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MINUTES

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|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Meeting: | Planning Committee |
| Date: | Friday 15 July 2016 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, Mr R Helliwell, Cllr Mrs C Howe, Cllr H Laws, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg and Cllr D Williams |
| Apologies for absence: | Cllr D Chapman, Cllr A Hart, Ms S McGuire, Cllr J Macrae and Cllr A McCloy. |

90/16 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee on Friday 17 June were approved as a correct record.

91/16 MEMBERS DECLARATIONS OF INTEREST

Item 6

Mr P Ancell, Cllr Mrs L Roberts, Cllr Mrs K Potter, Cllr H Laws, Cllr P Brady, Cllr Mrs J Twigg, Cllr Mrs C Howe, Cllr D Williams, Cllr C Carr, Mr R Helliwell and Cllr D Birkinshaw asked that it be recorded that they had received correspondence from the applicant and an objector on this matter.

Item 7

Mr R Helliwell declared a personal interest as he had received a telephone call from the Applicant Mrs M Hollinrake.

Item 8

Cllr Mrs K Potter, Cllr Mrs J Twigg, Cllr H Laws, Cllr P Brady, Mr R Helliwell and Mr P Ancell asked that it be recorded that they had received an email from Mr R Mason in connection with one of the cases in the report.

Cllr Mrs K Potter declared a personal interest as she had received a letter from the Chair of Curbar Parish Council.

Item 9

Cllr Mrs C Howe declared a personal interest as the High Peak Borough Councillor for the ward within which Chinley, Buxworth and Brownside is situated.

92/16 PUBLIC PARTICIPATION

Five members of the public were present to make representations to the Committee under the Authority's Public Participation Scheme.

93/16 FULL APPLICATION - DEMOLITION OF EXISTING INDUSTRIAL UNITS AND CONSTRUCTION OF REPLACEMENT EMPLOYMENT FLOORSPACE, IMPROVEMENTS TO EXISTING SITE ACCESS, PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL

Members had visited the site on the previous day.

It was noted that the proposed three passing places along the south side of the access road had been reduced to two, one at each end. Three trees would be removed and new trees planted.

It was also noted that the current proposals would not result in an increase of floor space and that there would be no material change to the current situation.

The officer confirmed that the proposals are not considered to be major development with regard to paragraph 116 of The National Planning Policy Framework because the proposals would replace existing buildings with modern industrial units on a site designated for employment uses.

Two further letters of support had been received. The D2N2 Local Enterprise Partnership had also confirmed support for the proposed development. The deadline for a bid for funding for the new bridge from D2N2 was the end of July 2016.

The following made representations to the committee under the Authority's Public Participation Scheme:

- Mr P Stubbs, resident and Objector
- Mr C Bateman, Chair of Lumford and Holme Lane Residents' Association, Objector
- Cllr C Furness, Supporter
- Mr S Morgan-Hyland, Agent

Members expressed concern over the potential impact on residents caused by the movement of demolition and building machinery and vehicles via the current access. The officer stated that Government advice is to avoid pre-conditions unless there are "exceptional circumstances". The Director of Conservation and Planning explained the legal and funding implications of imposing a pre-condition regarding the new bridge.

Members were minded to impose a pre-condition because of what they considered to be the "exceptional circumstances" pertaining to this application. A motion to approve the application subject to a pre-condition re the new access bridge and including the officers' recommended conditions was moved and seconded. It was noted that such pre-condition would remove the need for conditions 5 and 7 in respect of the passing places on the lane.

The basis for concluding that permission would otherwise be refused without a pre-condition that the new access bridge be built included:

- The strain on current access routes that would be caused by heavy construction traffic
- The need to protect the safety and amenity of residents
- The piecemeal development of the site would not be consistent with Local Plan policy LB7
- The impact of the proposed passing places on the character of the area

These factors also supported a conclusion that the provision of the new bridge before development was commenced was fundamental to the acceptability of the development proposals.

The motion to approve the proposals due to “exceptional circumstances”, subject to a pre-condition requiring the new bridge to be built prior to the commencement of works and with conditions as stated in the report but deleting conditions 5 and 7, was voted upon and carried.

RESOLVED:

That the application be APPROVED subject to a pre-condition that the new bridge be in place before the development commences and subject to the following conditions:

1. **3 year implementation time limit.**
2. **Adopt submitted and amended plans.**
3. **The buildings hereby approved shall be used solely for business uses, general industrial and storage and distribution uses as specified in B1, B2 and B8 of the schedule to the Town & Country Planning (Use Classes) Order 1987(as amended) or in any order revoking and re-enacting that order.**
4. **Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the buildings hereby approved shall be carried out and no extensions, or ancillary buildings, shall be erected within the red-edged application site without the National Park Authority's prior written consent.**
5. **Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.**

6. Throughout the period of development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
7. No part of the development shall be occupied until the approved access road works within the site have been carried out and constructed in accordance with application drawing number 2016-007/101 Rev D.
8. No unit shall be taken into use until space has been laid out within the site in accordance with application drawing number 2016-007/101 Rev D for 68 cars and 10 HGV's to be parked and for all vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.
9. Prior to commencement of development, a scheme to raise and refurbish the riverside wall shall be submitted to and approved in writing by the National Park Planning Authority in consultation with the Environment Agency. The scheme to be submitted shall demonstrate the continuity of flood protection up to a 1 in 100 year plus climate change flood event plus 400mm freeboard allowance. The scheme to be submitted shall be based upon drawings showing upstream and downstream tie-in arrangements and an assessment of the structural integrity of the existing riverside wall and shall make recommendations for any remedial measures required to the riverside wall. The works shall be carried out in full compliance with the recommendations and details to be submitted and any phasing / timetable embodied within the scheme.
10. The finished floor levels of buildings shall be in accordance with the approved plan entitled 'Preliminary Finished Levels' (Drawing Number 2016-007/803 Revision A, dated 11 March 2016) unless otherwise agreed in writing by the National Park Planning Authority in consultation with the Environment Agency.
11. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the National Park Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.
12. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing in accordance with a brief for the works issued by this Authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority, this includes the programme of building recording. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and

recording;

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

5. Provision to be made for archive deposition of the analysis and records of the site investigation;

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a)."

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

13. A detailed design and methods statement for the scheme and foundation design for use in areas of archaeological sensitivity, as determined by the programme of archaeological works, shall be submitted to and approved by the National Park Authority in writing prior to the commencement of the construction phase of the development. No development shall take place in areas of proven archaeological sensitivity other than in accordance with the details of the approved scheme.
14. No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the National Park Authority. This shall deal with the treatment of any environmentally sensitive areas, including the River Wye corridor, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:
- The timing of the works
 - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
 - The ecological enhancements as mitigation for the loss of habitat resulting from the development
 - A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
 - Any necessary mitigation for protected species
 - Any necessary pollution protection methods
 - Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking. The works shall be carried out in accordance with the approved method statement.

15. If works take place during bird breeding season (March to September inclusive), then suitable nesting features for Grey Wagtail shall be surveyed for active bird nests by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests shall be delayed until nesting activity has ceased.
16. No development shall take place until a scheme providing nesting opportunities for a range of bird species (including grey wagtail) on the application site has been submitted to and approved in writing by the National Park Authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved scheme
17. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust document Bats and Lighting in the UK.
18. Before works commence the small stand of cotoneaster shall be removed from the site in order to minimise the risk of spreading this plant through the course of the works.
19. Appropriate ecological conditions with regards to bats – to be determined prior to the committee meeting.
20. Before commencing the development hereby approved a detailed scheme for landscaping (including tree and shrub planting seeding or turfing, earthmounding, walling, fencing or ground surfacing as necessary) shall be submitted to and approved in writing by the National Park Authority. The scheme shall include provision for the removal of the existing leylandii trees and replacement with native species. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following completion or occupation of the development. Any walling or surfacing shown on the approved plan shall be completed before the building is first occupied. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.
21. Recommendations and further investigations in Chapter 6 of the Phase 1 Geotechnical and Geo-environmental Site Investigation Report by Eastwood and Partners dates April 2015 as they apply to the application site shall be fully implemented.

A break was taken between 11.28 and 11.37am.

94/16 FULL APPLICATION - CHANGE OF USE TO FIELD NOS 8485 AND 8877 TO A SEASONAL OVERFLOW CAMPING FIELD AT KNOTLOW FARM, FLAGG

Members had visited the site on the previous day.

The original application had been deferred by the Planning Committee in April 2016.

Amended plans had been received, removing the proposal to put tents on the higher level of the field. Officers had revisited the site and noted that there were no less damaging locations than the one proposed. The Applicant had not provided detail of the number of pitches.

Having considered the amended proposals, officers maintained their recommendation to refuse the application. However, officers had suggested 10 conditions in the report in case Members were minded to approve it.

The following made a representation to the committee under the Authority's Public Participation Scheme:

- Mrs M Hollinrake, Applicant

Cllr P Brady declared a personal interest as he was acquainted with the Applicant's son, Mr C Hollinrake.

A motion to approve the application subject to the officers' suggested conditions with the addition of a condition to protect the landscape and the removal and replacement of condition 7, was moved and seconded. The replacement condition 7 would specify that the site was to be used for tents only and not for camper vans or caravans. The Director added that the fencing in condition 2 could be amended to post and wire rather than post and rail, in order to minimise landscape impact.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. Development not to be carried out otherwise than in accordance with amended plans.**
- 2. Excluded areas on approved plans to be fenced off with post and rail fencing within 1 month of date of decision.**
- 3. The camping site hereby permitted shall be ancillary to the agricultural use of Knotlow Farm and the agricultural unit and the camping site shall be maintained as a single planning unit throughout the lifetime of the development hereby permitted.**
- 4. No single tent shall be retained on site for a consecutive period exceeding 28 days in any one calendar year.**
- 5. No tent shall be occupied as a permanent residence.**
- 6. No tents shall be allowed on the application site between 31st October in any one year and the Thursday before Good Friday or 31st March whichever comes first in the following year.**
- 7. The site shall only be used for the pitching of tents.**
- 8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no development required by the conditions of a site licence for**

the time being in force under the 1960 Act shall be carried out or erected on the site without the National Park Authority's prior written consent.

9. Landscaping shown on approved plan to be implemented within the next planting seasons following the date of the decision.

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2014/Ambiental Technical Solutions and the following mitigation measures detailed within the FRA:

- All tents to be located within Flood Zone 1 and outside of the area identified as being at high risk from surface water flooding.
- Identification and provision of safe routes into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the National Park Authority.

95/16 MONITORING AND ENFORCEMENT QUARTERLY REVIEW - JULY 2016

Cllr Mrs K Potter declared a personal interest as she had received a letter from the Chair of Curbar Parish Council.

The Monitoring and Enforcement Team Manager reported that the Monitoring and Enforcement Team was on target to meet the annual figure of 120 cases closed. It was noted that considerable effort and resources were needed to achieve this.

With regard to listed building breaches, which are classed as criminal offences, it was noted that these breaches often occur through ignorance. In response to Members' questions the officer confirmed that there was no immunity period for listed building breaches. Members asked officers to check on how often owners of listed buildings are reminded of their responsibilities and it was suggested that more frequent reminders could reduce the number of listed building breaches occurring.

Members asked that information about the resolution of long standing cases also be included in the quarterly report.

The officer gave an update on Leanlow Farm, Hartington. He referred to photographs which showed that significant progress had been made in clearing up the site and informed Members that officers were actively considering enforcement action in relation to three steel containers which remained on site in breach of a condition.

The Monitoring & Enforcement Manager also showed some 'before and after' photographs of resolved cases and presented some feedback on two parish council training seminars that had been held on 25 May and 15 June.

The recommendation was moved, seconded, voted upon and carried.

RESOLVED:

That the report is noted.

96/16 DESIGNATION OF CHINLEY, BUXWORTH AND BROWNSIDE PARISH AS NEIGHBOURHOOD PLAN AREAS

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

RESOLVED:

That the combined area of Chinley, Buxworth and Brownside Parish be designated as a neighbourhood area (as shown on the map in Appendix 1 of the report), under the Localism Act 2011 Schedule 9, Section 61G.

97/16 CONFIRMATION OF TREE PRESERVATION ORDER WHERE OBJECTIONS AND REPRESENTATIONS ARE RECEIVED

The Head of Law introduced the report which proposed a procedure for dealing with objections to Tree Preservation Orders (TPOs).

During debate, several points were noted:

- Planning permission overrides a TPO
- The Authority's tree officers do charge for their time
- The procedure for visiting a site differs from the current procedure for planning application site visits.

Members suggested amendments to the wording of the proposed procedure to ensure consistency of procedure as follows:

Paragraph (1) delete the words 'included with the officer report' and replace with 'reported to committee'.

This amendment was suggested so that the procedure reflected what happened in relation to late representation in planning applications.

Paragraph (2) Delete all sentences after the first sentence and replace with:

'Site visits are:

- fact finding exercises
- to enable officers to point out relevant features
- to enable Members' questions of fact to be asked on site for clarification:
- not part of the formal consideration of the matter and therefore public rights of attendance do not apply

Discussion on the matter will only take place at the subsequent committee meeting as all relevant parties may not be in attendance on site.

This amendment was so that the site visit process followed that set out in the approved Protocol on Planning Development & Planning Policy.

Paragraph (3) – no changes.

RESOLVED:

That the procedure as set out in Appendix 1 of the report be APPROVED, subject to the following amendments:

Paragraph (1) delete the words 'included with the officer report' and replace with 'reported to committee'.

Paragraph (2) Delete all sentences after the first sentence and replace with:

'Site visits are:

- fact finding exercises**
- to enable officers to point out relevant features**
- to enable Members' questions of fact to be asked on site for clarification:**
- not part of the formal consideration of the matter and therefore public rights of attendance do not apply**

Discussion on the matter will only take place at the subsequent committee meeting as all relevant parties may not be in attendance on site.

Paragraph (3) – no changes.

98/16 HEAD OF LAW REPORT - PLANNING APPEALS

The recommendation was moved, seconded, voted upon and carried.

RESOLVED:

That the report be received.

The meeting ended at 1.00 pm