

9. FULL APPLICATION - ERECTION OF STEEL FABRICATION WORKSHOP ON PREVIOUSLY DEVELOPED LAND, PITLEMERE LANE, TIDESWELL MOOR, TIDESWELL (NP/DDD/0915/0888, P.6009, 414620 / 378500, 23/12/2015/AM)

This application was deferred at the December meeting to allow members to undertake a site visit.

APPLICANT: MR A BETTNEY

Site and Surroundings

The application site is located in a relatively remote location to the north side of Pittlemere Lane on Tideswell Moor, approximately 2.3km to the north of Tideswell. The site is clearly outside of any designated settlement and is in open countryside for the purposes of the development plan.

The site comprises approximately 0.6 ha (1.5 acres) of land on which is two dilapidated buildings and an area of hardstanding. One of the buildings, a Nissen hut to the rear of the site, appears to be currently used for storage. Various bits of scrap, timber pallets and a touring caravan are also currently stored on the land.

Access is via a track from Pittlemere Lane. The nearest neighbouring property in this case is Bushey Heath Farm which is located approximately 240m to the east.

Proposal

This application seeks planning permission for the erection of a steel fabrication workshop on the site. The proposed development would be occupied Tideswell Welding Services Ltd and used to fabricate steel work for engineering and construction companies and for farmers.

The submitted plans show that the existing buildings and areas of hardstanding on the site would be removed and that a new portal framed building would be erected on the eastern part of the site partially dug into the rising ground levels. The proposed building would be 24.8m long by 15.8m wide, 6m high to eaves and 7.4m high to ridge. The walls and roof would be clad with steel sheeting, the roof coloured light grey and the walls coloured green. The sheeting would finish approximately 2m above the ground with the remainder of the wall clad with rubble limestone. A large door opening with an aluminium door is proposed on the front (south west) elevation coloured green to match the sheet walls with pedestrian access to the side (north west) elevation.

The proposed building would have a total floor space of 360m², the majority of which would be taken up by the workshop area with a smaller ancillary store, office and toilet with a canteen area at first floor level. The area in front of the building would be provided with a tarmac surface with an access to the north to eight parking spaces. One parking space for disabled persons is proposed adjacent to the main building.

The plans show that the existing trees within the application site would be retained and that additional areas of trees would be planted to create screening for the development. The plans also propose additional planting to the existing tree belt to the south of the building.

RECOMMENDATION:

That the application be REFUSED for the following reasons.

- 1. The application site is located in a remote location in open countryside. The principle of the erection of the proposed steel fabrication workshop on this site is therefore contrary to Core Strategy policies DS1 and E2 which along with policy E1 and LT7 seek to direct such development to within named settlements or to farmsteads or smaller groups of buildings in sustainable locations. The proposed development would therefore represent unsustainable economic development in the countryside contrary to the National Planning Policy Framework.**
- 2. The proposed development would have a significant harmful visual and landscape impact and the noise and disturbance associated with the manufacture of steel and associated vehicle movements would be likely to have a harmful impact upon the tranquillity of the site, the local area and the residential amenity of Bushey Heath Farm contrary to Core Strategy policies GSP1, GSP3, L1 and LC4.**

Key Issues

- Whether the principle of the proposed development is in accordance with the development plan and the National Planning Policy Framework.
- The impact of the proposed development upon the area and the valued characteristics of the National Park.

History

2013: NP/DDD/1112/1155: Application for a certificate of lawful use or development - Use for general industrial and storage purposes. The application as refused by the Authority for the following reasons:

“Department of the Environment Circular 10/97 places the onus of proof firmly on the Applicant and requires the evidence produced to be sufficiently precise and unambiguous to justify the grant of a Certificate on the balance of probability. The Authority does not consider that the evidence submitted in support of the application discharges this burden of proof.

Having considered the evidence supplied by the Applicant, and evidence from its own records, the Authority is not satisfied that the Applicant has shown, on the balance of probabilities, that the land has been used for the purposes outlined in the application for a continuous period of ten years or more prior to the date of the application”.

The Officer report states that the Authority's evidence contradicts the applicant's claim, as it clearly shows that there have been a number of changes of use on this site from one unauthorised sui generis use to another and that none of the uses shown have been a mixed use for general industrial and storage purposes. In addition, the evidence submitted by the Applicant was not sufficiently clear or precise to justify the grant of a certificate in the terms sought.

Consultations

Highway Authority - Requests further information from the applicant in regard to the size, number and frequency of traffic movements likely to be generated by the proposed use.

District Council - No response to date.

Parish Council - Support the application and consider that the proposal is good for local employment and business needs.

Representations

One representation has been received to date. The letter supports the application as it will enable a local employer to continue his business in the locality where the core business lies. The site is already well screened and there would be limited impact on the area, in fact this site would reduce current impacts with less travel miles.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, CC1, E2

Relevant Local Plan policies: LC4, LE6, LT7, LT10 and LT18

National Planning Policy Framework

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should be given great weight in National Parks.

Paragraph 28 of the Framework says that policies should support economic growth in rural areas by taking a positive approach to sustainable new development and support the sustainable growth and expansion of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

E2 is directly relevant for proposals for business development in the countryside outside of the Natural Zone. E2 A says that businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. Re-use of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building. E2 C says that business use in an isolated existing or new building in the open countryside will not be permitted.

L1 says that all development must conserve and where possible enhance the scenic beauty and landscape character of the National Park.

LE6 sets out detailed criteria to assess proposals for business development against where it is acceptable in principle. GSP3 and LC4 are also directly to the current application because they seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. Policies LT10 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.

Assessment

Principle of proposed development

The application site is located in an isolated position in the open countryside, some 2.3km to the North of Tideswell and 3km to the east of Peak Forest. The evidence presented in the 2013 application for a certificate of lawful use on the site and the evidence held on the Authority's file indicates that this site has been put to a variety of different uses over the past 45 years. However the Authority's decision in 2013 is clear that the site has no lawful use for any industrial or other purpose.

E2 C makes clear that business development in new or existing buildings on isolated sites such as the application site will not be permitted. The proposed development is therefore considered to be contrary to E2.

The Authority's development strategy directs business development to the larger named settlements within the National Park in accordance with E1 or to smaller settlements or farmsteads located in sustainable locations in the countryside in accordance with E2. The Authority's policy approach is considered to be consistent with the Framework because it encourages appropriate new business development in sustainable locations within the National Park. It is therefore considered that full weight should be given to relevant policies in the development plan.

Harm / benefits of proposed development

The submitted application describes the application site as previously developed land. The evidence on the Authority's file indicates that the site has been put to a variety of uses in the past including building and coal yard, storage, garaging, workshop repairs, parking HGV and quarrying vehicles, sand blasting, welding and fabrication work, skip and vehicle storage, sorting of waste, lime burning, chicken rearing and plant refurbishment. It is clear from the Authority's refusal of a lawful development certificate that none of these uses are now lawful and therefore the proposed development should not be judged against the potential impact of taking up any of these other uses on the site.

It is however legitimate to acknowledge that there are dilapidated buildings and hard standings on the site which are visible from the local area, particularly from along Pittlemere Lane and the public footpaths to the south west of the site. The existing structures do have a negative visual impact and therefore the potential to remove these structures as part of any scheme is a material consideration as this would achieve some enhancement.

The proposed building would, however, be substantially larger and taller than the existing structures on the site and despite the use of dark coloured sheeting it is considered inevitable that the proposed development would actually result in a greater visual and landscape impact than the existing condition of the site. Staff, delivery and servicing vehicles would also be visible parked on the proposed areas of hardstanding to the south of the building. It is acknowledged that the building would be bounded by the existing tree belts but clear views into the site from the south would remain which would not be sufficiently mitigated by the proposed planting which would take a significant time to mature.

It is also considered that the use of the proposed building and site for the manufacture of steel structures would be very likely to generate noise and other disturbance which would be noticeable in the locality and harm the tranquil character of this isolated site. The proposed use would also be likely to generate significant vehicle movements from staff, deliveries and servicing. It is therefore considered that the proposed development would result in a net harmful impact upon the local area and the valued characteristics of the National Park contrary to GSP1, GSP3, L1 and LC4.

The submitted planning statement says that applicant's business is currently uses buildings in Rainow and therefore the proposed relocation of the business would bring the business closer to the company's six employees who all live in the Tideswell area and closer to steel stock suppliers who are based in Matlock and Sheffield. A letter has also been submitted with the application which shows that the applicant has considered existing premises in the Tideswell area but that none of these were suitable.

It is acknowledged that that the proposal would reduce the length of vehicle movements associated with staff and deliveries but this would not justify the relocation of the proposed business to an unsustainable location within the National Park. The letter submitted with the application indicates that the applicant considered re-locating to the existing industrial estate on Merverill Road, Tideswell or the adjacent but that the units are too small and are restricted to 'medium' industrial use. Hope Construction Materials have also been approached but there are no available buildings at that site.

It is acknowledged that the applicant has considered alternative sites within Tideswell, but it is considered that the submitted information falls short of demonstrating that the application site is the only site where the business could be re-located. No evidence has been submitted of any search for a suitable site within another settlement within the National Park, for example at Bakewell where there are vacant sites and plots. But in any case, difficulties in finding or a lack of a suitable site would not justify development which would have an unacceptable impact and would be sited in an unsustainable location.

Therefore whilst the Parish Council's comments are noted it is considered that the proposed development would result in a harmful impact upon the local area and the National Park and that any benefits of allowing the scheme would not override these impacts or justify allowing a scheme which would have a harmful impact and be contrary to the development plan.

Other Issues

The proposed development would use the existing access from Pittlemere Lane, there is adequate visibility in both directions from this access and therefore officers' concerns that the proposal would be likely to have any harmful impact upon safety. There is ample space within the application site for staff, delivery and service vehicles to park and turn either in the designated parking spaces or in the open yard area to the front of the building.

The nearest neighbouring property is Bushey Heath Farm which is located approximately 300m to the west of the application site. This includes the farm house and a range of barns which have been converted to holiday accommodation. The land between the application site and Bushey Heath Farm is also used as a camp site. Given the distance it is considered likely that noise from the proposed use, especially grinding steelwork would be audible from Bushey Heath Farm. It is considered that in this tranquil location that the noise would be likely to have a harmful impact upon the amenity of occupants of Bushey Heath Farm contrary to GSP3 and LC4.

Conclusion

The principle of the proposed development is contrary to E2 because the proposed steel fabrication workshop would be located on an isolated site in an unsustainable location within open countryside.

The erection of the proposed building and the creation of the parking and yard area would have a significant harmful visual and landscape impact and noise and disturbance from the steel manufacturing process and from vehicle movements would be likely to harm the tranquillity of the area and the amenity of neighbouring properties contrary to GSP1, GSP3, L1 and LC4.

No exceptional circumstances have been put forward to justify the proposed development and therefore the proposal would represent unsustainable development contrary to GSP1, GSP3, CC1, L1, E2, LC4 and LT7 and the National Planning Policy 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