

**7. FULL APPLICATION – CHANGE OF USE OF SITE FROM INDUSTRIAL TO RESIDENTIAL; ERECTION OF A RESIDENTIAL ANNEX AT STONE PITTS WORK, UNAMED ROAD FROM THE GABLES TO CRESSBROOK OLD SCHOOL VIA LOWER WOOD, CRESSBROOK (NP/DDD/1118/1012, AM)**

**APPLICANT: MR WILL GRIFFITHS**

**Site and Surroundings**

1. The application site comprises the base of a former shallow quarry located above the village of Cressbrook, between the steep wooded valleys of Cressbrook Dale and the River Wye which converge to the south east. The lower slopes of the valley are occupied by terraces of mill cottages to house the workers of Cressbrook Mill. The application site is approximately 50m to the west of the highest part of the terrace known as Top Cottages. The application site is outside, but adjacent to, the designated Cressbrook and Ravensdale Conservation Area.
2. The western boundary of the application site has a frontage onto Bottomhill Road which turns sharply east some 20 metres south of the application site to drop steeply towards Cressbrook and the valley bottom. The road is narrow and without footways in the vicinity of the application site. Some 100m to the further to the north is a small isolated group of buildings comprising St. John's Church and a cottage.
3. The former quarry benefits from planning permission granted in 1994 for light industrial and storage uses (Use Classes B1 and B8). Two of the industrial units approved in 1994 have been erected back onto the northern boundary of the site which is also the former quarry face. Two concrete open fronted aggregate stores and two concrete water stores are also positioned on the site. Planning permission was granted in 2016 and in 2018 for two separate schemes for the demolition of the existing buildings and erection of a market dwelling.

**Proposal**

4. This application seeks planning permission for the erection of a detached residential annex which is proposed to be occupied ancillary to the dwelling house which was approved planning permission in September of 2018 (see planning history section).
5. The application site includes the access and the south western corner of the existing industrial site where the proposed annex would be located. An existing concrete wall would be demolished here to facilitate the development.
6. The annex would be a single storey two bedroom dwelling with an internal floor area of 78 square metres. The annex would have a flat green roof and formed by increasing the height of the existing earth banking behind the existing concrete wall.
7. The western and northern elevations would be formed by banking as the green roof slopes downwards to just below the level of the adjacent stone wall. The east and south elevations would be clad in natural limestone. The east elevation having vertical timber cladding and glazing and the south elevation being predominantly glazed.
8. Parking for one vehicle is shown on the plans north of the annex along with cycle and bin storage areas built into the banking and provided with timber doors.

## **RECOMMENDATION:**

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

- 1. The proposed annex would have a dominant and harmful visual impact when viewed from the roadside and would erode some of the benefits of the approved scheme contrary to Core Strategy policies GSP2 and GSP3, saved Local Plan policy LC4 and emerging development plan policies DMC3, DMH5 and DMH6.**

## **Key Issues**

- Whether the proposed development is acceptable in principle.
- The design and scale of the proposed development, visual impact and the impact upon the scenic beauty of the landscape and other valued characteristics of the National Park.

## **Relevant Planning History**

1977: NP/WED/1177/469: Planning permission refused for the erection of two dwellings.

1978: Appeal against the above refusal dismissed on the grounds that the site is in open countryside and that the development of the two proposed dwellings would be contrary to the Authority's housing policies and harmful to the landscape.

1989: NP/WED/289/99: Planning permission refused for the erection of two dwellings.

1989: Appeal against the above refusal dismissed on the grounds that the site is in open countryside and that the development of the proposed two dwellings would be contrary to the Authority's housing policies and harmful to the landscape. The inspector also considered that the condition of the buildings which were on the site at that time did not justify the establishment of another form of inappropriate development.

1990: NP/WED/190/45: Planning permission refused for the erection of two dwellings.

1991: Appeal against the above refusal dismissed on the same grounds as the previous decisions. The inspector noted that a number of proposals for housing had been refused on this site and dismissed at appeal and that there was no good reason to come to a different decision.

1992: Certificate of lawful use issued for the use of the site for storage and distribution (Use Class B8).

1993: NP/WED/1193/533: Planning permission refused for erection of dwelling.

1994: NP/WED/0594/227: Planning permission granted conditionally for the demolition of existing building and erection of replacement building for industrial purposes.

The 1994 permission was granted subject to conditions to limit the use to within use classes B1 and B8, limiting hours of operation, implementation of a scheme of landscaping and noise mitigation, access and parking and design details.

The 1994 permission was implemented but has not been completed. The first two units have been constructed and the foundations for the remainder of the buildings have been laid. The site has and constructed buildings have only been occupied sporadically and the agent advises that the site is currently vacant other than a tenant who periodically repairs specialist cars.

2015: NP/DDD/0515/0460: Outline Planning Permission refused for re-development of site to residential uses; alterations to industrial building to form a dwelling, erection of workshop / boiler house, alterations to / conversion of water tank to ancillary accommodation and erection of solar panel array.

2016: NP/DDD/0616/0539: Planning permission granted conditionally for change of use of site from industrial to residential; erection of new dwelling; erection of garage/store/workshop; and erection of solar panel array.

2018: NP/DDD/0817/0822: Planning permission refused for change of use of site from industrial to residential; demolition of existing industrial barn; erection of new dwelling; erection of garage and erection of annex.

2018: ENQ 32296: Pre-application advice in regard to amendments to the above application in preparation for the submission of the current application.

2018: NP/DDD/0518/0403: Planning permission approved for change of use of site from industrial to residential; demolition of existing industrial barn; erection of new dwelling; erection of garage and erection of annex.

2018: NP/DIS/1218/1151: Partial discharge of condition 3 imposed upon planning decision notice NP/DDD/0518/0403.

### **Consultations**

9. Highway Authority – No objection subject to inclusion of previously recommended highway conditions.
10. District Council – No response to date.
11. Parish Council – No response to date.
12. Natural England – No response to date.
13. PDNPA Ecology – No response to date.

### **Representations**

14. No representations have been received to date.

### **Main Policies**

15. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC1, E2 and HC1
16. Relevant Local Plan policies: LC3, LC4, LC5, LC17, LH1, LH2, LT11 and LT18.

### Development Plan

17. Policies HC1, LH1 and LH2 set out the Authority's approach to new housing in the National Park; 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; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.
18. E2 is relevant for businesses located in the countryside. E2 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. Proposals for estate or farm diversification will also be acceptable in principle. Proposals for business use in an isolated existing or new building in the countryside will not be permitted.
19. L1, L2, L3 and LC17 seek to ensure that all development conserves and where possible enhances the landscape character (as identified in the Landscape Strategy and Action Plan), biodiversity and cultural heritage of the National Park. LT11 and LT18 set out the requirement for adequate parking and safe access as a pre-requisite for any development within the National Park.
20. The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.
21. Of particular note is the fact that at paragraph 79 the Framework says that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting, for example, which are similar criteria that are set out in HC1 (C) I.
22. The fact that the site is within the National Park is important because the Framework maintains within paragraphs 172 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage within our National Parks.
23. Therefore it is considered that policies within the development plan are up-to-date and in accordance with the more recently published National Planning Policy Framework and therefore should be afforded full weight in the determination of this planning application.
24. The Cressbrook and Ravensdale Conservation Area Appraisal was adopted by the Authority in September 2011 and therefore forms a material consideration in the consideration of this application.

### **Assessment**

#### Principle

25. For the purposes of the Development Plan the application site is considered to lie in open countryside because of the distance between the application site and any nearby named settlement (DS1 and LC3). There is an existing business use on the site which is considered to be isolated given the position of the site in open countryside, the narrow and restricted nature of the nearby road network and the distance of the site to any named settlements. In common with the Framework, the Authority's housing policies do not permit new isolated homes in the countryside unless there are special circumstances.

26. This application proposes a dwelling which would be occupied as a residential annex ancillary to the dwelling which was approved by the Authority in 2018. The approved dwelling included a total of four bedrooms with a further two bedrooms within a self-contained annex to the rear of the main building. The application therefore proposes a second self-contained annex to accommodate dependent relatives or domestic staff. The application therefore proposes an ancillary dwelling within the curtilage of the approved dwelling rather than a new independent dwelling.
27. The Authority's development strategy allows for extensions to dwellings in principle and saved Local Plan Policy LH4 allows for extensions and alterations provided that these conserve the character, appearance and amenity of the existing building and its setting.
28. The Authority's emerging development management policies are at an advanced stage having undergone public examination and are currently going through further public consultation, given this advanced stage these policies should be given significant weight as a material consideration.
29. Emerging development management policy DMH5 is relevant for proposed ancillary dwellings and says that a new build ancillary dwelling unit can be accommodated provided it is within the existing building group, is subsidiary in physical size to the main house, is of an appropriate design and materials, does not harm the valued characteristics of the National Park and can be contained within a single planning unit by condition.
30. The proposed annex would be within the curtilage of the approved dwelling and would be subsidiary in physical size to the main house (even excluding the annex that has been already approved). Therefore in principle an annex would be acceptable and the key issue is therefore whether the development is of an appropriate design and would conserve the valued characteristics of the National Park.
31. This is especially important on this site because the re-development of the site to create the approved dwelling was approved on the basis that the development would result in significant enhancement of the site, its setting and the wider landscape and approval of this scheme should not undermine the benefits of the approved development.

#### Impact of proposed development

32. The design and location of the proposed annex is very similar to that initially proposed within the application approved in 2018. During the course of that application Officer's raised concerns with the agent about the visual impact of that element of the scheme and sought an amendment which re-positioned the annex to the rear of the dwelling in the position that was approved planning permission.
33. In broad terms the proposed design approach and use of materials is reflective of the garage element of the approved scheme in particular with a flat roofed form built partly into earth banking and with elevations faced with natural limestone with glazing and vertically boarded timber. Similarly in the wider landscape, from across the dale, the annex would be viewed with and slightly lower than main dwelling and although some additional light would be noticeable from the glazing in the southern elevation in particular the annex taken by itself would not significantly increase the impact of the overall development.

34. However, there are concerns about the visual impact of siting the proposed annex in this particular location, especially when it is viewed from the roadside. The proposed annex would be higher than the existing roadside walls and the earth banking would rise above that level and would be prominent from the roadside.
35. The submitted application states that the proposed annex would not be taller than the existing concrete walling and earth banking that exists in this part of the site. However in granting planning permission the Authority imposed a planning condition requiring full details of hard and soft landscaping to be approved and implemented. This includes full details of walling and earth mounding.
36. The Authority approved planning permission, subject to planning conditions, for the dwelling on the basis of significant enhancement and this would include the removal of intrusive features installed as part of the former industrial use including the concrete walling and earth mounding. The removal of these elements would result in more open and expansive views across the southern part of the site from the road over Cressbrook and the wider landscape.
37. It is therefore not considered to be appropriate to compare the impact of the proposed annex to the existing concrete walling because this annex is not proposed as a 'standalone' dwelling but as an additional element or extension to the approved scheme.
38. The proposed annex would have the effect of closing off views over the southern part of the site and by virtue of its height above the stone boundary walls, length and depth would be a dominant feature when viewed by the road and have the effect of providing a defensive enclosure with the main dwelling located behind.
39. The banking to the approved garage to the north west of the site would also be visible in a similar manner as the approved annex but this element would be viewed in the context of the higher land to the north and would not close off any open views over the site (the quarry face and main dwelling are located behind the garage).
40. It is therefore considered that the proposed annex would result in a harmful visual impact when viewed from the roadside and would erode some of the benefits of the approved scheme contrary to Core Strategy policies GSP2 and GSP3, saved Local Plan policy LC4 and emerging development plan policies DMC3, DMH5 and DMH6.

#### Other Issues

41. The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect the interest and features of these sites. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). The application site is in close proximity to the Cressbrook Dale Site of Special Scientific Interest (SSSI) and Derbyshire Dales National Nature Reserve (NNR) and the Wye Valley SSSI which form part of the wider Peak District Dales Special Area of Conservation (SAC) which is a European site.
42. The ecological appraisal and further information in respects of proposed drainage from the 2018 scheme have been re-submitted. The proposed development would be within the approved site and would not result in any adverse impacts upon designated sites over and above the approved development. The proposals would not harm any interest on site or prevent the implementation and management of habitats on the site secured by the 2018 scheme. The proposal therefore would not adversely affect nature conservation interests or biodiversity.

43. The proposed development would be served by ample off-street parking and would utilise the existing access which would be modified to provide visibility splays. Therefore Officers agree with the Highway Authority that the development would not harm highway safety or the amenity of road users.
44. Given the distance between the application site and the nearest neighbouring properties it is not considered that the development would have any harmful impact upon the privacy, security or amenity of any neighbouring property or land use.

### **Conclusion**

45. The proposed annex by virtue of its height and length would have the effect of closing off views over the southern part of the site would be a dominant feature when viewed by the road and combined with the approved garage have the effect of providing a defensive enclosure with the main dwelling located behind.
46. The proposed annex would result in a harmful visual impact when viewed from the roadside and would erode some of the benefits of the approved scheme contrary to Core Strategy policies GSP2 and GSP3, saved Local Plan policy LC4 and emerging development plan policies DMC3, DMH5 and DMH6.

### **Human Rights**

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

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

Nil

### **Report Author and Job Title**

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