed in the garage that would face towards School House that would cause a loss of privacy.

Therefore, it is not considered that the proposed garage shown on the amended plans would impact on the quiet enjoyment of this property so substantially that planning permission should be refused on amenity grounds.

In terms of the neighbouring property to the east of the application site, the garage would be sited more than 30m away from this house, which is known as Creeveen. Therefore, by virtue of the intervening distances between one and the other, the proposed garage would not have a significant impact on the amenities of Creeveen also taking into account the orientation of the garage relative to this house, and the fact that the proposed garage is effectively single-storey in height. It is therefore considered that the proposed garage would not be unneighbourly.

It is also considered that permission for the garage would not give rise to any other significant impact on the general amenities of the local area even though it is acknowledged that access to the main road from the Bungalow is by an unadopted, unmetalled, PROW. This is because the proposed garage would not in itself generate vehicular traffic to and from the property once it has been taken into use. Moreover, the Highway Authority has no objections to the proposals because the vehicular access to and from the adjacent PROW is safe, and there is more than adequate on-site parking provision and manoeuvring space.

It is therefore concluded that the proposed garage would not unacceptably impact on the amenities of the area and would be of a sufficiently high standard of design to warrant approval. Therefore, planning permission should be granted for proposed garage if it would not detract from the character and appearance of its landscape setting.

The potential landscape and visual impact of the garage has been raised in representations on this application and concerns have been raised that the garage would be visually intrusive and not in keeping with the local building tradition. As noted above, the boundary hedge along the southern boundary of the front garden of The Bungalow would effectively reduce the potential impact of the garage on the PROW and would help to minimise the impact of the proposed development on the adjacent Conservation Area. However, the garage would also be seen from more distant vantage points on higher ground including from vantage points along the nearby B5056.

In this case, it can be acknowledged that the garage would be more noticeable because it would be finished in render and in front of the main house but it would be in the same materials as the main house and have a tiled roof. Its size and scale would also be typical of many domestic garages, and the garage would be clearly subsidiary in size and scale to the main house. Therefore, whilst the garage might be seen within its landscape setting, it would be seen in the context of the main house and read as an ancillary domestic outbuilding within the curtilage of The Bungalow. This type of arrangement is quite common in the National Park and in itself, would not normally be considered to have a detrimental impact on the surrounding landscape.

Moreover, the proposed garage would be seen in the context of the two neighbouring residential properties with The Bungalow behind and against a backdrop of rising land, which also has some tree cover. Therefore, the garage would not read as sporadic development in an exposed or isolated position in open countryside, would not skyline, and would not detract from the landscape setting of The Bungalow to such an extent that the proposals would harm the scenic beauty of the National Park. For these reasons, the proposals would also have a very limited impact on views into the adjacent Conservation Area from distant vantage points when looking into the village, and the garage does not affect the setting of the nearby listed church from these viewpoints.

### **Conclusion**

It is therefore concluded that the revised application meets the requirements of policies in the Development Plan and national planning policies in the Framework because it would be of an appropriate design and would not harm the valued characteristics of the National Park. The garage meets the specific requirements of LH4 that deals with householder developments because it would be ancillary garaging subsidiary to the main house and it would not detract from the character, appearance or amenity of the main house, its setting or neighbouring properties. Accordingly, the revised application is recommended for conditional approval.

In this case, conditions imposing a time limit for commencement and compliance with the amended plans would be necessary in the interests of the proper planning of the local area. It would also be reasonable and necessary to specify design details in the interests of the character and appearance of the completed development and restrict the use of the garaging so any future proposals for new uses for the garage can be assessed properly. Amongst other things, any further intensification of the use of the property may impact negatively on the amenities of the PROW that provides access to the site.

However, the garage would not benefit from permitted development rights because of its size and location at the front of the house so it is not necessary to restrict future alterations to the garage by condition because they would need planning permission. Nonetheless, it would be reasonable to impose a condition on any permission for the garage retaining control over external lighting because of the location of the property at the very edge of the village where any

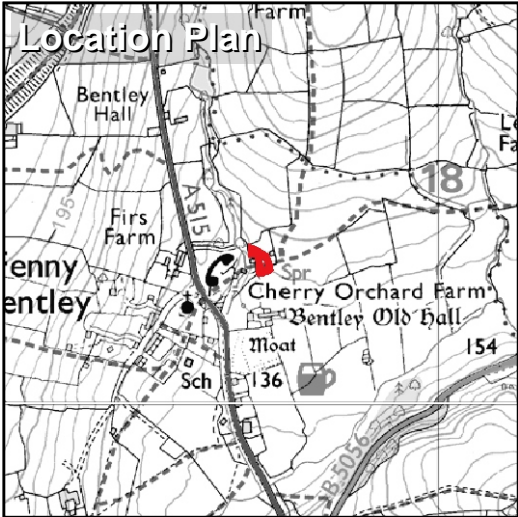
insensitive lighting scheme would have a significant impact on dark skies and the tranquillity of the local area.

**Human Rights**

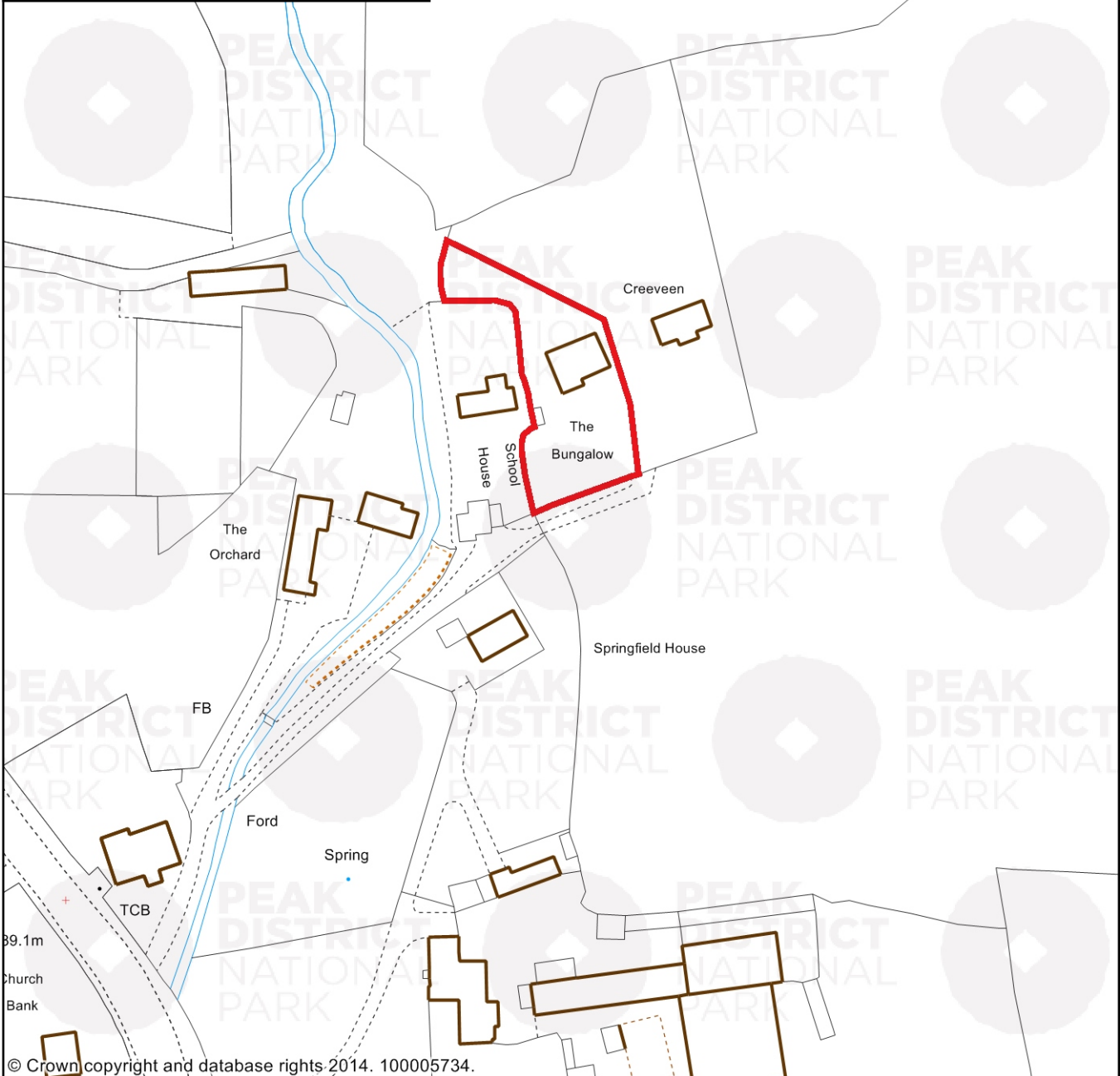
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


Nil



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Committee Date:	14/11/2014	<b>Title:</b> The Bungalow, Fenny Bentley	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	13		
Application No:	NP/DDD/0814/0903		
Grid Reference:	417624 350308		

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**14. Full Application – Change of Use of Part of Ground Floor from Cafe (Use Class A3) to Hot Food Takeaway (Use Class A5) and Formation of New Door Within Existing Window Opening, The Three Roofs Cafe, The Island, Castleton (NP/HPK/0814/0906. P4054, 414922 / 382925, 29/10/2014/AM)**

**APPLICANT: CARL BRACKEN AND LEE WOOLFE**

**Site and Surroundings**

The Three Roofs Cafe is located within Castleton to the south of the visitor centre and within the designated Castleton Conservation Area. The cafe is located within the ground floor of the existing building which is constructed from natural limestone under three pitched roofs clad with natural blue slate and concrete tiles with painted timber windows and doors.

The property forms part of a close-knit group of buildings which include neighbouring dwellings and shops with shared access to the front and rear of the cafe. The Millstream runs to the rear of the building and the site is located in Flood Zones 2 and 3.

**Proposal**

This application seeks planning permission for the change of use of part of the existing cafe building to takeaway in order to allow the sale of hot and cold food prepared by the existing cafe.

The submitted plans show that the easternmost part of the building would be converted to create the takeaway area, which would measure approximately 9m<sup>2</sup> in floor area. The remainder of the ground floor would be retained in the existing cafe use (50m<sup>2</sup>) along with the associated kitchen, storage and customer toilets. The only external change would be the installation of a new timber door in an existing window opening on the front elevation to provide access into the takeaway area.

The submitted application states that drinks and cold food would be prepared within the new takeaway area and hot food provided from the existing main kitchen. The proposed opening hours would reflect those of the existing cafe, which are 09:00 to 18:00 on any day.

**RECOMMENDATION:**

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

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with submitted plans.**
- 3. New door to be timber, painted a recessive green colour to match the existing doors at the time of erection and to be permanently maintained thereafter.**
- 4. The takeaway use hereby approved shall be limited to the area shown on the approved plans only.**
- 5. The takeaway hereby approved shall be ancillary to The Three Roofs Cafe only and the takeaway and existing cafe shall be retained as a single planning unit.**
- 6. The hours of opening of the takeaway hereby permitted shall be restricted to 09.00 - 18.00 hours on any day.**

- 7. No deliveries, loading, unloading or other servicing activities shall take place at the premises other than between the hours of 09.00 - 18.00 hours Monday to Friday; 09.00 - 13.00 hours on Saturday; and at no times on Sundays or Bank Holidays.**

### **Key Issues**

- Whether the proposed development would harm the amenity or living conditions of nearby neighbouring properties or the role or character of the area.
- Whether the proposed development would harm highway safety or the amenity of highway users.

### **History**

None relevant.

### **Consultations**

Highway Authority – No objection.

Borough Council – No response to date.

Parish Council – No response to date.

### **Representations**

A total of ten representation letters from local residents have been received at the time this report was written. All ten letters object to the proposed development. The reasons for objection are summarised below. The letters are available and can be read in full on the website.

- There are existing issues with vehicles and customers associated with the cafe and the adjacent ice cream shop blocking access to neighbouring properties. The proposed takeaway will make this situation worse.
- The proposed development would result in increased pedestrian and vehicular traffic, along with parking on the adjacent roundabout which would create a public and highway safety issue.
- The proposed development would result in increased disturbance from noise and smells to neighbouring properties and outside normal working hours.
- The proposed development would result in security concerns for neighbouring properties because of customers visiting the site during the day and night.
- The development would increase litter in the area which would harm local amenity.
- Lack of need for another takeaway within the village.

### **Main Policies**

Relevant Core Strategy policies: DS1, GSP3, L3 and HC5

Relevant Local Plan policies: LC4, LC5, LS1 and LT18



Core Strategy policy DS1 sets out the development strategy for the National Park, DS1 C says that the conversion or change of use of traditional buildings for community or business uses will be acceptable in principle and that in named settlements there is additional scope for various types of development.

This application seeks planning permission for the change of use of part of the existing cafe (use class A3) to create a takeaway (use class A5) which would serve drinks and hot and cold food prepared by the existing kitchen. Core Strategy policy HC5 and saved Local Plan policy LS1 is therefore particularly relevant to the proposal. HC5 and LS1 say that premises for the sale and consumption of food and drink will normally be acceptable within named settlements provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability.

Core Strategy policy GSP3 and saved Local Plan policies LC4 together seek to ensure that development conserves and enhances all valued characteristics of the site and buildings paying particular attention to design, form and intensity of proposed use, impact on living conditions and impact upon access and traffic levels.

The application site is within the designated Conservation Area where Core Strategy policy L3 and saved Local Plan policy LC5 together seek to ensure that all development conserves or enhances the significance of the Conservation Area. Local Plan policy LT18 seek to ensure safe access is provided for all new development.

There is no conflict with relevant Development Plan policies and the more recently published National Planning Policy Framework ('the Framework') because both documents seek to promote sustainable economic development in rural areas which conserves and enhances the National Park and its communities.

### **Assessment**

The application site is an established cafe located within Castleton. The current application to change the use of part of the building to a hot food takeaway would therefore, in principle, be in accordance with the Framework, Core Strategy policy HC5 and saved Local Plan policy LS1 provided that the development does not have a harmful impact upon the local area.

There are no concerns in regard to the new door in design terms because its design and location would reflect the character of the existing building. This is, however, subject to the imposition of a planning condition to ensure that the new door is constructed from timber and painted to match the recessive green colour of the existing doors as proposed.

The key issue in this case is considered to be whether impact of the proposed change of use would be likely to harm the character or amenity of the local area, the living conditions of nearby neighbouring properties or the safety or amenity of highway users.

The existing cafe forms part of a close-knit group of buildings which includes a mixture of residential dwellings and commercial properties which are open during the day and generally cater for members of the public visiting the village and the wider National Park. The proposed takeaway area would be provided in a small part of the existing cafe building, with the majority retained in its existing use.

The submitted application states that the takeaway would be retained as part of the cafe. Only cold food would be prepared in the new takeaway area, with any hot food prepared by the existing kitchen. The takeaway would only operate when the cafe is open (09:00 to 18:00 on any day) and would not open during the evenings or later at night. It is therefore considered that the proposed change of use would not change the character of the local area in a harmful manner.

Taking into account that hot food would be prepared within the existing kitchen without the need for any new extract vents, it is not considered that the proposal would be likely to give rise to any significant additional noise or smell disturbance from cooking or preparing food. The takeaway would close at the same time as the cafe and therefore there are no concerns that there would be additional disturbance or security issues for neighbouring properties during the evenings or later at night.

Concern has been raised in representations with regard to the potential for vehicle and pedestrian traffic and parked vehicles created by the proposed development to block or restrict access to and from neighbouring properties which would harm the residential amenity of neighbouring properties and the safety and amenity of highway users. The existing cafe is sited between a narrow vehicle and pedestrian access to the rear and Springbank which provides access to residential and commercial properties to the south west. Both accesses converge onto the adjacent highway in front of the cafe.

The café, along with a hatch used to sell ice cream from an adjacent business, open out onto the access and outside seating is typically provided adjacent to the cafe building. Photographs submitted with one letter of representation do indicate that members of the public visiting the existing cafe and adjacent businesses in combination with the outside seating can lead to congestion at the end of Springbank, especially during busy times.

A number of representations received by the Authority consider that the proposed takeaway would be likely to increase the number of visitors to the premises and increase the potential for congestion on Springbank as people queue to buy food and drink.

In response to these concerns, the applicant has submitted a letter with additional information in support of the application. This states that the business does experience a high footfall of customers and that during peak times the existing cafe struggles to effectively serve all customers. The letter goes on to state that service to customers is delayed and tables often become congested because the cafe operates on a 'first come first serve' basis and therefore customers only requiring cold food or a drink often get delayed behind larger groups of people ordering hot food.

The letter goes on to state that partitioning off part of the cafe to specifically cater for those customers requiring hot or cold food and drinks to takeaway and who would be able to wait inside. The letter concludes that the proposal would actually make service more efficient and reduce congestion outside the premises during peak times.

Officers have given careful regard to the concerns raised by residents and the information provided by the applicant. In this case, this is a well-established cafe which predominantly caters for visitors to the local area. The application proposes to convert a small part of the cafe to a takeaway area. It is considered that the proposed takeaway would add an additional service for existing customers and be unlikely to attract significant additional customers. The impact of any additional customers would likely be off-set by the ability to provide service more efficiently.

Furthermore, visitors to the takeaway would be segregated from the main cafe and space would be provided for customers to wait inside the building. Therefore, on balance, while officers are sympathetic to the concerns raised by local residents, it is considered that the proposed development would not be likely to significantly increase congestion outside the building, impede access to neighbouring properties, or harm the amenity of neighbouring properties.

There is less concern that the proposal would increase separate vehicle trips or increase the likelihood of customers parking on the adjacent highway to visit the takeaway. It is considered that the majority of customers would be visiting the wider area rather than making a specific trip to the premises and that customers arriving by car would be likely to park in the nearby car park. The proposed development would not increase the number of staff employed at the premises. The Highway Authority has been consulted and raises no objection to the proposal. It is therefore

considered that the proposed development would not harm highway safety or the amenity of road users.

Given the scale of the proposed takeaway, it is not considered likely that proposal would lead to any significant additional litter being dropped either outside of the premises or in the local area. In this case therefore it is not considered to be necessary to impose a planning condition to require the prior approval of a scheme for storage and collection of waste.

If permission is granted, conditions would be recommended to restrict the approved takeaway to the area shown on the approved plans and to require the takeaway to remain ancillary and within the same planning unit as the existing cafe. This is considered to be necessary because a larger takeaway or an operation independent from the cafe would be more likely to have a greater impact upon the character of the area and the amenity of neighbouring properties. It is also considered necessary to restrict opening and delivery times because the impacts of the takeaway operating into the evening or later at night would be more significant.

### **Conclusion**

The proposed conversion of part of the existing cafe to create a takeaway area is in accordance with the development plan and, subject to the conditions outlined in this report, it is considered that the proposal would not have an adverse impact upon living conditions, the character or amenity of the area or highway safety. The proposed door is an acceptable design and would conserve the character of the building and the Conservation Area.

The proposed development is therefore considered to be in accordance with Core Strategy policies GSP3, L3 and HC5 and saved Local Plan policies LC4, LC5 and LS1. These policies are in accordance with the Framework and should be accorded full weight in decision making because both documents seek to promote sustainable economic development in rural areas which conserves and enhances the National Park and its communities.

In the absence of any further material considerations, the current application is therefore recommended for approval subject to the conditions outlined in this report.

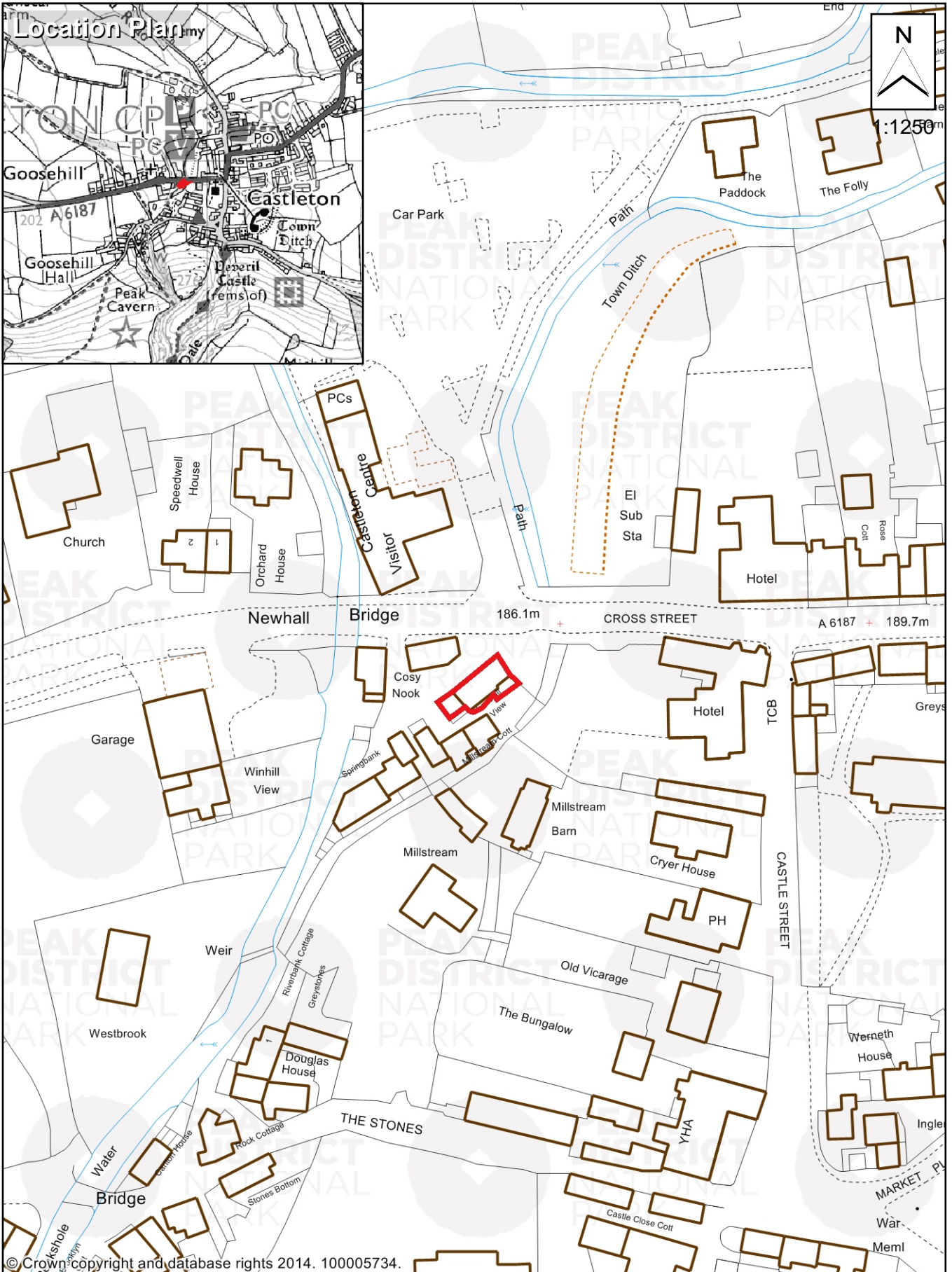
### **Human Rights**


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

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

Nil

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Committee Date:	14/11/2014	<b>Title:</b> Three Roofs Cafe, The Island, Castleton	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	14		
Application No:	NP/HPK/0814/0906		
Grid Reference:	414922 382925		

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**15. Full Application – Proposed First Floor Extension to Existing Double Garage, Proposed Porch and Internal Alterations at Bakestonedale Farm, Pott Shrigley, (NP/CEC/0814/0869), P597, 396223 / 379517/SC**

**APPLICANT: MRS JUDITH WHITTAKER**

This application is brought to the Committee because the views of the Parish Council are contrary to the Officer recommendation.

**Site and Surroundings**

Bakestonedale Farm is part of a traditional group of buildings now separated into two dwellings; the other dwelling is now known as Manor Farm. The properties are sited in open countryside approx. 1.8km east of Pott Shrigley on the minor road to Kettlethulme (Bakestonedale Road). The application building is a detached outbuilding lying within the curtilage approximately 8m east of the farmhouse. The outbuilding comprises of a two storey traditional stone roofed former barn with later 1970s double garage attached to the east having a pitched blue slate roof at right angles to the old barn.

The two storey barn element of the outbuilding is in use as additional living accommodation to the house with a dining/kitchen, living room and toilet on the ground floor with spiral stair up to a bedroom and office. The outbuilding is cut into rising ground such that the land at the rear is at first floor level and is held back by a retaining wall a short distance off the back of the building. Halfway up the rear gable of the barn a stainless steel flue exits the building and runs up the outside wall to discharge above the roofline.

**Proposal**

A first floor extension over the garage to provide extended living space on the first floor level for the ancillary living accommodation in the outbuilding. The extension would provide a single large room which would accommodate a combined living room, kitchen and dining space and be accessed through a new internal door opening from the original outbuilding. The additional accommodation would enable the provision of a self-contained dependant relative unit over the first floor on one level. It is intended this would be occupied by the applicant's elderly mother who would move out of the main farmhouse to live semi-independently with close support from her family.

Whilst the form of the extension would match that of the existing garage, with a conventional pitched roof slope at the front running at right angles to the taller barn roof, a gable form has been introduced across the full width of the rear roof slope. The new room would be lit by 2 windows and two rooflights in the front, road facing elevation, and a single window in the gable end. At the rear, patio doors in the new gable would give access onto a small decked area that would span the gap to the retaining wall whilst allowing light underneath to the existing rear garage windows. The submitted plans also show the internal layout of the existing outbuilding changed with the existing first floor office omitted to create a first floor bathroom alongside the existing bedroom. Downstairs the existing living room, WC and kitchen/dining areas would remain. The spiral staircase would be replaced by a conventional stairway (although not shown on the plans, the supporting information states this will allow the fitting of a chair lift).

Outside, a pitched roof porch extension is proposed on the roadside facing gable elevation of the outbuilding.

**RECOMMENDATION:**

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

- 1. The proposed garage extension, by virtue of its overall size, massing and design, would unacceptably dominate the existing traditional outbuilding which, along with the inappropriate porch, would cause harm to its valued character, appearance and its setting to the detriment of the National Park thereby conflicting with Core Strategy Policy GSP1, GSP2, GSP3, L3, Saved Local Plan Policies LC4 and LH4.**

### **Key Issues**

Scale, design and external appearance of the proposal on the existing outbuilding and its setting.

### **History**

1978 – Approval for double garage attached to the existing traditional outbuilding.

2004 - Application to convert the whole of the traditional outbuilding to an ancillary dwelling with further accommodation in the form of a first floor extension over the garage building and the addition to a large porch extension to the gable (road facing) elevation. Officers raised objections to the scale of the extension and the principle of the porch, considering that the accommodation exceeded that which was considered reasonably necessary to provide basic ancillary accommodation for a family member. Revised plans were subsequently submitted omitting both extensions and approval was given to convert the traditional outbuilding to additional living accommodation, restricted by condition to be ancillary to the main dwelling.

### **Consultations**

Highway Authority – No response to date

Parish Council – Recommends approval provided the main building and garage remain as one planning unit.

### **Representations**

Supporting information from agent.

This explains that the accommodation is the applicant's elderly mother who resides with the applicant at Bakestonedale Farm. The applicant's mother is in her 80's and requires the assistance of her daughter for general day to day living. She is also quite unsteady on her feet and needs to live on one level. Recently she has become increasingly less able to cope with living in the main property due to the number of internal level changes.

The extension of the garage would allow the mother to live across the first floor of the barn and first floor of the garage with all accommodation on one level (bedroom, shower room, living room and kitchen). A stair lift would be included to allow for access from ground to first floor.

### **Main Policies**

#### **National Planning Policy Framework**

It is considered that in this case, there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.

Section 7 of the NPPF requires good design, whilst paragraph 17 states that planning should always seek to secure high quality design.

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3

Relevant Local Plan policies: LC4, LC8, LH4, LH6



The Authority's Design Guide, which is adopted Supplementary Planning Guidance along with the 'Building Design Guide', advises that all extensions should harmonise with the parent building and respect the dominance of the original building and be subordinate in its size and massing.

## **Assessment**

### **Principle of extending the outbuilding**

The application building is a domestic outbuilding forming additional living accommodation and garaging to a house that is situated in open countryside well outside of any designated/recognised settlement. For sites in the open countryside, Core Strategy Policy DS1 (C) provides the strategic policy basis allowing for extensions to existing buildings with Local Plan policy LH4 setting out the detailed policy allowing extensions to existing dwellings. Policy LH4 is caveated with the proviso that such extensions should not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings, dominate the original dwelling where it is of architectural, historic or vernacular merit, or amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling. Where a proposal involves conversion of a building of vernacular or historic merit to a use other than that for which it was designed, Local Plan LC8 states that this will be permitted provided that it can accommodate the new use without changes that would adversely affect its character (such changes include significant enlargement or other alteration to form and mass, inappropriate new window spacing's or doorways, and major rebuilding).

Local Plan Policy LC4 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area, and the degree to which design details, materials and finishes reflect or complement the style and traditions of local buildings.

In this case the existing ancillary accommodation was approved as an acceptable scale and forms of residential annexe in connection the main house. It accorded with Local Plan Policy LH6 which allows for the conversion of outbuildings within the curtilage of existing dwellings to ancillary residential uses provided that they do not harm the character of the building or the surrounding area, would not result in an over intensive use of the property, an inadequate standard of amenity space or accommodation, or the need to replace outbuildings at a later date, that appropriate parking and access arrangements can be met and finally that the new accommodation would remain under the control of the occupier of the main dwelling.

The outbuilding is still in use as ancillary accommodation and, as there is no change of use involved in the use of that accommodation as a dependant relative unit ancillary to the main house, the principle of the use is not at issue in this application. The above policies also accept the principle of extending such accommodation subject to the site specific scale and design considerations. Furthermore, whilst the proposed accommodation would have all the internal facilities of a dwelling that would be necessary for independent living, it would still rely upon the main dwelling for access and amenity space.

The proposed plans show an increased scale of accommodation that would still be subservient to that of the main house. Therefore, subject to appropriate safeguards (e.g. planning conditions or a legal agreement) to prevent the creation of a separate dwelling, the accommodation would still comply with Policy LH6 and LH4 provided the scheme did not harm the character of the building or its setting.

The main issue in this case is therefore whether the scale and detailed design of the proposed extension is acceptable in terms of its impact upon the character and appearance of the existing building, the relationship to the main dwelling and their setting in the open countryside.

### **Scale, massing and design**

The existing outbuilding comprises a former traditional two story barn which has a simple form

and detailing reflecting the local vernacular. It is a low two story building and although converted to additional living accommodation, the scheme has resulted in little change and, apart from the unsightly external flue at the rear, has conserved the building's simple valued character and appearance. The later 1970s garage extension on the west elevation is a significant addition to the building which, as a result of its scale, over-wide gable and low roof pitch in non-matching materials, dominates the older vernacular building, resulting in some harm to its character, appearance and setting.

The proposal to enlarge the garage extension by adding a first floor would unacceptably increase the dominating effect of the garage extension upon the valued character and appearance of traditional outbuilding and cover more of its fabric. Furthermore, in addition to the form of the extension having the same undesirable attributes as the existing garage (an over-wide gable and uncharacteristically shallow roof pitch), the plans now propose an over-complicated roof form with an additional shallow pitched gable form at the rear. In this respect the proposal would fail to reflect the character and appearance of traditional buildings in the area and fail to respect the valued characteristics of the original outbuilding.

The increased scale of the extended building would also make the proposal more prominent from public vantage points along Bakestonedale road, where the inappropriate form would be seen as a more incongruous and harmful addition to the original building. The proposal would therefore fail to accord with adopted design guidance in the Building Design Guide and policies LC4 and LH4.

With regard to the porch proposed for the road facing gable of the old barn, this would be an overtly domestic feature that would be wholly inappropriate to the design and former use of this old agricultural building. The ground floor of this main road facing gable end is currently blank and part of the key character of the building. Consequently, the addition of a porch or a new doorway would be harmful to the character and appearance of the barn and thus contrary to policies LH4 and LC4.

The existing entrance door into the ancillary accommodation is located on the side elevation facing the house. With some modest adjustment to outside levels, there is no overriding reason why this doorway could not be retained for use by the elderly relative (with an internal lobby should this be necessary) and thus avoid the need for the inappropriate new entrance and porch.

In recognition of the need and the acceptance of the principle of improved accommodation for the applicant's elderly relative, officers have suggested to the applicant that one of the garage spaces could have been incorporated into the residential accommodation with a new internal access door. This would have provided additional living accommodation at ground floor level, without the need to extend (or alter) the building any further, thus overcoming the above objections. In response, the agent, whilst minded to remove the porch element from the scheme, confirmed that his client wished to retain all the garaging space, leaving the only option to extend above. He has therefore asked for the application to be determined as submitted.

### **Conclusion**

The form and scale of the proposed extensions do not adequately reflect the scale, form and massing of the existing building, neither do the design details entirely reflect or complement the style or tradition of the building or the local vernacular building tradition. As a result, it is considered the development would dominate and detract from the character and appearance of the original outbuilding and its setting, particularly when viewed from the nearby public highway.

Consequently, the proposal is considered contrary to adopted policy Core Strategy L3 and GSP3, and Local Plan, LC4 and LH4, The proposal is also considered contrary to the Authority's Supplementary Design Guidance, as well as the National Planning Policy Framework, particularly Section 7 'Requiring good design'.

### **Human Rights**

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

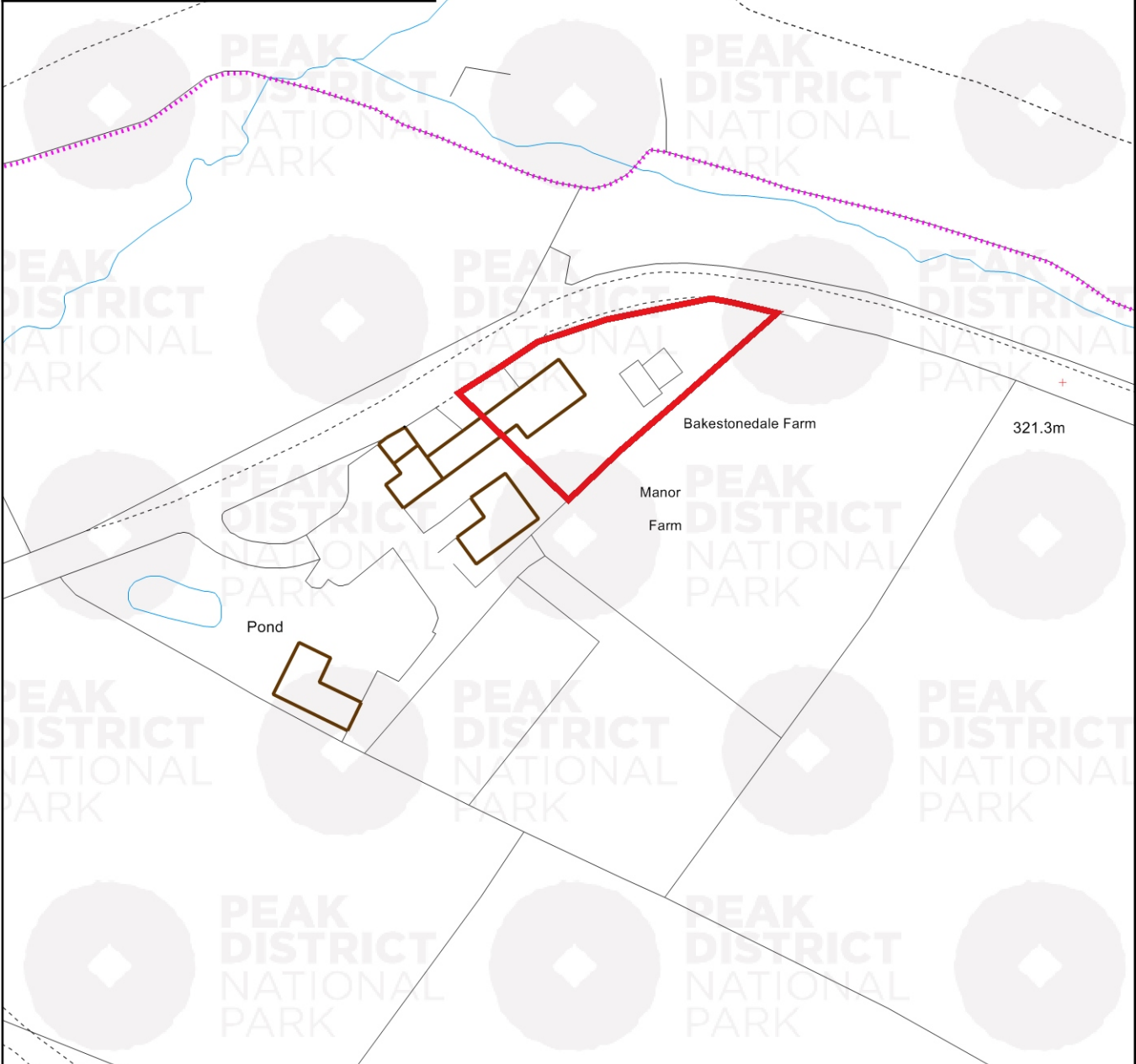
List of Background Papers (not previously published)

Nil


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Committee Date:	14/11/2014	<b>Title:</b> Bakestonedale Farm, Pott Shrigley	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	15		
Application No:	NP/CEC/0814/0869		
Grid Reference:	396223 379517		

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## **16. Stanton Moor Mineral Liaison Group and Consultation on Mineral Planning Matters in the Stanton Moor Area (JEN)**

### Introduction

In March 2014 Planning Committee resolved to establish the Stanton Moor Mineral Liaison Group (SMMLG). The group was established to operate at an arm's length and allow stakeholders (including mineral operators, parish councils, and community groups) to:

- disseminate factual information
- discuss problems relating to the mineral working and to be part of the practical response
- allow participants to understand their respective roles and responsibilities
- express and listen to each other's views
- ensure information is available to all stakeholders on a consistent and straightforward basis
- to provide an opportunity to discuss forthcoming development proposals
- to discuss day to day concerns about quarry operations and their impacts
- work to establish a better working relationship between the stakeholders
- promote the engagement of those with "protected" characteristics under the Equalities Act 2010

The Authority established the terms of operation of the group.

The first meeting of the group was held on 30 June 2014. The draft minutes are attached and have been agreed as a record (with any necessary amendment) by the Stanton Moor Mineral Liaison Group meeting on 15 October.

### Proposal

At the SMMLG meeting in June a number of matters were discussed relating to proposed changes to the terms of operation of the SMMLG. As the Planning Committee established the SMMLG and its terms of operation, the Committee must consider whether to make the amendments to the terms of operation.

### **Stanton Moor Principles:**

The Stanton Moor Principles were referred to as part of the background to the ongoing mineral issues in the area in the March 2014 report which established the liaison group.

1. In brief, the Principles agreed by the Committee on the 27 October 2000 were minuted as follows (Minute 373/00).

*"That the following principles be taken into account when considering mineral proposals within the Stanton Moor Area.*

(a) *There is an acceptance that quarrying for building stone will continue in the area for the foreseeable future. The Authority encourages the use of natural stone for building provided the scale and the environmental impact of working can be adequately controlled or mitigated. A number of the consents in the locality do not expire until 2042. Mineral working will therefore continue to have an impact on the local area particularly in terms of traffic generation. The emphasis must therefore be on controlling this impact rather than believing that it can be eliminated.*

(b) *The Authority has a responsibility for conserving the landscape, wildlife and cultural heritage of the area. In particular it would wish to see the cessation or very severe curtailment of working in the central section which includes Lees Cross/Endcliffe and Stanton Moor quarries. These sites adjoin or overlap the*

*Scheduled Ancient Monument and any working would be likely to cause environmental damage and would spoil the special character of the area. There are however valid planning consents covering these areas and these are unlikely to be given up lightly by the landowners and operators. As a general principle the Authority would wish to see working concentrated in the northern and southern groups of quarries.*

- (c) *Any proposals for variation or extension of existing workings must also put forward an acceptable means of minimising the impact of working and traffic on local residents. This is likely to involve restrictions on lorry movements and/or new or improved lorry routes.”*

In September 2012 Members were invited to consider whether or not they wished to continue with the Principles. It was resolved:

*'That the Stanton Moor Principles agreed by the Authority on the 27 October 2000 and incorporated into the Stanton Moor Conservation Plan agreed with English Heritage in 2007, which enshrine the Core Strategy principle of the exchanges of historic planning consents for more environmentally acceptable alternatives, remain in place unchanged until the two current applications (for New Pilhough Quarry and Birchover Quarry) are determined, as they provide specific locational advice that remains valid and relevant to planning decision making.'*

Two members of the Liaison Group considered that the March 2014 committee report did not make it sufficiently clear that the Planning Committee had previously resolved in September 2012 that the Stanton Moor Principles remain in place unchanged only until the two current applications (for New Pilhough Quarry and Birchover Quarry) are determined, as they provide specific locational advice that remains valid and relevant to planning decision-making. They therefore asked that the Liaison Group seek confirmation of this from the Planning Committee.

The Planning Committee's resolution in March 2014 was made solely in relation to the establishment of the SMMLG and did not seek to, and has not, amended the resolution of the Planning Committee in 2012. It should therefore be made clear, for the avoidance of doubt that the Stanton Moor Principles remain in place until such time as the New Pilhough Quarry and Birchover Quarry applications are finally determined.

Any future planning decisions relating to major mineral planning proposals will also be made in the context of adopted Development Plan policies and Government policy in the National Planning Policy Framework, that major development will only be allowed in National Parks in exceptional circumstances (ref: MIN1 of the Core Strategy and paragraph 116 of the Framework).

#### **Additional Parish Councils:**

As set out in the report to Planning Committee in March 2014, the stakeholders invited to attend the SMMLG are:

#### Mineral Operators:

Block Stone Ltd  
Stancliffe Stone Ltd

#### Parish Councils:

Stanton In Peak Parish Council  
Birchover Parish Council  
Rowsley Parish Council

#### Community Groups:

Stanton Against the Destruction of our Environment  
Stanton Lees Action Group



Friends of the Peak District

Landowners: The Thornhill Settlement, Stanton Estate.

The Authority: (represented by a Senior Mineral Planner)

The Chair of the Liaison Group has written to Birchover Stone Ltd and they have reconsidered their decision not to attend.

A stakeholder representing Rowsley Parish Council has also asked that invitations to attend the Group be extended to South Darley Parish Council and Darley Dale Town Council.

Officers consider that it is not considered necessary to extend the group in the manner sought. The traffic from the quarries does not generally travel through South Darley or Darley Dale. The administrative boundaries are 1.3km and 1.9km from the nearest quarry in the Stanton Moor area. Officers also consider that these Parishes are not subject to a direct or indirect unacceptable negative impact from the ongoing quarry operations.

In the event that a proposal was made in the future that may have a significant impact on these communities, they would be able to participate in the planning process by making a representation. In some circumstances Officers have attended parish council meetings (in various locations) to discuss particular proposals or issues. This could also take place in the event that a proposal was made that may have a significant effect.

There are 11 members of the SMMLG, and the Chair. It is considered that extending the number of attendees beyond this may render the group unwieldy and less able to engage in constructive discussion and debate, given the complicated and detailed nature of some of the matters likely to be discussed.

#### **Consultation on mineral planning matters in the Stanton Moor area:**

The scope and extent of consultation in the consideration of mineral planning matters was also discussed at the Liaison Group meeting, and has been raised in the course of consideration of several planning applications for mineral related developments recently.

The legal position is that the Authority is statutorily obliged to consult the Parish Council for the parish within which the development sought is located. Over the last decade, consultation has been carried out more widely in considering mineral planning applications in the Stanton Moor area, but this has been on an ad hoc basis. There is no statutory requirement to do this.

In addition, a stakeholder at the liaison group asked that community representatives be treated as Parish Councils in regard to formal public consultation related to the quarry sites. There is no statutory requirement to do this.

Given these requests, it is considered that there should be a clearly stated position about who the Authority intends to consult in the case of mineral related applications in this area, over and above the existing statutory consultations and the existing site notice arrangements.

Officers consider that making a formal commitment to consult community stakeholders, or action groups, is not appropriate as it may favour, or appear to favour, one particular interest group above another. It may also create pressure from other groups within the National Park to extend these arrangements to them and to other sites or developments. The administrative burden of formally agreeing to consult additional groups may be considerable and would provide significant opportunity for error, which may in turn delay the planning process where groups were subsequently consulted.

It is considered that where an application in the Parishes of Birchover or Stanton In Peak proposes:

- a surface extension of mineral working; or
- an increase in vehicle movements; or
- the establishment of a new quarry

the Authority will endeavour to consult beyond the statutory Parish Council, if the immediately adjacent Parishes from the following list are considered to be likely to be directly affected by the development:

- Stanton in Peak PC
- Birchover PC
- Rowsley PC
- Darley Town Council
- Darley Dale Parish Council
- South Darley Parish Council

This consultation would not be a statutory obligation. The additional Councils to be consulted would be agreed on a case-by-case basis and would not necessarily include this full list.

It is not considered appropriate to extend the consultation in other circumstances (for example, ancillary developments within quarries). Adopting an arrangement in which the Authority would consult more widely would create an area where it appeared the Authority was seeking more views, and possibly courting views against development, which is not consistent with other mineral development in the National Park. In the event that applications were refused and appeals made, appellants may argue that the Authority was not behaving equitably consulting widely in this area, compared to other areas of the National Park.

In addition to any additional consultation, the Authority will continue to fulfil the statutory requirements to advertise planning applications. In the case of mineral proposals this is through site notices and advertisement in the local press. In all cases, the appropriate Parish Council will be consulted on applications which fall within its parish boundary.

In the event that a body or organisation is not consulted, then the views of that body or organisation can still be made by a representation and this will be taken into account in determining a planning application.

#### **RECOMMENDATION:**

- i) **That the list of stakeholders invited to attend the Stanton Moor Mineral Liaison Group remains as set out in the report to Planning Committee on 15 March 2014, item 15.**
- ii) **That the Planning Committee report 'QUARRYING IN THE STANTON MOOR AREA – THE STANTON MOOR PRINCIPLES' item 8.1, September 2012 and related minute 170/12 is confirmed as a key document for the purposes of the terms of reference for the Stanton Moor Mineral Liaison Group.**
- iii) **where an application in the Parishes of Birchover or Stanton In Peak proposes:**
  - a surface extension of mineral working; or
  - an increase in vehicle movements; or
  - the establishment of a new quarry

**the Authority will endeavour to consult beyond the statutory Parish Council, if the immediately adjacent Parishes from the following list are considered to be likely to be directly affected by the development:**

- **Stanton in Peak PC**
- **Birchover PC**
- **Rowsley PC**
- **Darley Town Council**
- **Darley Dale Parish Council**
- **South Darley Parish Council**

### **Human Rights**

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

List of Background Papers (not previously published)

None

Appendix 1

Draft minutes for Stanton Moor Mineral Liaison Group 30/06/14

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**Stanton Moor Mineral Liaison Group (SMMLG)**

**Monday 30<sup>th</sup> June 2014, 14:00 pm**

**Members present**

Professor Tony Crook – Chair  
Paul Morris – Stanton in Peak Parish Council  
Andy Tickle – Friends of the Peak District/CPRE  
Steve Boam – Stancliffe Stone Limited & Marshals  
Cllr Kath Potter – Rowsley Parish Council  
Howard Griffiths – Stanton Against the Destruction of our Environment (SADE)  
Geoffrey Henson – Stanton Lees Action Group (SLAG)  
Andrew Gregory – Blockstone Limited  
Adrian Davie-Thornhill – Thornhill Settlement

**In attendance**

Jane Newman – PDNPA Senior Minerals Planner  
Nicola Howarth – PDNPA – Minerals Planner

**1. Introductions**

Introduction and outline by the Chair on the purpose of the Liaison Group. Discussion from attendees on what they want to get out of the Liaison Group. Overall consensus and shared aspirations were: better communication, honesty and information sharing.

The Chair explained the Liaison Group protocols:

- **Please notify A.O.B the day before the meeting or earlier**
- **Address Tony Crook as ‘Chair’ to maintain the formality of the meeting**
- **The Chair will call people to speak in the order that they put their hands up.**
- **Jane Newman to report minutes to Planning Committee under part A (public item).**

**2. Apologies**

Apologies has been received from the representatives of Birchover Parish Council and the Haddon Estate

It was **noted** that Birchover Stone Quarry had declined to become a member

### **3. Terms of Reference for the SMMLG**

A report went to Planning Committee on 11<sup>th</sup> April 2014 outlining the terms of reference which had been approved by that committee and subsequently circulated to each of the stakeholder groups.

HG wished to have it minuted that members did not have the terms of reference prior to the first meeting.

Post meeting note: following a check on the paperwork after the meeting PDNPA staff confirmed that ToR were sent out with the invitation to the initial 4th June meeting of the group, including to the contact for SADE held on file. When HG was nominated as SADE's representative, PDNPA staff did not forward the letter to him as it was assumed that paperwork has been sent on to him by the SADE contact.

There followed discussion regarding the Stanton Moor Principles and their importance in regard to the terms of reference and the Birchover and New Pilhough quarries. KP and HG requested that the principles as amended by the committee resolution of 14 September 2012 be noted within the terms of reference. JN also confirmed that the Authority's policies would not be supportive of quarrying on the edge of Stanton Moor other than in exceptional circumstances.

- i) **Action: JN to report to Planning Committee that the Planning Committee report 'QUARRYING IN THE STANTON MOOR AREA – THE STANTON MOOR PRINCIPLES' item 8.1, September 2012 and related minute 170/12 which resolved: *That the Stanton Moor Principles agreed by the Authority on the 27 October 2000 and incorporated into the Stanton Moor Conservation Plan agreed with English Heritage in 2007, which enshrine the Core Strategy principle of the exchanges of historic planning consents for more environmentally acceptable alternatives, remain in place unchanged until the two current applications (for New Pilhough Quarry and Birchover Quarry) are determined, as they provide specific locational advice that remains valid and relevant to planning decision making.*' are confirmed as a key document for the purposes of the terms of reference for the Stanton Moor Mineral Liaison Group.**

### **4. Current Situation with Stanton Moor ROMP**

JN explained the situation with the Stanton Moor ROMP determination, including the Authority's decision not to pursue a Prohibition Order related to Stanton Moor. The company is currently pursuing the ROMP application. The Authority has requested additional environmental information which is required to be submitted by 19<sup>th</sup> August 2014. JN confirmed that it was likely that the ROMP would go to October/November committee.

A number of attendees queried the legislation behind the ROMP procedure and indicated that they were looking for the legislation that allows the Authority to accept environmental information after the 2 year

period deadline. They requested clarity of information/English and 'chapter and verse' of the legislation.

JN read an extract from the 15<sup>th</sup> November 2013 Committee report to help explain the legislation. The Chair requested that the report be contained within the minutes.

AG confirmed that they will work the quarry if necessary and the Chair noted that this helpfully established the Company's position.

AT thanked AG for his frankness and said it was his understanding that the option to get an extension to New Pilhough rather than work Stanton moor was still open. AG confirmed that it was.

JN stated that she hoped the Company would not work Stanton Moor and would give up the permission in exchange for an extension to New Pilhough quarry. This would be secured through a Section 106 Agreement and Revocation Order.

**Action: The 15<sup>th</sup> November 2013 Committee report to be attached to the minutes.**

#### **5. Current situation with Dale View including tabling of the approved working plans**

JN displayed the working plans for the site to show the extent of the quarry and explained that exceptional circumstances had allowed for the quarry extension in return for the relinquishment of Lees Cross and Endcliffe quarries.

KP requested the possibility of a site visit for local people. SB confirmed that he would be happy to arrange this.

Discussion took place concerning the conditions and enforcement of conditions related to the site. JN confirmed that the Authority had a duty to restate existing conditions in the forthcoming decision notice to amend the phasing.

**Action: SB to organise a visit to Dale View quarry. Parish Council's to contact SB.**

**Action: Members of the Liaison group to visit Dale View prior to next meeting.**

#### **6. Update on other applications under consideration**

JN confirmed the following applications:

- 1. Replacement building at New Pilhough Quarry.
- 2 wire saws in a building at Dale View. JN confirmed that it would not result in any extra lorry movements. The wire saw application

would be going to next committee. PM suggested that it would be useful to see a wire saw in operation. PM stated that reports were over complicated and requested that a Non-technical Report be provided.

- 3 (Resubmission) – Exchange application for the extension of the permitted area of stone extraction at New Pilhough Quarry
- 4 Appeal application for the same proposal.

### **A.O.B**

- i) Timing of Meetings: Some attendees requested a later meeting time - late afternoon/ early evening. The Chair confirmed that JN and her colleagues would look at this for the next meeting and check members' availability on dates and times using a doodle poll.

**Action: JN to consider an evening meeting time. Set up next meeting with Doodle polls.**

- ii) Development Plan/Timescale for the sites: HG hoped that we could have a framework for anticipating what would be happening on the sites. A 6 month, 2 year, 5 year etc snapshot in time. JN confirmed that it would be for SB and AG to present this.

**Action: SB and AG to prepare outline of development proposals for the quarries for the next meeting**

- iii) Nomination of Attendees: KP requested that Darley Dale and South Darley parishes be invited to attend the next meeting.

**Action: JN to report to Planning Committee to consider merits of inviting the two other Parish Councils.**

It was proposed that stakeholders should be allowed to be represented by any of their group's members. The Chair stated a preference for consistent attendance and that the primary delegate should attend.

**Action: Continue as established and consider position in future if necessary.**

- iv) AT stated that he was disappointed that Birchover quarry not represented. Chair confirmed that he would write to the Company to encourage it to accept the membership it had been offered.

**Action: Chair to write to Birchover Stone.**

- v) Community Reps: HG asked that community representatives be treated as Parish Councils are in regard to formal public consultation related to the quarry sites. JN confirmed that the



Authority was not statutorily obliged to do this. Chair confirmed that he would discuss this issue with the Director of Planning.

**Action: Chair to discuss issue of community reps with John Scott (Director of Planning).**

### **Summary of Agreed Actions**

1. JN to include the September 2012 report within the terms of reference of the SMMLG
2. The 15<sup>th</sup> November 2013 Committee report to be attached to the minutes to clarify the legislation to the members of the liaison committee.
3. SB to organise a visit to Dale View quarry. Parish Councils to contact SB.
4. Members of the Liaison group to visit the site prior to next meeting.
5. Chair to consider an evening meeting time. Set up next meeting with Doodle polls.
6. SB and AG to prepare outline of development proposals for the quarries for the next meeting
7. Planning Committee to consider merits of inviting the two other Parish Councils.
8. Continue as established and consider position in future if necessary.
9. Chair to write to Birchover Stone.
10. Chair to discuss issue of community reps with John Scott (Director of Planning).

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**17. Additional Issue for the Development Management Policies DPD: Recreation Hubs and Visitor Management (BJT/A.6101)**

**Purpose of the report**

1. For members to reconsider the options for bringing forward an additional development management issue regarding recreation hubs and visitor management.

**2. Recommendation:**

**That:**

- 1. Members support option 3 at paragraph 18 as the basis for further work on the issue of recreation hubs and visitor management**

**How does this contribute to our policies and legal obligations?**

3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

**4. *National Parks Vision and Circular 2010***

The National Parks Vision and Circular 2010 encourages proactive identification and promotion of new access and recreational opportunities and ways of delivering them whilst taking into account that 'activities which would have an adverse impact on the Parks' special qualities and other people's enjoyment of them may need to be excluded (in order to meet the requirements of section 11A (2) of the 1949 Act)'.

**5. *National Planning Policy Framework***

The National Planning Policy Framework (NPPF) supports sustainable rural tourism that takes 'account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it' (NPPF para 17 Core Planning Principle).

The NPPF states in paragraph 35 that developments should be located and designed to 'give priority to pedestrian and cycle movements, and have access to high quality public transport facilities'.

**6. *National Park Management Plan***

The National Park Management Plan has enabled process allows the Authority and its partners to refresh the strategic approach to tourism provision in the area. A spatial approach to the management and promotion of key visitor sites will assist a range of partnership projects and programmes driven by the National Park Management Plan 2012-17. The National Park Management Plan provides the framework for a range of related strategies which also drive the need for a spatial policy. Such strategies include those for recreation, landscape, cycling, people and communities and the Core Strategy of the Local Development Plan.

**7. *Core Strategy***

In 2011 the National Park Authority adopted its Core Strategy with a high level aim by 2026 that “A network of high quality, sustainable sites and facilities will have encouraged and promoted increased enjoyment and understanding of the National Park by everybody including its residents and surrounding urban communities”. Core policies L1 and RT1 provide a strategic basis for decisions on recreation, environmental education and interpretation in the countryside where they fit well with the environmental capacity of the area and meet other site specific tests. Policy T7 also provides the basis for new car parking provision seeking to limit overall numbers so as not to exceed environmental capacity.

8. **Background**

Since the adoption of the Core Strategy in 2011 and the current National Park Management Plan in 2012 officers have observed that a gap has emerged in the area of tourism strategy and that no other partner is currently thinking about issues of sustainable visitor management holistically or spatially for the National Park or the wider Peak District. Individual site owners may bring forward schemes that meet their own interests, but without an overview officers were concerned about the collective impact this could have on the National Park. The tourist board for instance is increasingly focussed on marketing “the destination” and other councils are more likely to fall back on their own core priorities, whereas this is a statutory purpose of the National Park and warrants closer attention by the Authority.

9. Following a long period of consideration by officers across the Authority, a draft consultation paper was prepared and in August this year (2014) a report was brought before the Planning Committee. The report recommended Member support for a consultation document as a first stage in developing a policy for recreation hubs that could be inserted into the emerging Development Management Policies document and its supporting Policies Map.

10. However, at the meeting Members expressed concerns that the rationale for both the policy and detailed site selection was unclear and that as such it was resolved that (minute ref 105/14) officers to work closely with a small member working group to help overcome these concerns and progress the document for public consultation. The group comprised the Chair and Vice Chair of Planning Committee along with Cllr Brady and Ms McGuire.

11. Following the August Planning Committee meeting, officers received further detailed observations from Cllr Brady and Ms McGuire and a follow-up meeting was held to fully explain the nature of concerns.

12. In addition, officers met with a sustainability consultant (already working with the team on the Development Management Policies document) to discuss what further work would be required to assess the site specific impacts. This meeting found that the existing sustainability framework would need to be refreshed in order to create an assessment tool that could pick up site/location specific impacts as opposed to strategic policy considerations. This would inevitably take time to prepare.

13. **Proposals**

In the context of the above discussions, officers have taken a step back from the paper taken to Planning Committee in August in order to understand the need to engage more closely with members on the policy principle behind the recreation hubs concept. In doing this officers have reconsidered the options to set out more fundamentally why an additional policy for recreational hubs may be of benefit. This allows us to consider what we already have in terms of Core Strategy policy and

consider where the added value would be in terms of forward planning and subsequent development management decisions by giving certainty to investment.

14. It is important for the Authority to be joined up in its overall thinking on sustainable visitor management and asset management in order to be open and accountable in developing policy. For example, some early assessment of sites and their potential has begun through the Trails Options Study. This and other work will helpfully inform such a policy. This can also provide greater certainty about the prospects of delivery, as such sites are more likely to have organisational backing regarding their scope for investment.
15. While initial work could point to those sites currently the subject of assessment at the National Park Authority, a formal consultation process would provide an opportunity for other organisations (including major land owning estates and utilities companies) to put forward their own properties where these meet the principles and criteria laid down in policy. A “call for sites” method could be employed in a similar way to that used for housing proposals. Such sites are then tested and filtered against an agreed assessment criteria.
16. Officers have also been given a clear steer from Members about the need to complete and progress our work on development management policies, which has already suffered delays for a range of staffing and conflicting work reasons.
17. As a result, the options for progressing this work have been refreshed by moving away from detailed site considerations towards the strategic value of such a policy. The following options have now been rehearsed with the member working group.
18. **Options for policy relating to recreational hubs**
  1. Continue to progress public consultation into a detailed site selection policy underpinned by an appraisal of the many possible hub locations, using a refreshed Sustainability Appraisal framework and clearer evidence base. This will need more time to fully undertake and is likely to push timescales back to February/March for joining the work up into our Development Management Policies Document; or
  2. Develop a more focussed policy based on site improvement plans already being considered by land owners. This would entail setting out the criteria for site selection and initiate a “call for sites” to enable land owners (e.g. National Trust, Utilities companies, Chatsworth etc and including the National Park Authority through the Trails Options Study) to respond with other suggested locations that can then be considered alongside the criteria laid down in policy; or
  3. Await completion of the development management policies document and bring forward a focussed Area Action Plan Development Plan Document covering the topic of recreational hubs at a Park-wide scale. This could apply the approach set out in option 2. In the short term existing policy in the Core Strategy may still be utilised as the basis of any new proposals to improve facilities at key recreational hub sites. It is hoped that this work could commence towards the end of 2015; or
  4. Do not pursue further policy at all on the basis that the existing policy framework in the Core Strategy is sufficient to deal with ad hoc responses and site specific issues into the future.

19. **Preferred Approach**

Officers believe that this remains an important piece of policy that warrants inclusion in the Local Development Plan; however, it does require greater work and scrutiny and the current priority of the Policy Planning Team should remain with the completion of the Development Management Policies document. As such, the preferred option from those set out in paragraph 18 above is option 3.

20. Nevertheless, the issue of recreation hubs should be built formally into the future work planning of the team. Current expectations indicate that if the Development Management Document can be submitted in the spring of 2015, then work could commence at the end of 2015. This will require more in depth project planning and will also need to be placed alongside the prioritisation of other topics for possible partial review.

**Are there any corporate implications members should be concerned about?**

**Financial**

21. None, the work can progress within existing budgets.

**Risk Management**

22. None, the existing adopted and saved policies of the Core Strategy 2011 and Local Plan 2001 ensure there is no gap in policy during this time.

**Sustainability**

23. A Sustainability Appraisal will be undertaken to test the preferred approach.

**Consultees: Director of Planning, Assistant Director of Policy and Partnerships, Chair and Vice Chair of planning Committee, Cllr Brady, Ms McGuire, Ms Emma Sayer**

**Background papers (not previously published)**

24. None

**Report Author, Job Title**

25. Brian Taylor, Policy Planning Manager

**18. Appointing an Independent Examiner for the Chapel-en-le-Frith Neighbourhood Plan (BJT/A.6101)**

**Purpose of the report**

1. For members to support the officer assessment and recommendation for an independent examiner to conduct the examination into the Chapel-en-le-Frith Neighbourhood Plan.

**Recommendation**

**That:**

1. **Members support the officer recommendation at paragraph 9 and Appendix 1 that the preferred choice of Inspector to conduct the examination into the Chapel-en-le-Frith Neighbourhood Plan is Janet Cheesley;**
2. **Delegated authority is granted to the Director of Planning in consultation with the Chair and Vice Chair of Planning Committee to agree any changes to this decision if there is no agreement between the Authority, High Peak Borough Council and the Parish Council**

**How does this contribute to our policies and legal obligations?**

2. This is a legal obligation under the Localism Act 2011.
3. 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**

4. In August 2014, the Planning Committee agreed (minute ref 106/14):
  - (i) that the ‘examination draft’ Chapel-en-le-Frith Neighbourhood Plan (with supporting documents) does comply with the criteria for a neighbourhood plan; and
  - (ii) subject to the findings of an independent ‘health check’, that the Authority works with High Peak Borough Council to undertake notification, public consultation and examination.
5. Consequently, it is now necessary for the relevant Local Planning authorities (in this case both High Peak Borough Council and the National Park Authority) to appoint an independent examiner with the consent of the Parish Council. If there is no agreement the Secretary of State can make the appointment. The person appointed must be someone who, in the opinion of the person making the appointment:
  - Is independent of the qualifying body and the authority;
  - Does not have an interest in any land that may be affected by the draft neighbourhood plan; and
  - Has appropriate qualifications and experience.

6. **Proposal**

Three possible candidates registered to the Neighbourhood Planning Examiner Panel have indicated that they would be suitable to undertake the examination. High Peak Borough Council, the National Park Authority and Chapel-en-le-Frith Parish Council must now agree and choose the examiner. The agreed method has been to approach this task independently in the first instance scoring each candidate against a pro-forma. The individual scores will then be considered by all parties in order to reach an overall decision.

7. The particular circumstances of this area have been factored into a common scoring method with the criteria set out as follows:

Requested skills and experience:

- RTPI membership
- Experience of National Parks
- Policy making and development skills
- Landscape character knowledge
- Rural and countryside issues knowledge
- Overall added value (e.g. direct experience or other relevant issue from CV/ submission)

8. The outcome of the assessment is set out at Appendix 1 and identifies the preferred candidate as Janet Cheesley.

9. At this stage in the process this is purely the recommendation of the National Park Authority. It will then be necessary to gain overall agreement on the candidate between all three parties. If further negotiation is needed, e.g. if the preferred candidate dropped out, it may be necessary to finalise the view of the National Park Authority by delegating authority to the Director of Planning in consultation with the Chair and Vice Chair of Planning Committee. This will ensure speedier decision making and allow the process to continue without unnecessary delay.

10. **Are there any corporate implications members should be concerned about?**

**Financial**

11. It is the responsibility of the local planning authorities to pay for the cost of the examination so it is in the interests of the authority to ensure that the proposed plan meets the legal requirements. Grant is available from the Government as neighbourhood plans pass key stages in the process. It is not yet known what the cost of the examination and referendum are likely to be, however it is unlikely to be more than the level of grant provided.

12. **Risk Management**

None

13. **Sustainability**

None

14. **Consultees**

Director of Planning,



**Background papers (not previously published)**

None

**Appendices**

Appendix 1 – Candidate assessment (NPA) scoring for recruitment of independent examiner

**Report Author and Job Title**

Brian Taylor, Policy Planning Manager

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**Examiner for Chapel-en-le-Frith Neighbourhood Plan**

The completed application form to request the referral of a Neighbourhood Plan Examiner identified the following desired skills and experience in relation to potential examiners:

- Professional qualifications desired: RTPI membership
- Professional experience desired: National Parks
- Specialist skills desired: policy making and development; landscape character; rural and countryside issues

The matrix below can be used to score each of the three candidates against the specified criteria out of 5.

Where:

- 5: Exceeds specification
- 4: Some added value
- 3: Meets specification
- 2: Misses some areas of specification
- 1: Fails key areas of specification
- F: FAIL totally

Requested skills and experience	Janet Cheesley		Timothy Jones		Alyson Linnegar	
	Score	Comment	Score	Comment	Score	Comment
RTPI membership	3	Member	F	Not clear. Comments that 'has trained RTPI members'.	3	member
Experience of National Parks	3	Experience of Broads Authority	1	Has been involved in cases representing clients against the NPA	3	Experience of S Downs
Policy making and development skills	2	At 2 local authorities and as planning inspector	2	Not directly involved	2	Some experience but question at what level
Landscape character knowledge	2	Doesn't specifically mention but covered in recent neighbourhood planning examinations + inspections	2	Not sufficiently demonstrated	2	Not sufficiently demonstrated
Rural and countryside issues knowledge	4	Recent neighbourhood planning examinations, appeals + inspections	3	Yes, via planning appeals and development plan enquiries	3	Some experience
Overall added value (eg direct experience or other relevant issue from CV/ submission)	4	Already successfully completed 3 np examinations	2	Not adequately demonstrated	3	Some experience as examiner and volunteer

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TOTAL	19		10		16	
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## 19. 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/DDD/0414/0375 2226137	Section 73 application to amend condition 5 - use as holiday accommodation on NP/DDD/1104/1215 at The Old School House, Taddington, Buxton, SK17 9UQ	Written Representations	Delegated
NP/K/0214/0165 2226653	Change of use of an existing barn from agricultural to residential, in addition to alterations and an extension to an existing farmhouse at Royd Farm, Royd Road, Meltham, Holmfirth, HD9 4BG	Written Representations	Delegated
NP/HPK/0514/0493 2222156	Proposed demolition of former water works building and Change of Use for the stationing of caravans for occupation by Gypsy-Traveller site, with associated development including hard standing, utility building and external lighting at the Former Water Works, Sheffield Road, Charlesworth, OL3 6JH	Informal Hearing	Committee
NP/DDD/0314/0272 2226601 Listed Building Consent	Removal of existing window and replacement by a breakfast bar at The Nook, King Street, Bakewell DE45 1DZ	Written Representations	Committee

### 2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

### 3. APPEALS DECIDED

There have been no appeals decided during this month.

### 4. RECOMMENDATION

**That the report be received.**

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