

**7. FULL APPLICATION: DEMOLITION OF ALL SITE BUILDINGS, REMOVAL OF CONCRETE SURFACING, AND REDEVELOPMENT FOR 25 X 2,3,4 AND 5 BED DWELLINGS, PARKING AND GARAGING SERVED BY PRIVATE DRIVE FROM EXISTING ACCESS FROM RICHARD LANE, MARKOVITZ LIMITED, RICHARD LANE TIDESWELL (NP/DDD/1117/0040, 415192/375025,P.6061, 23/01/17/JK)**

**APPLICANT: M Markovitz Ltd**

**Site and Surroundings**

The application site comprises the M Markovitz Ltd Building supplies depot which is situated to the south of Richard Lane at the southern edge of Tideswell village. It sits back from the Richard Lane frontage behind a children's playground and a block of domestic garaging and is reached by a short access drive off the lane.

The depot covers an area approximately 0.87ha comprising concrete yards with open storage of building supplies in raised racks and in open bins. There is some 2000m<sup>2</sup> of industrial style buildings grouped in the centre of the site housing covered storage, the company's 'head office' and ancillary retail space. The level yards were created by 'cut and fill' of the land which naturally falls west to east across the site such that on the west and south-west side the yard level is up to 3m below the adjacent field which is retained by stone filled gabions below the boundary wall/hedge. At the southern and eastern end the site is built up by up to 5m and is supported by retaining walls of concrete blockwork with stone filled gabions running down the rear, west side.

To the south and west the site is bounded by open grazing land. To the east on lower ground are other industrial buildings. The site lies outside the Conservation Area which extends partly down the dale below and to the east of the application site and is screened from the site by mature trees on the dale side.

**Proposal**

Demolition of all the buildings and yard surfacing followed by redevelopment of the site for market housing. Plans show a layout of 25 two storey houses constructed in natural stone with slate roofs and chimneys to a design reflecting the local building tradition. The housing mix would be 7 x 2 bed, 11 x 3 bed, 6 x 4 bed and 1 x 5 bed. Access into the site would remain via the existing access drive off Richard Lane which would become a private unadopted road. Each house would have parking space and/or a garage within the plot with a total of 69 parking spaces within the site.

Subject to this application being successful, the company intends to relocate to a site adjacent to the Whitecross Road Industrial estate at the other end of the village. This Committee granted planning permission in January 2016 for a new building and yard at the Whitecross road site to enable the company to relocate its business with updated facilities and retain the head office function and associated employment in the village. The new site is better related to the main highway network and will avoid the traffic and congestion issues associated with the current site off Richard Lane. Work has not commenced on that development as the company requires the relocation to be funded by the redevelopment of the Richard Lane site.

This application is supported by an archaeological desk based appraisal, a preliminary ecological appraisal and great crested newt survey, a preliminary drainage and SuDS scheme, a water quality impact assessment, a gabion wall structural report, an environmental noise impact assessment, a planning statement, a design and access statement and a financial development appraisal. All the reports are available on the web-site.

**RECOMMENDATION:**

**That, subject to the prior entry into a Section 106 agreement securing the relocation of the Company's Richard Lane business to the Whitecross Road site prior to commencement of this development, the application be APPROVED subject to the following conditions;**

- 1. Commence development within 3 years.**
- 2. Prior submission and agreement of a management plan for the long term maintenance of the access roads, pavements and public spaces within the site.**
- 3. Carry out in accordance with defined approved plans.**
- 4. Highway requirements, including construction management plan.**
- 5. Ecological conditions covering protection to breeding birds, ramps in open trenches for escape of animals passing through the site and control over lighting to protect foraging bats.**
- 6. Prior submission and agreement of a comprehensive landscaping scheme covering hard and soft landscaping works for the site with implementation and aftercare.**
- 7. Submit and agree with implementation details of an acoustic fence to the eastern boundary**
- 8. Agree street lighting scheme.**
- 9. Agree sample materials including sample stone panel**
- 10. Minor design details – re walling, eaves, rwg's**
- 11. Withdraw Permitted development rights for boundary walls and fences.**
- 12. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with an agreed scheme and including a management plan following prior submission and approval of details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan.**
- 13. Environment Agency condition covering no development to commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by the Authority.**
- 14. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 15. Submission and agreement of finished floor levels and site levels prior to commencement of development.**
- 16. Footnote re Guidance Re Access to high speed broadband services for future residents (in conjunction with service providers).**

17. **Footnote re The County Council not adopting any private SuDS schemes.**
18. **Footnote re Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council**
19. **Footnote re applicant demonstrating the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697.**
20. **Severn Trent Water footnote re sewer records and statutory protection.**
21. **Prior submission and agreement of a scheme of environmental management for the dwellings.**

### **Key Issues**

1. The principle of the loss of the business use from this site to housing and the business relocation to the Whitecross Road site.
2. Whether there is sufficient justification for a development comprising solely of market housing given adopted housing policy only exceptionally allows market housing to achieve conservation and enhancement in settlements and even in such cases seeks to maximise affordable housing provision.
3. The highway impact of the development upon the neighbouring houses and the wider village principally in terms of traffic generation.
4. The potential impact upon the water environment of the designated Peak District Dales Special Area of Conservation.
5. Whether there are any significant environmental impacts likely to arise as a result of this development in respect of Landscape and Visual Effects, Ecology, Cultural Heritage and Archaeology, Water Environment, Noise, Traffic or cumulative effects.

### **History**

The current business located on this site in the 1994 taking advantage of an earlier consent for a small B2 use at the former farm buildings which previously stood on the site. Since then the site has expanded with additional permissions for new buildings or alterations the most recent of which, for a new shed on the south side, has not been constructed. The business houses the company's 'head office' function alongside the local supplies depot and employs 25 staff on site.

2015/6/7 - Pre-application discussions have taken place with officers who supported the principle the development with officers placing weight on the benefits to be achieved by the relocation of the business to the other end of the village. Officers advised the need to maximise affordable housing provision within viability constraints.

2016 - Following pre-application advice the permission for the development of the Whitecross road site for the relocation of the builders supply depot was granted consent in January 2016.

## **Consultations**

### DCC Highways Development Control

On the basis of commensurate levels of vehicle movement there are no highway objections. In view of the nature of the visibility at the junction, the Highway Authority would not consider adoption of the estate streets.

The estate roads will therefore remain private and a future maintenance/management regime will need to be put in place. Although private the road will still need to be laid out to adoptable standards – comments made at pre-app stage regarding forward visibility around bends and visibility from individual driveways do not appear to have been addressed, and the suitability of the layout, including turning, to accommodate service/delivery/refuse vehicles has not been demonstrated.

The principle and scale of the development is acceptable however before recommending conditions request that a modified layout is submitted to address the above layout issues.

### DCC – strategic infrastructure and services

No Education S106 Contribution would be required at this time.

Guidance to be provided via advisory notes attached to planning permission: Re Access to high speed broadband services for future residents (in conjunction with service providers).

### DCC Flood Risk Management Team

Given the reduction in impermeable area and the proposals to either, reduce the rate of current surface water discharge off site to the main river by 85% (10 l/s) or to limit it to 5 l/s to the combined sewer then the County Council Flood Risk Management team have no objections in principle to the proposals.

Recommended condition requiring prior approval of SuDS together with advisory Notes;

Environment Agency – No objections, in principle, recommends following conditions:

The previous use of the proposed development site as a builders and plumbers merchant with diesel tank. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 and is located upon a Principal aquifer of the Below Limestone.

The Phase 1 Desk Study Report (GRM, June 2016) submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a site investigation and remediation strategy as proposed within the GRM report, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.

Severn Trent Water Ltd – No objection subject to the inclusion of a condition requiring prior approval of full drainage details and a footnote re location of public sewer.

Natural England – There is insufficient information to enable Natural England to provide a substantive response

Natural England advises that, as a competent authority under the provisions of the Habitats Regulations, PDNPA should have regard for any potential impacts that a plan or project may have on a European site. The consultation documents do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority. No assessment has been provided of the potential impacts resulting from surface and foul water drainage from the development will have on the Peak District Dales Special Area of Conservation. This should include consideration of any surface water and foul water discharges that could enter the Tideswell Brook, which is hydrologically linked to the River Wye that forms part of the Peak District Dales SAC, including any discharges from the Tideswell STW resulting from the proposed development. (*Officer note – now completed see preceding agenda item*).

There should be a strategy for mitigating any identified impacts from surface water or foul water drainage. The development proposes to discharge foul water drainage to the mains, which we assume will then discharge into the Tideswell Brook and ultimately into the river Wye via the Tideswell sewage treatment works, although the consultation response from Severn Trent Water suggests that a final drainage plan has yet to be submitted/agreed. However, both Tideswell Brook and the River Wye have significantly raised phosphate levels and on the basis of available water quality sampling data from the Environment Agency, do not currently meet the water quality targets for the SAC. The HRA will therefore need to demonstrate that the Sewage Treatment Works at Tideswell has the capacity to accommodate the foul sewage from this development within its existing permitted limits, without further compromising the water quality targets for the SAC.

We note there are two options for the management of surface water which will initially be managed through soakaways and then can either be discharged to the watercourse, similar to the current arrangements, or discharged to the combined sewer. If surface water is to be discharged to the watercourse we recommend appropriate treatment measures are included into the design of the SUDS scheme to ensure the prevention of any pollutants or contaminants entering the River Wye catchment, for example an oil interception device to treat paved surface run-off.

Sites of Special Scientific Interest (SSSI)

No assessment has been provided of the potential impacts the proposal will have on the Wye Valley, Monks Dale and Cressbrook Dale SSSIs. Advise that the necessary information required to inform the HRA will be sufficient to assess the potential impacts of the proposal on the Wye Valley SSSI and any mitigation measures identified through the HRA process should be adequate to protect the notified features of the Wye Valley SSSI.

District Council – No response to date.

Parish Council – Supports the redevelopment however some issues need to be addressed.

- It is important that a local need clause is included in these properties.
- It is strongly felt that these properties should not be sold for use as holiday lets.
- Concerned that traffic on an already narrow road could be an issue and it is important that if possible the road access to the site is improved on Richard Lane.
- Although no plans have been received regarding the affordable housing project on the same road it was felt to be important to consider the joint impact on the local environment and community be looked at jointly and not separately.

## **Representations**

There have been 20 letters of objection, 3 of support and 7 making general comments at the time the report was drafted. The following summarised planning considerations raised are set out below:-

### **Objections:**

- welcome the builders merchants moving and building on a brownfield site but object as none of the houses are affordable to meet local needs.
- development would not enhance the Park, site has an industrial character and a low visual impact from most viewpoints; applicant has not demonstrated any special circumstances as to why a residential development is needed or would provide any enhancements to the special qualities of the Park or to the sustainable development of Tideswell.
- business premises are needed in the area, if Markovitz relocated then sites importance for other existing businesses and for new businesses, to maintain and support employment in the area, becomes all the more important. This is especially so since the environmental characteristics of the Park restrict the options for suitable alternative employment sites.
- There should be small single storey homes for families to downsize into.
- New homes should be affordable and built by a housing association or council.
- All new homes should have the Derbyshire Dales local clause.
- The site should meet all Tideswell's need for starter homes.
- object to the application being considered in isolation to any application for affordable housing on Spittle Acre/Meadow Lane as should both developments go ahead then the effects on traffic and local services will be magnified exponentially and if that does not go ahead then the opportunity will be lost for affordables on the application site.
- Spittle acre is a green field site and surely if more consideration for local housing needs were met on the Markovitz /Richard lane site, then Spittle acre will remain a green field
- Homes should be for locals only
- Tideswell has in excess of 80 holiday homes which is the cause for the need of affordable homes in the first place.
- Concerned houses would become holiday homes – Restrictions needed to prevent this.
- There should be contribution to new infrastructure.
- Concerns about increased traffic and congestion on the approach lanes and through the village impacting upon highway and pedestrian safety over a 24hr period, far longer than current traffic generating use.
- Where will new residents work? – increased commuting.
- Local school is full
- Doctors surgery already under pressure
- There should be a direct link from the development to the children's play area.
- Concern about increased water run off causing flooding
- Site functions well as an employment site and will continue to be an appropriate, important employment site if Markovitz leave. Even if the site did cease to be appropriate for business uses, then redevelopment for open market housing, rather than for affordable housing or community uses, could not legitimately be argued to be an enhancement.
- development is simply an attempt to maximise the market value of the land. If a residential use for the site were to be considered, it could clearly accommodate more houses than currently proposed, and we would expect affordable housing to be prioritised. We know that affordable housing is being considered for the nearby greenfield site at the top of Richard Lane. Irrespective of the merits of that site, it would be perverse

to significantly increase the number of homes in Tideswell while substantially reducing employment premises, as this could only have the effect of encouraging commuting and associated harm to the Park.

- Markovitz should be able to fund move without having to charge full market price for all properties, affordable housing should be part of the scheme.
- not clear whether the financial viability takes account of public money that may be available to subsidise affordable rural housing.
- The reasons given for not providing affordable housing , on the basis of viability, is a weak argument considering they don't have to move.
- Dispute the costs which can change depending upon house specs/size.
- There would be no need to consider development of the other site for affordable housing if affordable provision were included on the application site.
- Cannot support unless development has multiple properties at a reasonable price earmarked for local residents.
- Development would spoil the view down the valley
- when Markovitz got permission the public footpath which was re-routed to the west of the site's access road from its previous position, crossing the playground and then what became the yard. Feel this route needs re-establishing and provision made in the revised plans for this.
- Authority need to be satisfied that the residential amenity of
- future residents will not be compromised by the existence of long established
- business/industrial uses in close proximity to the application site. As an established
- business, we benefit from being in a location which does not adversely impact upon
- any nearby residential properties. In order to be satisfied that industrial/residential
- uses can co-exist in this locality, the PDNPA should satisfy themselves that the
- noise levels stated by the applicants are an accurate reflection of the current
- situation. As a long established business, it would be inappropriate for stringent
- noise/operational controls to be imposed upon us in the future should planning
- permission for residential development be granted.
- Unacceptable increase in traffic using inappropriate and narrow access lanes.
- traffic monitoring for 1 day only is completely inadequate to get a real picture of vehicle movements in the area.
- Consideration should be given for alternative access / access from Buxton Road directly into the site avoiding Richard lane altogether.
- there is very little demand for larger four and five bedroomed properties in the village

### General Comments

- Concern that the residential amenity of future residents will not be compromised by the established business/industrial uses below the site in close proximity which currently benefit from a location which does not adversely impact upon any nearby residential properties.
- PDNPA should satisfy themselves that the noise levels stated by the applicants are an accurate reflection of the current situation. It would be inappropriate for stringent noise/operational controls to be imposed upon businesses in the future should planning permission for residential development be granted.
- why are no bungalows are included in the plan?
- Why no affordable housing, even 2 houses would help
- a mix of both affordable and open market housing (particularly for the 2-bed and 3-bed houses) would be appropriate to meet local needs and also for others with a need to live locally who might not be from the area but still require smaller houses.
- reference is needed to the survey by the Parish Council establishing housing requirements in the village – otherwise there is a danger of over-provision and more homes bought merely for holiday lets.

- Design of the 2-bed houses – with several bathrooms taking up what could be living space, suggests an attempt to appeal to holiday home owners/lets, rather than permanent residences.
- would like to see further consideration of access in and around the site. There is a local public right of way which needs protecting and could be enhanced.
- concerned about lack of easy access into the adjacent children's play area from the site.
- With 25 new families there could be improvements made to the play area also?
- consideration is given to the impact of the new development on local schools and the health centre
- consideration of highways safety along Richard Lane will also be made.
- presume landscape details will be dealt with under reserved matters? This is a very sensitive site, on the edge of the village and close to a small area of woodland below the site. I trust the landscape details will reflect the local character and biodiversity of the area. In particular, I do not feel high, close-boarded fencing is appropriate on any boundary in this area, if there is an opportunity to improve this. I also hope that trees along existing boundaries will be retained and protected.
- concerned that the impact of residential dwellings being built so closely to the existing industrial businesses below the site would be detrimental to business if operating restrictions were to be made.

#### Letters of support

- Support but concerned that the large influx of people into the village at once could provide problems with the local doctors & the local primary school.
- support more housing in the village, particularly suitable housing for young families who will attend the local school.
- There will be less heavy goods traffic making the play area safer.
- There is a need for more affordable housing in this village for working people to be able to afford

#### **Relevant Legislation and Main planning Policies**

##### Legislation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires the Authority to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that where an application is made to the Council for planning permission, the Authority shall have regard to the provisions of the development plan and any other material considerations.

##### PDNPA Development Plan

The Authority's Local Development Framework Core Strategy Development Plan Document adopted in 2011 provides, along with saved policies in the 2001 Local Plan the policy starting point for considering the development. The following list of policies are those of which account has been taken in the consideration of the application:

Relevant Core Strategy policies: GSP1-4, DS1, L1-3, CC1, CC5, HC1, E1, T1, T7

Relevant Local Plan policies: LC2, LC4, LC16, LC17, LC18, LC19, LC22, LC23, LC24, LT11.



In summary, General Strategic Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development. GSP2 supports development that would enhance the valued characteristics of the National Park and sets out the criteria upon which proposals intending to enhance the park must meet and states that they must demonstrate significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and not undermine the achievement of other policies. Furthermore work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.

Policy GSP3 sets out the principles and finer criteria for assessing impact on valued characteristics stating that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Policy GSP4 covers the use of Planning conditions and/or legal agreements to achieve the spatial outcomes in the plan.

GSP3 is supported by the provisions of saved Local Plan policy LC4 (a), which 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, that particular attention will be paid to scale, form, and mass in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting along with design matters, landscaping the amenity of nearby properties and any nuisance or harm from lighting schemes

Core Strategy (CS) Policy DS1 sets out the development strategy for the park and states that the majority of new development (including about 80 to 90% of new homes) will be directed into Bakewell and named settlements such as Tideswell.

In the named settlements like Tideswell it states there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements new build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises.

Policy DS1 further states that Where there is pressure for development and the National Park Authority is uncertain about the capacity for this in a named settlement, an assessment of site alternatives will be required to demonstrate the extent of development which may be permitted. This process should involve the Parish Council or Parish Meeting and demonstrate that the proposed development complements the settlement's overall pattern of development; the character and setting of nearby buildings and structures; and the character of the landscape in which the settlement sits.

L1 requires that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan, and other valued characteristics. L2 requires that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate, their setting. L3 seeks to ensure the National Park's historic built environment is conserved and enhanced for future generations and 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.

Policy CC1 seeks to build in resilience to and mitigate the effects of climate change and requires all development, amongst other things to; make the most efficient and sustainable use of land, buildings and resources, take account of the energy hierarchy and achieve a minimum sustainability standard in all new housing. CC2 and CC5 cover low carbon and renewable energy development and flood risk and water conservation respectively.

Policy E1 relates to business/economic development in towns and villages with para E1D stating that the Authority will safeguard existing business land or buildings, particularly those of high quality and in a suitable location. It goes on to states that where the Authority consider an employment site to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

Policy HC1 sets out the Authority's approach to new housing in the National Park. The supporting text to policy HC1 clearly sets out at paragraph 12.18 that new housing in the National Park is not required to meet open market demand. However, paragraph 12.19 goes on to acknowledge that the provision of open market housing is often the best way to achieve conservation and enhancement or the treatment of a despoiled site and makes specific reference to the redevelopment of employment sites (this is followed through in E1D).

Policy HC1 states that exceptionally new housing (whether newly built or from re-use of an existing building) can be accepted where it A) addresses eligible local needs B) provides for key workers or C) in accordance with core policies GSP1 and GSP2 it is required to achieve conservation or enhancement in settlements listed in DS1 e.g. Tideswell. For schemes like this which propose more than one dwelling they must also address identified eligible local needs and be affordable with occupation restricted to local people unless a) it is not financially viable, or b) it would provide more affordable homes than are needed in the parish and adjacent parishes, in which case a financial contribution will be required towards affordable housing elsewhere in the park.

In respect of affordable housing (although none is now proposed as part of this development) Local Plan policies LH1 and LH2 are relevant as they set out the requirements in terms of the occupancy of affordable housing units. LH1 relates to the circumstances in which a person can occupy an affordable housing unit. They must be in housing need, with that need unable to be met by the existing housing stock. It also requires that a potential occupant meets local occupancy requirements as set out in policy LH2 and that the units are of a size and type likely to stay affordable in perpetuity.

Policy T1 aims to reduce the need to travel by unsustainable means. Paragraph 15.25 of the Core Strategy states that the Landscape Strategy and the Design Guide give a design context for infrastructure projects and complement the Manual for Streets for settlements. Streets should be places where people want to live and spend time, rather than just being transport corridors. Nationally, high standards of urban design are expected in towns and villages with transport infrastructure contributing positively to the quality of the street scene. In a national park nothing less is acceptable. T3A therefore states that Transport infrastructure, including roads, bridges, lighting, signing, other street furniture and public transport infrastructure, will be carefully designed and maintained to take full account of the valued characteristics of the National Park.

Policy T6A states that the Rights of Way network will be safeguarded from development, and wherever appropriate enhanced to improve connectivity, accessibility and access to transport interchanges.

Policy T7B states that residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, taking into account environmental constraints and future requirements. T7C states that non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity.

Local Plan Policies LC16, LC17 and LC18 refer to the protection of archaeological features; site features or species of wildlife, geological or geomorphological importance; and safeguarding nature conservation interests respectively. All seek to avoid unnecessary damage and to ensure enhancement where possible.

Transport policy LT11 refers to minimising the impact of car parking.

#### Other supporting SPD and Policies

Landscape Strategy and Action Plan

The Peak National Park Design Guide and its technical supplement The Building Design Guide

Climate Change Action Plan

#### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the Framework confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation, whilst paragraph 116 sets out guidance on major developments in designated areas (this application is for "major" development):

“115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.

The NPPF sets out the governments planning policies to achieve sustainable development and sets out the three dimensions to sustainable planning with the planning system needing to perform an economic role in building a strong economy support growth, a social role in supporting strong healthy communities by providing housing to meet needs and creating a high quality environment with services that reflect a communities needs and support its health social and cultural well-being and an environmental role to protect and enhance the natural, built and historic environment and mitigate and adapt to climate change. The plan contains a presumption in favour of sustainable development and sets out some 47 pages of policy and advice to be taken into account in considering this application:

The National Planning Policy Guidance was published in 2014 to support the framework.

### **Assessment**

#### **The principle of the loss of the site for business/employment uses.**

The application site is an established business site. Policy E1 D seeks to safeguard existing business sites, particularly those of high quality and in a suitable location. However E1D also recognises that where the location, premises or operations of a business site are considered no longer appropriate, opportunities for enhancement will be sought, and may include redevelopment for affordable housing.

In this case the business premises comprise a busy general builders and plumbers merchants yard which is located in a predominantly residential area of the village. It is accessed via narrow lanes which have a steep and poorly aligned junction with the main road. The main road also has a pinch point close to the junction causing vehicles difficulty in passing each other. Furthermore there is a children’s playground close to the access into the depot. For these reasons officers consider the premises are not well located and in themselves none of the buildings on site could be regarded as high quality and therefore worthy of retention.

Despite the poor location and buildings the policy would normally still support retention, ideally for a less intensive B1 use given the location and access. In this case however there is an opportunity for the business to relocate to a better located site within the village and construct new purpose built premises . Provided this move can be secured by an appropriate mechanism there would be no objections to the loss of the site for business/employment purposes as there would be a net improvement of industrial/business land/buildings in the village.

*The principle of redevelopment for housing*

The application site sits on the edge of the village and for policy purposes is regarded as being within the named settlement of Tideswell. Policy DS1 states in principle that development providing new affordable housing in named settlements is acceptable in order to maintain and improve the sustainability and vitality of the community. PDNPA adopted housing policy is clear that housing provision solely to meet open market demand will not be made and land will not be allocated for housing in the plan.

Policy HC1 sets out the Authority's policy for new housing and (relevant to this application) states that exceptionally new housing can be accepted only where it addresses eligible local needs for affordable housing, or in accordance with policies GSP1 and 2 it is required to achieve conservation or enhancement in named settlements. However the policy still requires any scheme of more than one unit under this enhancement route to address local needs for affordable dwellings and to maximise the proportion of affordable units unless it is not financially viable to do so.

The application is accompanied by a financial development viability appraisal which supports the applicants case that it is not financially viable for him to provide any affordable houses on this site. It shows that the proceeds from the redevelopment for solely market houses would be insufficient to fund the applicants objective that the relocation of the business premises be cost neutral for the company. This is argued to be in recognition that the principal aims of the relocation are enhancement of the Richard Lane environment and a reduction in commercial traffic running through the village.

It can therefore be seen that the key issues of principle are whether the existing site is worthy of retention as an employment site in its own right, and if not, whether redevelopment for market housing is justified and can bring about sufficient enhancement to meet the requirements of Policy GS1 and 2 requiring enhancement proposals to demonstrate significant overall benefit to the valued characteristics of the area.

*Whether there are exceptional circumstances to accept this 'Major development' in the Park*

In proposing 25 dwellings, the proposed development exceeds the 10 unit threshold which is used to define major development in The Town and Country Planning (Development Management Procedure) (England) Order.

The NPPF states in paragraph 116 that major development in the National Park should be refused except in exceptional circumstances and where it can be demonstrated to be in the public interest.

In this case the site is an existing industrial site occupied by an established and successful local building supplies business who wish to relocate to the other end of the village and finance the move from the redevelopment. Redevelopment would bring about some significant enhancement to the immediate environment around the Richard Lane site particularly from the removal of commercial traffic. Currently the visiting traffic causes difficulties of access, congestion and damage to the narrow access lanes which are wholly unsuited for access to a storage/distribution/retail business of this nature. The replacement of the large concrete yards and sheds by stone built houses matching the local tradition would complement the predominantly residential character of the local area enhance the local landscape and significantly improve local resident's amenity and of course the safety of children crossing to the lay area. The relocation would also retain the company's 'head office' function and related 25 jobs within the village.

Although no affordable houses are proposed the new market housing would provide more choice in the local market and boost the viability and vitality of the community as well as the wider local economy. The scheme and benefits flowing from it are inextricably linked to the application site so could not be relocated outside the Park and achieve the necessary enhancement. It is therefore considered these are the clear exceptional circumstances and public interest which allows for the principle of this major development in the Park.

*The financial development appraisal and the affordable housing issue*

The appraisal has been commissioned by the applicants to demonstrate the economic cost to the Company of the planned relocation to Whitecross Road measured against the anticipated yield of redeveloping the Richard Lane for open market housing. The appraisal acknowledges, as does the application as a whole, that development for open market housing would normally be contrary to the Peak National Park Development Plan unless exceptional circumstances can be demonstrated. In this application the applicant's case is that the relocation of the building supplies yard and premises at Richard Lane to Whitecross Road would provide a significant planning gain for the Park together with tangible economic benefits for the local and wider community.

The appraisal shows that it is anticipated that the net cost of the relocation and redevelopment to Markovitz would be in the order of £147,500. Ordinarily such a cost would not be acceptable to a developer but in this case the applicants, through this application have shown that they are willing to incur this cost to achieve the goal of moving to the approved site on Whitecross Road north of the village and achieve the benefits outlined above.

Officers have examined the appraisal and concur with its conclusions, having full confidence in its findings given it has been produced for the applicant by a specialist surveyor whom the Authority have used/are currently using in connection with other schemes in the Park. Officers particularly note the fact that the redevelopment costs of the Whitecross road site would be much reduced from normal commercial levels as a result of the applicant developing it themselves using their own materials. The surveyor also notes that the costs and sales yields compare favourably with recent schemes at Bradwell and Hartington.

The key issue is therefore whether the applicants planned relocation and the benefits flowing from the redevelopment constitute sufficient exceptional circumstances to accept market housing on this site, which otherwise would be able to accommodate a percentage of affordable housing if the costs of redeveloping the Whitecross Road site were stripped out.

Your officers considered judgement is clear that in the particular circumstances of this case there is considerable planning gain for the community and the Park to justify the scale of market housing proposed. These benefits mainly comprise:-

- Retention of the business and its local employment opportunities within the village.
- Replacement of low quality, poorly located industrial premises with purpose built new facilities appropriately located away from residential properties beside an existing industrial estate.
- Enhancement to the landscape and townscape from housing redevelopment of this edge of village site.
- Removal of commercial traffic and consequent congestion from Richard Lane which is wholly inappropriate in terms of width, alignment and character to carry such traffic.
- A reduction in commercial traffic through the village.
- A significant improvement to local residents amenity along Richard Lane .
- Improved safety for children accessing the playground as a result of reduced traffic.
- A range of new market houses giving choice in the local housing market and bringing new households to the village contributing to the viability and vitality of the community.

Clearly having no affordable housing units at all on this site is unfortunate, given that there is a known strong local need. However, to offset this members should note that an affordable housing scheme is being proposed nearby, which can be factored into deliberations on the current application. This site lies further up Richard Lane at its junction with Sherwood Road and comprises an edge of village field known locally as 'Spittle Field'. This site has been identified for some time as the preferred site for delivering around 20 homes to meet the latest surveyed local need following discussions with the Parish Council, the Rural Housing Officer, PDNPA officers and the preferred housing association. Discussions are well advanced with officers having given fully supportive pre-application advice to the principle of that site being progressed. A further meeting to be held shortly will advise on layout and design matters with an application expected in the autumn. Whilst officers conclude that overall there is sufficient weight to accept the application scheme as submitted without any affordable housing it is important to note that it is not the only available site for housing development within the village at the present time.

#### Design, Layout and Landscape considerations.

The submitted plans show a layout of 25 two storey houses of varying sizes 11 of which would have garages, the rest having off-street parking at a minimum of 2 per dwelling, all arranged around a private drive from the existing access point. The current access way would be narrowed to reflect its changed residential purpose with a pavement on one side of the estate road only. Existing stone walls flanking the access would be left as existing with some new planting to act as a buffer to the adjacent garage site. The estate drive would not be adopted by the County Council and would remain a private drive, however the Highway officer does point out that internal street visibility splays need amending and prior to full comments being given the Highway officer has requested amended plans addressing this issue. These have been provided and it is expected that the revised and full highway response will be available in time for the meeting.

The estate road would be mainly tarmac with bends and an entrance threshold surfaced with stone setts. A smaller spur private way off the main drive would be largely surfaced in stone setts with some tarmac. All the houses would be constructed from natural limestone with gritstone detailing to doors and windows under blue slate roofs with chimneys. Joinery details would be timber and rainwater goods would be plastic moulded to look like cast iron on metal rise and fall brackets. The designs reflect the local building tradition and subject to some minor design details being addressed with amended plans there are no objections to the house designs themselves.

All the houses would have private garden space to the rear and frontages would be bounded with stone walls between the open drives/parking areas surfaced with small setts. The first part of the estate would house the smaller houses with the 2/3 bedroomed properties grouped around the spur private way. The larger houses would be sited to the southern end of the site. Within the street layout plans show small landscaped areas with trees as well as a number of individual new trees to be planted within front and rear gardens. This would add interest to the layout and break up views of the roofscape as well as providing shade to gardens and an enhanced public realm. Subject to a detailed landscaping condition to agree the fine detail of the hard and soft landscaping the layout is, on balance, considered to be acceptable in this location. In addition, given the private street will not be an adopted highway a mechanism needs to be agreed for the long term management of the public areas of both street and landscaping as well as street lighting details and a condition to achieve this is suggested.

The site currently slopes down to the east toward the drop off where the independent industrial premises site at a lower level just outside the site. The houses backing onto this boundary are set back from the edge affording space for additional hedging in front of the suggested acoustic fence which will form a suitable landscape and acoustic buffer ensuring no adverse amenity

impacts for the houses and making it very unlikely there would be any adverse impacts in terms of noise restriction at any future date on the existing businesses. At the north eastern edge of the site the gardens to 3 of the houses would step down the gabion wall with steps to the lower area to encompass what is now a staff car park area.

The submitted gabion wall report states that this whole retaining wall could continue to be used as at present for many years to come. The report notes however that the site will slope down gradually to the rear in order to stop the proposed houses at the bottom end of the site being too prominent and as such the engineer recommends that only the top layer of gabions is reduced as well as approximately 1m. taken from the blockwork wall to allow the gardens at the rear to run down slightly. The report notes that along with a suitable foundation design, this will considerably reduce the horizontal pressure on the wall and ensure it remains structural stable for years to come.

Given the proximity of the eastern houses to the adjacent lower industrial buildings/businesses outside the site area, there is scope for some disturbance although in the officers observations the noise generated in those units is generally focussed out eastwards away from the proposed housing site.

A noise report submitted with the application found that noise emissions from the neighbouring industrial units were very low, around  $L_{Aeq,T} 50$  dB, these would still be above the true background level (minus Markovitz depot noise) in the range  $LA_{90}$  to 30 to 35. It further found that the noise levels within the dwellings (with windows open) and in outdoor living areas would be within the BS noise criteria without any noise control measures during the day, a measure of how low the levels are. It went on to state however that as further protection, acoustic screening can be constructed along the eastern site boundary in form of a solid fence approximately 2.5 metres high, and as the site is already some 3 metres above the level of the industrial units, this should provide reasonable protection both to ground floor and upper floor accommodation. A condition to this effect is therefore suggested along with appropriate soft landscaping to ensure a satisfactory appearance for the boundary.

There are no listed buildings nearby and with the development screened by a combination of land form, mature trees and residential property in the vicinity, it would not have much impact on the wider landscape or the setting of the Tideswell Conservation Area which lies within the dale to the east. At present from across the valley to the east and SE there are some filtered public views through trees over the conservation area and through the mature trees on the dale side where the large industrial buildings and bare blockwork retaining walls can just be seen. Redevelopment with smaller scale buildings in local natural materials will be in keeping with the local built environment and thus be far less apparent in these wider views. This would represent a visual enhancement of the wider landscape and particularly the setting of the conservation area in these views.

Consequently with appropriate landscaping, control over the detailed design of the layout and use of materials, the proposed development is considered to be acceptable in terms of its landscape impact and would in fact enhance the immediate local area and have a beneficial effect on the setting of the Conservation Area.

### Ecological considerations

The site is used as a plumbers and builders supply depot and dominated by buildings and concrete yards with only some narrow areas of hedge or scrub outside the boundaries. As a result the ecological report notes that the site is largely unsuitable for protected species given the lack of suitable habitats but that it was considered possible that badgers may periodically pass through the site.



The report considered the boundary trees/hedging around the site was suitable for commuting and foraging bats and breeding birds and for foraging and commuting amphibians as well as providing potential refuge. The pond situated on the adjoining land to the south was categorised as having average suitability to support great crested newts however a later survey demonstrated that they were not in fact present.

The buildings were categorised as having negligible potential to support roosting bats and that some swallows were seen entering the buildings.

The report noted that habitats present on site were small in area and likely to be common in the wider area and as a result no significant ecological impacts were envisaged. The report therefore recommends conditions which are included in the above recommendation to ensure that any lighting associated with the development, either during the construction or operational phase be low level and directed away from the site boundaries to reduce any disturbance to commuting or foraging bats.

In order to minimise the risk to nesting birds, the report suggest a condition that any scrub removal or building demolition should ideally be timed to avoid the bird nesting season, with any vegetation clearance or building demolition preceded by a check for nesting birds.

Finally in respect of badgers it suggest a condition ensuring that any trenches dug as part of the construction work must be left with a ramp or sloping end and any pipes should be capped off overnight, in order to prevent mammals from becoming stuck.

#### Archaeological Considerations

The submitted desk-based assessment indicates that the site was in “agricultural use from the medieval period until the late 20th century. The majority of the land appears to have been used to graze livestock throughout this period, although four buildings associated with South Farm stood within the Site during the mid- to late 20th century. Extensive ground disturbance and landscaping works associated with the subsequent development of the builders yard appear to have removed all topsoil, subsoil and the upper layers of bedrock from the majority of the Site. Along the eastern boundary, ground levels have been raised up to create a yard approximately 3m - 4m above the height of the natural ground surface to the east. The depth of the foundations required for the construction of the raised yard is likely to have required excavation to bedrock prior to the deposition of made ground. Throughout the Site, the archaeological potential for all periods is therefore considered to be negligible.”

The Authority’s archaeologist confirms that there are therefore no archaeological issues on this application.

#### Drainage considerations

The foul waste will be discharged to the public sewer. The preceding report on the habitats risk assessment has shown that there would be no significant effects upon the designated site of the dales special area of conservation from the increased final discharge from the public sewage works as a result of this development.

Surface water from the roofs of all the houses would discharge to soakaways. The report notes that currently the whole of the concrete yards drainage goes through a 200mm diameter pipe and discharges into the river. This yard area is approximately 9000sq.m. and the scheme will reduce this down to 1350sq.m, a reduction of approximately 85%. The report considers that the likely discharge rate would be such that no storage would be necessary on site as the situation is being considerably improved.

The final drainage plan details are suggested to be dealt with by condition as a reserved matter. Nevertheless the drainage report has however considered the case if the surface water has to go into the combined sewer on Richard Lane. The surface water drain would follow the line of the existing foul drain. In this case the surface water discharge rate would have to be controlled by a hydrobrake to reduce the flow and therefore a storage facility will then be incorporated behind the hydrobrake as required.

Therefore subject to the suggested conditions it is considered that the drainage details have/can be satisfactorily addressed to accord with adopted policies and the relevant regulations.

### **Conclusion**

There are considered to be site specific exceptional circumstances, set out above, which accord with PDNPA adopted policy and the NPPF to allow the principle of this major development within the National Park.

The officer judgement is that the exceptional circumstances in this case which deliver the benefits set out above can only be achieved by the development of solely market housing on the site. This is confirmed following scrutiny of the applicants financial viability case. The proposal is therefore considered to accord with adopted housing and conservation policy given that it would result in the delivery of significant enhancement to the site, the conservation area, the local traffic environment and neighbours amenity and safety which would all flow from the relocation of a 'non-conforming' storage and distribution use into more suitably located and modern premises at the other end of the village. Furthermore this relocation would secure local jobs in the village and retain a key local business serving the local building market. Whilst no restricted affordable housing can be accommodated in this scheme, the range of houses proposed would deliver a mix of house sizes and provide choice in the local market. Through this enhancement site the houses would also contribute to meeting the wider need for housing in the district.

In terms of the detailed design and layout of the scheme, subject to conditions set about above, the proposal would accord with adopted design policies in the development plan and the PDNPA Design Guide. The proposal raises no objections on highway, ecological, archaeological or amenity grounds and it has been demonstrated that the technical drainage issues can be agreed by submission of reserved matters and that there would be no adverse impact upon designated conservation sites.

It is therefore concluded that the proposed development accords with the provisions of the development plan and with no material considerations to suggest otherwise a recommendation of approval is made by officers subject to the prior entry into a legal agreement to secure the business relocates to the planned site and to the detailed conditions set out 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