
6. FULL APPLICATION - ERECTION OF STEEL FABRICATION WORKSHOP ON PREVIOUSLY DEVELOPED LAND, PITTMERE LANE, TIDESWELL MOOR, TIDESWELL (NP/DDD/0915/0888, P.6009, 414620 / 378500, 01/02/2016/AM)

APPLICANT: MR A BETTNEY

Background

The application for erection of a steel fabrication workshop on land at Pittmere Lane Tideswell Moor was originally considered at the Authority's Planning Committee in January 2016 (attached as Appendix 1). Notwithstanding an officer recommendation of refusal on the grounds that this type of development in this location is contrary to both local and national policy, a motion for approval was moved and seconded, subject to conditions and any appropriate legal agreements.

The reason for members voting for an approval was that they considered that a landscaping scheme could mitigate the landscape and visual impact of the proposed development.

As a consequence of the motion to approve this application, under the terms of Standing Order no1.48, a further report to Planning Committee is required to set out the policy issues in more detail.

Standing Orders

In accordance with Standing Order 1.48, this report covers: (i) the policy implications e.g. whether the decision is a departure from the development plan or other key policy; (ii) the budget implications; (iii) a risk assessment; and (iv) an assessment of the robustness of the provisional reasons, including recommendations on any conditions.

Assessment

(i) Policy Implications

The key policy issues in this case centre on the interpretation of enhancement-driven development and the way that economic development is managed and spatially located within the National Park. The development plan gives clear direction by steering different types of economic development in the interests of sustainable development in its widest sense and to ensure that development conserves the National Park's valued characteristics. The development plan is clear in that the type of development proposed in this application should be steered to sites within or on the edge of the National Park's named settlements and should not be located in the open countryside.

All local planning authorities take a similar approach to directing development to appropriate locations within their area and every local planning authority aims for a sustainable pattern of development, as recommended by the National Planning Policy Framework. This generally means steering development to areas that are accessible to the public, avoiding clashes of different uses and ensuring that development does not harm protected landscapes. Across the National Park, there are marked differences between the varied landscape character types in terms of the particular features which make them special and which collectively make up the mosaic of landscapes which underpin designation and the highest level of protection.

The proposed site lies within the White Peak, in an area characterised by very open landscapes, dry stone walls, woodland coppices and traditional stone buildings. The development strategy directs new buildings to the villages set out in the plan to maintain the largely undeveloped character and conserve the wealth of natural and historic features.

The development plan also recognises the importance of living landscapes and the need to enable the local economy to flourish. The Authority welcomes successful business, but has the responsibility to ensure that development takes place without harming the valued characteristics of the National Park. The development plan is founded on evidence that encourages business to locate in settlements or in groups of existing buildings on farmsteads and makes provision for business in terms of providing and safeguarding a sufficient quantity of land for the needs of the area.

When the Core Strategy was produced the Authority was required to consider a range of reasonable options with regards to policies for employment space. As part of this process it was not considered appropriate to allow for economic development within the countryside unless it was supporting an existing farm or other land management business and could be accommodated within a building group. The Authority accepted this logic throughout the consultation processes leading up to adoption of the Core Strategy. It is as a result of this process that it is the adopted policy of this Authority to steer such development to sustainable locations.

The applicant has made the case that there is a lack of alternative sites within Tideswell and that therefore the proposed development is acceptable. A summary of the applicant's search for premises has been submitted and Officers have also updated members about existing employment sites within the local area where development may be acceptable in principle. Critically, no clear evidence has been submitted to demonstrate that it would be impossible for the proposed development to be sited within or on the edge of any named settlements in the local area.

In any case, policy does not make the lack of availability of alternative accommodation either a requirement or justification for either granting or refusing planning permission. Therefore giving any weight to the assertion that the lack of availability of alternative should justify development in isolated locations would potentially seriously undermine the Authority's adopted approach which actively encourages business operators to locate to sustainable locations which do not have a harmful impact upon the National Park.

Recognising its rural context, and the marginal nature of many farm enterprises, the Authority's policy enables economic development as farm diversification to support businesses that will help with continued conservation of the National Park's valued landscapes. Such diversified business is permitted with the expectation that the farm business will uphold its role in positive landscape conservation. In this case however there is no connection with any existing farm or land management business and there is no positive trade off from permitting this development in the countryside because there is no reasonable expectation that the development would contribute to the conservation or enhancement of the wider landscape; on the contrary, the Officer recommendation is that the development would have a harmful impact upon valued landscape character.

It was noted at the Planning Committee meeting in January that there are existing structures on the site and that the development may offer scope for enhancement, contrary to the Officer recommendation that the development would likely result in a more harmful impact compared to the condition of the existing structures which benefit from no lawful use.

Core Strategy policy GSP2 is relevant for proposals to enhance the National Park. Officers recognise that it may be considered that the proposal represents an opportunity to remove the existing structures and replace them with a new building and use but it is important to emphasize that this is not the intention of policy. To comply with GSP2 development needs to demonstrate *significant* overall benefit to the natural beauty, wildlife and cultural heritage of the area and not undermine the achievement of other Core Policies.

In terms of what is visible on this site, any development would need to significantly enhance the valued characteristics of the landscape and not undermine other core policies to be in accordance with the Authority's enhancement policy. The landscape character of this area is not valued for the existence of isolated redundant structures or isolated modern industrial units. In landscape terms therefore the proposed development can only be considered to be the replacement of one form of unacceptable development (the existing structures and hard standing) with another form of unacceptable development (a substantial portal framed building typically only acceptable where there is a clear agricultural justification).

If the Authority considers that the condition of the existing site is harmful and that action is required to remedy the situation then alternative courses of action should be taken before considering whether to grant planning permission for development which is not in accordance with the development plan. For example, if the Authority considers that the current condition of the land is detracting from the amenity of the local area then the Authority could potentially serve a Section 215 notice on the owner and occupier of the land to remedy the situation.

The proposed development cannot therefore be described as enhancement of the National Park's valued characteristics. Furthermore as outlined above any approval would also undermine the achievement of the Authority's core economic policies. A decision to refuse permission for the current application would uphold the adopted development plan and the landscape strategy and action plan. Furthermore, it would represent a position that demonstrates application of policy fairly and consistently and would demonstrate a commitment to the conservation of National Park landscapes in line with adopted plans and strategies.

(ii) Budget Implications

There are no budget implications other than the resource cost of contesting an appeal, were Members minded to refuse the application and the applicant appeals against such a refusal. Officers advise that a refusal would be in line with its own development plan and national policy and that therefore an appeal would be highly unlikely to incur costs over and above the officer time, even in the event that the Authority lost the appeal.

It is not considered that a decision to approve this application would have any significant budget implications as the only costs arising would be officer time processing the decision notice.

(iii) Risk Assessment

The main risk in this case is that general industrial use would be sited in an isolated and unsustainable location in open countryside where the impact of built development and the use of the site for general industrial purposes would be likely to result in a significant harmful impact upon the valued characteristics of the National Park. In the absence of any clear and convincing overriding justification this is a type of development which could be replicated in similar circumstances.

There is a risk that the grant of planning permission rather than taking another course of action, such as serving notice on the owner and occupier of the land, could encourage unlawful use and despoliation of land because such action could lead to the grant of planning permission on sites where development would not otherwise be acceptable.

There is a risk that expansion of this business in the future or a change in occupation of the building to a different type of business could lead to further impact either through noise or increased vehicle movements or for pressure to extend the buildings or parking areas on the site or into the adjacent countryside. There is a stated and therefore foreseeable intent to grow the business in future, because this is part of the reason for the applicant claiming that existing available provision is inadequate.

Whilst officers accept that expansion would be subject of future applications, and in that respect future growth at the site is not guaranteed. However a proposal to extend the operation when established is more likely to be determined against the context of the situation of the time and not the original reason why planning permission was granted. The Authority may therefore find it difficult to refuse proposals for expansion especially after a business has already substantially invested in a site.

There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently, especially where they are up-to-date, relate specifically to the development concerned and are otherwise consistent with more recent national planning policies in the Framework as they are in this case. In these respects, a decision to approve this application could not be considered to be applying the policies fairly and consistently, because it would place need of an individual business above the statutory conserve purpose of the National Park.

Should an approval be granted, the 2015-2016 Annual Monitoring Report would need to identify this is a departure from the Development Plan.

(iv) Robustness of Provisional Reasons for Approval and Suggested Conditions

The first reason for approval is that the development would enhance the site. Officers are concerned about the robustness of this reason for approval in the context of the assessment above. For this reason to be robust then the Authority must be satisfied that the development would significantly enhance the valued characteristics of the National Park and that the development will not undermine the core policies within the development plan which direct this type of development to within the National Park's named settlements.

The second reason for approval is that the development would 'bring a firm home' and provide for local employment near to the local market for the product. Officers are also concerned about the robustness for this reason for approval. It is clear from the submitted application that this is an existing business which is operated within the National Park near Rainow, the proposal therefore would not directly lead to the creation of any new jobs.

The Authority's policies seek to encourage employment opportunities to people living within the National Park, however the planning process cannot provide for or guarantee that businesses provide jobs for local people. Therefore while it is welcomed that the existing business does employ people from the Tideswell area, this is not a planning matter and cannot be given for a reason to approve this planning application.

Similarly, in terms of the markets for the products, the Authority has no control over the source of the raw material or the end destination of products produced by any individual business. The intent to bring a company "home" is therefore understood and welcomed but cannot be given for a reason to approve this planning application.

As outlined in the Officer's report it is considered that, given the strong objection to the principle to creating a steel fabrication workshop on this site, the imposition of planning conditions could not make the development acceptable. If permission was granted then a planning condition setting the statutory time limit for implementation would be necessary along with a condition to require the development to be carried out in accordance with specified approved plans.

Two pre-commencement conditions are required, firstly to require a detailed scheme of landscaping to be submitted and approved and secondly to require foul sewerage to be disposed of to a package treatment plant rather than the proposed septic tank to ensure that the development conserves the local water environment in accordance with the Framework and National Planning Practice Guidance.

There remain concerns about the robustness of applying a condition to require a scheme of landscaping where Officers advice is that this would not have the stated effect of mitigating the impact of the development. Therefore the Authority would need to be confident that the impact of the proposed development can be made acceptable through the implementation of a scheme of landscaping taking into account the time that new hedge and tree planting would need to become established. Officers do not consider that additional landscaping is, in itself, sufficient to overcome the objection in principle to the development, but it is accepted that it is necessary if the application is approved.

Conditions would be necessary to control the operation of the use, to stipulate appropriate hours of operation, hours of deliveries, control any outside storage or working and prevent over-night storage of vehicles such as heavy goods vehicles which would all increase the impact of the use upon the local area. Conditions would also be necessary to require details of mitigation in the form of noise attenuation measures and any external lighting. Given the location of the building it is also considered that there are exceptional reasons to remove permitted development rights for changes of use which could result in the use of the building and site for other purposes which could have a greater impact or alternatives such as housing which would not be acceptable in principle.

Conclusion

It is recognised that many applications require a judgement to be made on landscape impact and the extent to which development could represent an enhancement. The result of some decisions are therefore justified as an exception to the Authority's normal policy approach. However, in this case, Officers consider that any approval of this development would represent a clear departure from local and national policy with no justifiable planning reasons to do so. The proposal would not enhance the National Park because the development would replace one form of incongruous development with another.

The strategic policies within the development plan enables business to establish and expand in sustainable locations; this is consistent with the Framework's guidance in respect of sustainable development. The application site is not a sustainable location because of its isolated position outside of any named settlement. This judgement was made when the Authority's development plan was adopted and the site was designated as being in open countryside and not in a named settlement. There may well be scope to provide additional employment land in and around a number of the National Park's villages and such development site would provide opportunities for local employment in sustainable locations.

Refusal of this application would be consistent with local and national policy and would demonstrate that the Authority applies its policies and national policy consistently and fairly in the interests of all communities with an interest and stake in the National Park.

Whilst recognising the resolution made on this application by the Planning Committee and having considered the policy position in more detail and the extent to which conditions could be used to address these policy concerns, the officer recommendation to Members remains for refusal of this application. If Members are concerned about the impact of the site upon the amenity of the local area and wish to seek enhancement then the Authority could as an alternative resolve to direct Officers to investigate serving a notice on the land to remedy the issue.

Should Members be minded to approve this application, the following planning conditions are recommended:

1. Statutory time limit for implementation.
2. Development to be carried out in accordance with specified approved plans.

3. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Authority. The approved landscaping scheme shall then be implemented.
4. No development shall commence until details of foul sewerage showing a package treatment plant has been submitted and approved in writing. The development shall then be carried out in accordance with the approved details.
5. Prior approval of scheme of noise attenuation measures prior to the first use of the development.
6. Prior approval of scheme of external lighting prior to the first use of the development.
7. Hours of operation to be limited to between 07:00 and 17:00 Monday to Friday and not at all at weekends or bank holidays.
8. Restrict delivery hours to between 07:00 and 17:00 Monday to Friday and not at all at weekends or bank holidays.
9. No outside storage unless in accordance with a scheme which shall have first been submitted to and approved in writing by the National Park Authority.
10. No industrial processes, plant or machinery shall be carried out / installed outside any building at the site at any time.
11. No heavy goods vehicles shall be parked on the site over-night at any time.
12. Specification of design and architectural details including dark green colour finish for the wall and roof sheeting and external surfaces of the doors. Lower sections of the walls to be clad with natural randomly coursed limestone.
13. Restrict the use of the building to B2 general industry and remove permitted development rights for changes of use.
14. Parking and turning areas to be laid out in accordance with approved plans prior to occupation and thereafter maintained throughout the lifetime of the development.