



A Compendium of Draft Policies

Peak District National Park Development Management Policies DPD

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Development Management Practice

Issues Covered

- 1) LDM1 Presumption in favour of sustainable development
- 2) LDM2 Delivering National Park purposes and protecting the National Park's valued characteristics

LDM1 Presumption in favour of sustainable development

- A. When considering development proposals the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions that are consistent with National Park purposes.
- B. Planning applications that accord with the policies in the development plan will be approved without unnecessary delay, unless material considerations indicate otherwise.

LDM2 Delivering National Park purposes and protecting the National Park's valued characteristics

Development will only be permitted where it would:

- A. Conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; or
- B. Promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park

criterion a) will take precedence where there is a conflict between a) and b) above

1. In pursuing the statutory purposes ((a) and (b) above), The National Park Authority will seek to foster the social and economic wellbeing of local communities within the National Park.
2. In all cases development should conserve and should where appropriate enhance the valued characteristics of the National Park.

Landscapes and Valued Characteristics

Issues Covered

- 3) LL1 Conserving and managing The Natural Zone
- 4) LL2 Landscape conservation and enhancement
- 5) LL3 Siting, design layout and landscaping
- 6) LL4 Pollution, disturbance, contaminated land and unstable land
- 7) LL5 Settlement limits
- 8) LL6 Safeguarding, recording and enhancing nature conservation interests
- 9) LL7 Sites, features or species of wildlife, geological or geomorphological importance
- 10) LL8 Protecting trees, woodlands or other landscape features put at risk by development
- 11) LL9 Assessing the impact of development on heritage assets and their settings
- 12) LL10 Scheduled monuments
- 13) LL11 Listed buildings
- 14) LL12 Conservation areas
- 15) LL13 Registered parks and gardens
- 16) LL14 Conversion of heritage assets

LL1 Conserving and managing the Natural Zone

- A. The exceptional circumstances in which development is permissible in the gritstone - moors, limestone heaths, limestone hills, limestone dales, semi-natural woodlands or other land in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and it is essential:
- (i) for the management of the Natural Zone; or
 - (ii) for the conservation or enhancement of the National Park's valued characteristics
- B. Development that would serve only to make land management or access easier will not be regarded as essential.
- C. Where exceptional circumstances prevail, the need for new or significantly enlarged buildings or structures will, nevertheless, be rigorously examined.
- D. Where development is permitted:
- (i) detrimental effects must be minimised by the use of, for example: appropriate siting; landscaping; layout and design; materials and construction;
and where necessary and appropriate:
 - (ii) permitted development rights will be excluded by means of planning conditions;
and (iii) permission will initially be restricted to a period of (usually) 2 years, and further permission will not be granted if arrangements for minimising the development's impact prove to be unacceptable in practice;
 - and (iv) permission will initially be restricted to a personal consent solely for the benefit of the appropriate person.

LL2 Landscape conservation and enhancement

A. In order to assess the impact and suitability of a proposal, planning applications must provide a landscape assessment with reference to the Landscape Strategy and Action Plan, clearly demonstrating how valued landscape character, natural beauty, biodiversity, cultural heritage features and other valued characteristics of the landscape character types will be conserved and, where possible, enhanced taking into account:

(i) The respective overall strategy for the following character areas::

Dark Peak;

Dark Peak Western Fringe;

Dark Peak Yorkshire Fringe;

Derbyshire Peak Fringe;

White Peak;

Derwent Valley;

Eastern Moors;

South West Peak

(ii) Any disturbance, nuisance or harm to the quality, character or tranquillity of these areas caused by scale, massing, materials, design, intensity, hours of operations, movement including vehicle movements, arrangements for parking, storage of vehicles, equipment and materials, storage and disposal of waste, services, lighting, noise, odour or emissions, new access or boundary arrangements; and

(iii) Any cumulative impact of existing or proposed development.

Assessments must be proportionate to the proposed development

B. Development which would not respect, would adversely affect, or would lead to undesirable changes in landscape character or any other valued characteristics¹ of the site and the area will not be permitted

C. Where appropriate, when granting consent, the removal of a building or structure will be required when it is no longer needed for the purposes for which it was approved.

LL3 Siting, design, layout and landscaping

¹ Core Strategy paragraph 9.15.

- A. Where development is acceptable in principle, it will only be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the natural beauty and the quality of the landscape and built environment and other valued characteristics of the area. Appropriate scale, siting, building materials, design and use that is appropriate in its landscape context will be essential if permission is to be granted.
- B. Development proposals are required to demonstrate through the use of detailed, clear and accurate drawings and a written statement (Design and Access Statements where appropriate) how they have successfully addressed the elements of the site and its surroundings.
- C. Particular attention will be paid to:
- (i) scale, form, mass, levels and orientation in relation to existing buildings, settlement form and character, including open spaces, landscape features and the wider landscape setting;
 - and (ii) the degree to which buildings and their design details, materials and finishes reflect or complement the style and traditions of locality as well as other valued characteristics of the area such as the character of the historic landscape and varied biodiversity assets;
 - and (iii) the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features and an appropriate mix of species suited to both the landscape and biodiversity interests of the locality;
 - and (iv) the amenity, privacy and security of the development and other properties that the development affects;
 - and (v) historic context including Conservation Area Appraisals, distinctive local built form, locally distinctive patterns of development, historic landscapes, positive sense of place;
 - and (vi) visual context including Landscape Strategy and Action Plan, strategic, local and other specific views;
 - and (vii) an understanding of the significance of heritage assets that may be affected;
 - and (viii) the principles of the Design Guide SPD the technical supplement to the Design Guide and Detailed Design Supplementary Planning Documents;

and (ix) cumulative impacts of development within the National Park and visible beyond its boundary

D. New access provision or new or upgraded utility service infrastructure for development will only be permitted where the new infrastructure:

- (i) does not adversely affect the valued characteristics of the area and the wider landscape setting; and
- (ii) does not adversely affect the significance of heritage assets; and where applicable can be provided prior to commencement of any associated development.

LL4 Pollution, disturbance, contaminated land and unstable land

A. Development that presents a risk of pollution or disturbance that could adversely affect:

- (i) the amenity of neighbours and neighbouring uses;
or
- (ii) the amenity, tranquillity, biodiversity or other valued characteristics of the area;
or
- (iii) existing recreation activities;
or
- (iv) extensive land uses such as forestry and agriculture;
(v) or water supply, groundwater resources and the water environment;
(vi) or established businesses;
or
- (vii) potential future uses of the land
or
- (viii) any nuisance, or harm to the rural character and dark skies of the area, caused by lighting schemes

will not be permitted unless adequate measures to control the pollution within acceptable limits are put in place.

B. Development on land believed to be contaminated will be permitted provided that an accredited assessment shows that :

- (i) There is no risk to public health arising from any existing contamination
- (ii) Remedial measures (in situ or by safe disposal off site) can remove any public health risk and make the site fit for its intended use without harm to the valued characteristics of the area.

C. Development will not be permitted in the vicinity of sewage treatment works, high pressure or gas pipelines, or other notifiable installations, where they would present an unacceptable loss of amenity or risk to those using the development.

D. Development on land believed to be unstable or likely to become unstable as a result of development will be permitted provided that an accredited stability assessment shows that the land:

- (i) is stable and will remain so; or
- (ii) can be made permanently stable by remedial measures undertaken as part of the development process without harm to the valued characteristics of the area; and
- (iii) that is development will not affect the stability or safety of the neighbouring areas.

Where serious contamination or instability is known or suspected, the assessment will be required before a planning decision is made.

In most cases an accredited assessment will be required and any necessary remedial measures must be agreed before development commences.

LL5 Settlement limits

- A. Planning applications should provide sufficient information to enable the relationship of the proposed development to nearby buildings and structures to the settlement's overall pattern of development and to landscape to be properly considered
- B. The relationship to nearby buildings and structures to the settlement's overall pattern of development and to landscape should be complemented and not harmed
- C. Development will not be permitted where it is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap. where those gaps form an important part of the more scattered pattern of development as the village built environment gradually gives way to countryside.

LL6 Safeguarding, recording and enhancing nature conservation interests

- A. Details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided, in line with the Biodiversity Action Plan, including provision for the beneficial future management of the interests.
- B. Measures should ensure conservation of the features of importance in their original location
- C. Where the likely success of the measures detailed in 1) or 2) is uncertain development will not be permitted.

LL7 Sites, features or species of wildlife, geological or geomorphological importance

A. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met^{2, 3, 4}

B. For sites, features or species of national importance⁵, exceptional circumstances are those where development is essential:

- i) For the management of those sites, features or species; or
- ii) For the conservation and enhancement of the National Park's valued characteristics

And where Policies D and E have been adequately met.

C. For all other sites, features and species, development will only be permitted⁶ provided that :

- i) The need for, and the benefits of, the development in that location clearly outweighs the loss, and
- ii) Significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained, and
- iii) Policies D and E have been adequately met

D. For all sites, features and species in considering whether a proposal conserves and enhances biodiversity or geodiversity, development must take all reasonable measures to avoid net loss by demonstrating that the following hierarchical approach has been taken:

- Enhancement proportionate to the development has been considered⁷
- There is no alternative site that causes less harm
- Avoidance of adverse effects
- Appropriate mitigation
- In rare cases, as a last resort, compensation measures to offset loss.

Development likely to have an adverse effect will be treated as if that effect is established. There should be no net loss of biodiversity or geodiversity as a result of development.

E. For all sites, features and species development proposals must also consider:

- i) Cumulative impacts of other developments or proposals
- ii) The setting of the development in relation to other features of importance, taking into account historical, cultural and landscape context
- iii) The impact on protected or notable species, adjacent habitats and ecological networks, including wildlife corridors and stepping stones

Where the requirements of D and E are not adequately met, development will not be permitted.

F. Development proposals will be expected to incorporate features to encourage biodiversity and retain and where possible enhance, existing features of biodiversity and geodiversity within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should be considered in association with new development to ensure habitat connectivity.

G. Development will not be permitted if applicants fail to provide adequate or accurate detailed

² Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora Conservation of Habitats and Species Regulations 2010

³ Directive 2009/147/EC on the conservation of wild birds (codified version of Directive 79/409/EEC)

⁴ Directive 2009/147/EC on the conservation of wild birds (codified version of Directive 79/409/EEC)

⁵ SSSIs, NNRs, irreplaceable habitats including Ancient Woodlands and Grasslands, Habitats and Species listed under s41 of the NERC Act 2006 as being of principle importance for the purpose of conserving biodiversity

⁶ Refer to Paragraph 9.29 of the Core Strategy

information to show the impact of a development proposal on a site, feature or species including:

- i) An assessment of the nature conservation importance of the site, including a habitat/vegetation map and description (with identification of plant communities and species), and a description of fauna and geological/geomorphological features; and
- ii) Adequate information about the special interests of the site in terms of scientific importance including: size and species population, diversity and richness, rarity, fragility, irreplaceability, naturalness, position in the ecological geographical unit, potential value, the degree to which it is typical and representative, historical continuity and geological or geomorphological importance; and
- iii) An assessment of the direct and indirect effects of the development including pollution, changes in hydrology and associated visitor pressure; and
- iv) details of any mitigating and/or compensatory measures, details setting out the degree to which net gain in biodiversity has been sought; and
- v) Details of alternatives considered including the 'do nothing scenario' and justification for the choice of the preferred option and for discounting other options; and
- vi) Provision must be made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted
- vii) The provision of alternative habitat and/or relocation of affected flora and fauna will only be accepted as a last resort and in cases where the development of a particular site is unavoidable.

LL8 Protecting trees, woodlands or other landscape features put at risk by development

- A. Planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered in accordance with 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' or equivalent.
- B. Trees and hedgerows, including ancient woodland, which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity or biodiversity of the location will be protected. Development involving loss of these features will not be permitted.
- C. Development should incorporate existing trees or hedgerows or features within the development. Where this cannot be achieved the onus is on the applicant to justify the loss of trees as part of the development proposal.

LL9 Assessing the impact of development on heritage assets and their settings.

- A. Planning applications for development affecting a heritage asset, its setting and their significance must clearly demonstrate (in a Heritage Statement):

- (i) how these will be conserved and where possible enhanced and
- (ii) why the proposed development and related works are desirable or necessary

- B. The Heritage Statement must be proportionate to the significance of the asset
- C. Proposals likely to affect heritage assets with archaeological or other heritage interest or potential interest should be supported by a programme of archaeological works to a methodology approved by the Authority.
- D. Non-designated heritage assets of archaeological interest demonstrably of equivalent significance to scheduled monuments will be considered in accordance with policies for designated heritage assets.
- E. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of the development on the character, appearance and significance of the heritage asset and its setting
- F. Development will not be permitted if it would:
 - (i) adversely affect the character and significance of a heritage asset and its setting including scale, mass, proportion, design, plan-form, (including through subdivision), detailing or, or materials used;
 - (ii) result in the loss of irreversible damage or change to original features or other features of importance or significance or the loss of existing features which complement the character, appearance, significance or setting (e.g. boundary walls, railings or gates);
 - (iii) result in the addition of new features, that would adversely affect character, appearance, significance or setting (e.g. boundary walls, new access, services, garden, domestic apparatus)

LL10 Scheduled Monuments

Scheduled Monuments will be protected and preserved in accordance with Government legislation. Where a Scheduled Monument or setting is adversely affected planning permission will be refused.

LL11 Listed Buildings

Further to Policy LL9 (Assessing the impact of development on heritage assets and their settings):

- A. For listed buildings the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect listed buildings can be fully met⁸
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interest of the listed building and its setting and any curtilage listed features
- C. Other than in exceptional circumstances development will not be permitted if it would result in:

⁸ Planning (Listed Buildings and Conservation Areas) Act 1990

- (i) removal, alteration or unnecessary replacement of structural elements including walls, roof structures, beams, floors, staircases
- (ii) loss of significance through change of plan form including by sub-division
- (iii) the removal, alteration or unnecessary replacement of features such as windows, doors fireplaces and plasterwork
- (iv) the replacement of traditional features other than with original materials and using appropriate techniques
- (v) inappropriate impact on the setting of the listed building

D. Where change to a listed building is acceptable, and before or during the development work, an appropriate record of the building will be required to a methodology approved in writing by the Authority prior to any works commencing.

LL12 Conservation Areas

Further to Policy LL9 (Assessing the impact of development on heritage assets and their settings):

- A. For Conservation Areas the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect Conservation Areas can be fully met⁹
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of their proposals on the character, appearance and significance of the component parts of the Conservation Area and its setting
- C. Outline applications for development will not be considered
- D. Other than in exceptional circumstances development will not be permitted if it would:
 - (i) adversely affect the character, appearance and significance of the Conservation Area and/or its setting
 - (ii) result in the loss of or irreversible damage or change to spaces, street patterns, historical or traditional street furniture, traditional surfaces, views, vistas (including views into and out of the Conservation Area) , uses, features, trees and landscapes which contribute to the significance of the Conservation Area
 - (iii) result in new features that would adversely affect character, appearance, significance and/or setting

Statutory powers will be used to ensure that buildings and spaces within Conservation Areas that are at risk from neglect or decay are appropriately maintained and repaired

Proposals for or involving demolition of existing buildings, walls or other structures which make a positive contribution to the character or appearance or historic interest of the Conservation Area will not be permitted unless there is clear and convincing evidence that:

- (i) the condition of the building (provided that this is not a result of deliberate neglect)

⁹ Ibid

and the cost of repairing and maintaining it in relation to its significance and to the value derived from its continued use, is such that repair is not practical; and

(ii) all possible efforts have been made to continue the present use or find compatible alternative uses for the building, including putting the building on the market and seeking advice from relevant authorities and agencies; or

(iii) the demolition is to remove an unsightly or otherwise inappropriate modern addition to the building.

Where development or demolition is acceptable, a record of the current site, building or structure and its context will be required, prior to or during development or demolition.

Plans for re-use of an area where demolition is proposed must be agreed and a contract for redevelopment signed before the demolition is carried out.

Where appropriate, felling, lopping or topping of trees will not be permitted without prior agreement which may require replacement of the trees and provision for their future maintenance.

LL13 Registered Parks and Gardens

When considering the impact of a development proposal on Registered Parks and Gardens or on their settings any loss or substantial harm to these assets will only be approved in wholly exceptional circumstances.

LL14 Conversion of heritage assets

Further to Policy LL9 (Assessing the impact of development on heritage assets and their settings):

- A. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the character, appearance and significance of the heritage asset and its setting
- B. Development proposals will only be supported where they conserve and enhance the natural beauty or the exceptional character or quality of the landscape
- C. Conversion of a heritage asset to a use other than that for which it was designed will be permitted provided that: the proposed new use is consistent with the conservation and enhancement of the heritage asset and its setting; and
 - (i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window spaces or doorways and major rebuilding; and
 - (ii) the new use does not require changes to the asset's curtilage and/or setting or new access or services that would adversely affect the heritage asset's historic interest, significance or integrity or have an adverse impact on its setting, including on the landscape character of the area; and
 - (iii) satisfactory evidence is provided demonstrating the works necessary to conserve and enhance the particular significance of the asset and its setting

D. Proposals under policy HC1c will not be justified where :

- (i) the use proposed will displace a previously permitted converted use that meets a plan objective and conversion and /or change of use is not necessary to secure the conservation or enhancement of the building
- (ii) the conversion of the heritage asset to a market dwelling is not necessary in order to ensure the conservation and enhancement of the building or its setting

E. The conversion of agricultural buildings to residential use (including holiday accommodation other than a camping barn) will not be permitted in unsustainable locations where there is no service infrastructure to supply residential uses¹⁰

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¹⁰For example electricity cables, water supply, foul water and storm water infrastructure, gas mains, telecommunications

Recreation and Tourism

Issues Covered

- 1) LRT1 Camping and touring caravan sites
- 2) LRT2 Holiday occupancy of camping and touring caravan sites
- 3) LRT3 Holiday occupancy of self-catering accommodation
- 4) LRT4 Facilities for keeping and riding horses

LRT1 Camping and touring caravan sites

- A. The development of a new camping or touring caravan site, or small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.
- B. Shopping, catering or sport and leisure facilities at camping and touring caravan sites will be permitted provided that there is no significant adverse effect on the vitality and viability of existing facilities in surrounding communities and the development is of a scale and nature suited to the needs of the site itself.

LRT2 Holiday occupancy of camping and touring caravan sites

- A. Where the development of a camping or touring caravan site is acceptable, its use will be restricted to holiday accommodation.
- B. For an existing camping or touring caravan site, the removal of any existing condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that the site is adequately screened in winter months and that there would be no adverse impact on the valued characteristics of the area or residential amenity

LRT3 Holiday occupancy of self-catering accommodation

- A. Outside Settlements:
 - (i) where self-catering accommodation is acceptable, its use will be restricted to holiday accommodation; and
 - (ii) for existing accommodation, the removal of any condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that there would be no adverse impact on valued characteristics of the area or residential amenity.
- B. Within a Local Plan Settlement:
 - (i) holiday occupancy condition will be applied to self-catering accommodation if the property being converted has inadequate indoor or outdoor living space or is so closely related to adjoining properties that permanent residence would cause unacceptable harm to their amenity;

(ii) for existing accommodation, the removal of any holiday occupancy condition will be permitted where the circumstances in (B) (i) above do not apply.

LRT4 Facilities for keeping and riding horses

Facilities for keeping and riding horses will be permitted provided that the development:

- A. Does not detract from the landscape or valued characteristics of the area, either individually or cumulatively; and
- B. Is specifically designed to accommodate horses; and
- C. Is not constructed in a manner or of materials which would be tantamount to a new dwelling or would lend itself to future conversion for such purpose; and
- D. Is located adjacent to existing buildings or groups of buildings; and (iii) is not likely to cause road safety problems; and
- E. In the case of commercial stables/riding centres, has good access from the strategic and secondary route networks and to an adequate bridleway network that can accommodate the increased activity without harming the valued characteristics of the area or their enjoyment by others; and
- F. Does not constitute a nuisance to local residents, landowners or farmers by noise, smell or other adverse impact.

Homes and Communities

Issues Covered

- 1) LHC1 New affordable housing
- 2) LHC2 First occupation of new affordable housing
- 3) LHC3 second and subsequent occupation of affordable housing (the occupancy cascade)
- 4) LHC4 Businesses having an essential need for worker accommodation
- 5) LHC5 Conversion of outbuildings to ancillary residential use
- 6) LHC6 Conversion of buildings to open market residential use
- 7) LHC7 Redevelopment of previously developed sites
- 8) LHC8 Extensions and alterations,
- 9) LHC9 Replacement dwellings,
- 10) LHC10 Subdivision of dwelling units
- 11) LHC11 New outbuildings in the curtilage of dwelling houses
- 12) LHC12 Section 106 agreements
- 13) LHC13 Retailing and service provision in Core Strategy named settlements
- 14) LHC14 Change of use of shops, community services and facilities
- 15) LHC15 Retail development outside Core Strategy named settlements
- 16) LHC16 Shop Fronts
- 17) LHC17 Outdoor Advertising
- 18) LHC18 Safeguarding sites for community facilities
- 19) LHC19 Retention of community recreation sites or sports facilities

LHC1 New affordable housing

Affordable housing will be permitted in or on the edge of Core Strategy DS1 settlements, either by new build or by conversion; and outside of DS1 settlements by conversion of existing buildings provided that all of criteria A to D are satisfied:

A. There is a proven need for the dwelling(s)

and

B. The need cannot be met within the existing housing stock. Individuals will be asked to provide evidence of a search for a suitable property which they can afford to purchase or rent within both their own and adjoining parishes.

and

C. The proposed site or building can be developed without harm to the valued character of the building itself, and the surrounding built environment, in line with other policies in this plan and adopted design guidance

and

D. Any new build housing is within the following size thresholds

Number of bed spaces	Maximum Gross Internal Floor Area (m ²)	Of which minimum built in storage area (m ²)
One person	39	1
Two persons	58	1.5
Three persons	70	2
Four persons	84	2.5
Five persons	97	3

LHC2 First occupation of new affordable housing

In all cases, new housing must be first occupied by persons satisfying at least one of the following criteria:

A. A person (and his or her dependants) who has a minimum period of 10 years' permanent residence in the parish or an adjoining parish and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;

or

B. A person not now resident in the parish but with a proven housing need and a strong local connection with the parish, including a period of residence of 10 years or more within the last 20 years;

or

C. A person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from infirmity

LHC3 Second and subsequent occupation of affordable housing (The occupancy cascade)

Each and every time a previously occupied property becomes vacant, owners and managers of affordable housing must, as stated in the section 106 agreement, follow the cascade mechanism in steps A. i) to iv) , or B i) to ii) until an eligible occupant is found.

A. For RSL owned and managed homes, and privately owned and managed schemes of more than one affordable home.

- i). Sell or rent an affordable home to someone within the parish or adjoining parish who meets the eligibility criteria as set out in policy LHC1, the supplementary planning document and the section 106 Agreement.

(Where a parish is split by the National Park boundary, only those people living within the National Park part of the parish should be eligible initially. The property should be advertised widely at the price advised by the district valuer and prepared at the time marketing is required, or any other body appointed by the Authority for such purposes or, in the case of a rented property, at the target rent at the time. The parish council, housing authority and housing associations working in the area should be advised of the vacancy as soon as houses become vacant)

- ii). After a minimum period of 3 months,(minimum three months total) widen the search to include (in order of preference) those in the Parish or an adjoining parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in contiguous parishes*.
- iii). After a further month, (minimum 4 months total), widen the search to include those

who meet the local occupancy criteria (10 years) in the whole of the National Park.

- iv). After a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural parish lying outside the National Park or rural parishes entirely outside the Park but adjacent to its boundary.

B. For privately owned and managed single affordable local need houses

- i) A person (and his or her dependants) with a minimum period of 10 years permanent residence over the last twenty years in the parish or an adjoining parish, or
- ii) A person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from infirmity

*contiguous parish means a parish that borders a parish that in itself borders the parish where the house subject of the claim for occupancy is located.

LHC4 Businesses having an essential need for worker accommodation

The need for an essential worker dwelling to support permitted land management or recreational businesses will be considered against the needs of business concerned and not the personal preferences or circumstances of any individuals involved. Development will be permitted provided that:

- A. A detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements;

and

- B. There is no accommodation available in the locality that could enable them to be readily available at most times, day and night, bearing in mind current and likely future requirements; and

- C. There is no traditional building, within or close to the main group of buildings, that could be converted to residential use in line with other policies and guidance on siting and design.

and

- D. For all dwellings, construction costs reflect the established functional requirement and likely sustainable income of the business;

and

- E. Massing and design reflects commonly established and valued style of such housing in that particular part of the National Park for that particular type of business;

and

- F. The new building is within or immediately adjacent to the site of the existing building group;

and

- G. Where a house already exists, and is under the control of the business, the second and subsequent dwellings are subservient in size to the existing original house;

and

- H. A satisfactory mechanism which ties the owned land, buildings, other dwellings and business is put in place

and

- I. Occupancy of the dwelling in question (and of any other dwelling justified by business need) can reasonably be restricted by condition or legal agreement to persons solely or mainly working in the locality in businesses that are operationally dependant on the land and contributes positively to achievement of adopted landscape conservation policy objectives, or policies pertaining to permitted recreational business that furthers national park purposes, or to the same occupants when they have stopped such work, or a widow or widower of such a person, and any resident dependants;

and

- J. Stated intentions to engage in or further develop land management or recreational business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation;

and

- K. Sufficient detail is provided with the application to enable proper consideration of these matters.

LHC5 Conversion of outbuildings within the curtilages of existing dwellings to ancillary residential uses

The conversion of an outbuilding, within the curtilages of an existing dwelling, to ancillary residential use will be permitted provided that:

- A. It would not harm the character of the building, the dwelling and the surrounding area;

and

- B. It would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of the property a later date through demand for further outbuildings

and

- C. The site is large enough to meet the parking and access requirements of the proposed development;

and

- D. The new accommodation provided would remain within the curtilage of the main house, accessed via the same access route, and remain under the control of the occupier of the main dwelling.

LHC6 Conversion of buildings to open market residential use

Outside DS1 settlements

Outside of DS1 settlements, the conversion of buildings to open market housing use will be permitted provided that:

- A. It satisfies, where the location of the building makes them relevant, the provisions of policies LL1, LL3, LL4, LL6 and LL7 of this plan;
- and:
- B. The building is considered to be 'valued vernacular' in the sense that it was built before 1914; and of itself has architectural and or historic interest that constitutes cultural heritage significance;
- and
- C. The building is capable of conversion
- and
- D. It is required to conserve that heritage significance because the building is either redundant, disused, in a poor state of repair, or at risk of dereliction in the long run through redundancy
- and
- E. Where the building is able to accommodate more than 11 dwelling units and conserve and enhance the heritage significance of the building, it provides an element of affordable housing units alongside the open market unit(s), unless evidence is provided to the Authority's satisfaction that there is no need for affordable housing in the immediate parish and adjoining parishes inside the National Park

Inside DS1 settlements

Inside DS1 settlements, the conversion of buildings to open market housing inside a DS1 settlement will be permitted provided that:

- F. In the case of valued vernacular buildings, the proposal satisfies criteria A to D above
- and
- G. In the case of other buildings, the proposals satisfies criteria A, C, and E

LHC7 Re-development of previously developed sites

Inside or on the edge of a DS1 settlement

Inside or on the edge of DS1 settlements, re-development for open market residential use will be permitted provided that:

- A. The site is a previously developed site when assessed against the definition provided above
and
- B. There is no loss of a valued community facility or valued open space unless an equivalent sized site of equal quality is provided in its place.

and
- C. The development conserves and enhances any Conservation Area around or adjacent to the site

and
- D) An adopted neighbourhood plan has not identified the site for continued community or employment use

and
- E) Proposals for 11 or more dwellings provide an element of affordable housing units alongside the open market unit(s), unless evidence is provided to the Authority's satisfaction that there is no need for affordable housing in the DS1 settlement.

Outside DS1 settlements

Outside DS1 settlements, re-development of sites for open market residential use will be permitted provided that:

- A. The site is a previously developed site when assessed against the definition provided above
and
- B There is no loss of a valued community facility or valued open space unless an equivalent sized site of equal or better quality is provided in its place.

and
- C. The development conserves and enhances any valued landscape character around or adjacent to the site.

and
- D. Proposals for 11 or more dwellings provide an element of affordable housing units alongside the open market units, unless evidence is provided to the Authority's satisfaction that there is no need for affordable housing in the Parish or adjoining parishes.

LHC8 Extensions and alterations

Extensions and alterations to dwellings will be permitted provided that the proposal does not:

- A. Detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings;

or
- B. Dominate the original dwelling where it is of cultural heritage significance;

or
- C. Amount to the creation of a separate independent dwelling

or
- D. Create, by inclusion of land not previously within the residential curtilage, adverse effect on, or lead to undesirable changes to the landscape or any other valued characteristic.

Proposals for creating additional residential accommodation involving the conversion of adjoining buildings or the provision of new ancillary buildings must also satisfy Policies LHC5 and LHC11.

Where an extension provides ancillary accommodation it will be tied to the main dwelling by way of section 106 agreement.

LHC9: Replacement dwellings

Replacement dwellings will be permitted provided that:

- A. The building to be replaced is not listed individually or as part of a group listing,

and
- B. The building is not considered to have cultural heritage significance when assessed against criteria of policies LL1, LL3, LL4, LL6, LL7 of this plan as relevant to the building subject of the application for replacement

and
- C. Any combination of the materials, height, mass and footprint of the building will not create adverse impact on the landscape by making the building more intrusive

and
- D. The replacement dwelling will enhance the valued character and appearance of the site itself, and the surrounding built environment and landscape,

and
- E. The replacement dwelling will not be detrimental to neighbours' residential amenity, or visitors' enjoyment of the area,

and

- F Where the existing building is in residential use, the existing structure is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling.

LHC10: Sub-division of dwelling units

The subdivision of a dwelling unit into more than one dwelling unit will be permitted provided that the development:

- A. Conserves and enhance the building subject of the application, the surrounding built environment and/or landscape setting

and

- B. Provides adequate evidence that flood risk has been assessed and that the risk to all dwelling units created is acceptable

and

- C. Provides adequate car parking space standards in line with the standards laid down in this plan

and

- D. Provides adequate provision for refuse collection and recycling facilities for all dwelling units created without harming the amenity of surrounding properties or the wider built environment setting

and

- E. The dwelling unit is not subject to legal agreements restricting use as an affordable house for eligible persons in housing need

and

- F. The dwelling unit is not tied by legal agreement or condition to another dwelling unit as an ancillary dwelling unit

and

- G. The dwelling unit is not tied by legal agreement or condition to a business, for occupation by a person employed by a business for which there is an agreed need for a dwelling at the business site.

and

- H. The dwelling unit is not tied by legal agreement or condition to those either requiring or providing care.

and

- I. The dwelling use in the building is the only permitted use.

LHC11: New outbuildings in the curtilage of dwelling houses

New outbuildings for storage use will be permitted provided:

- A. The scale, mass, form, and design of the building conserves and enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including listed building status and setting, conservation area character, important open space, valued landscape character;

and

- B. The building exhibits the minimum of features necessary for the proposed use or uses and does not amount to a building that in its proposed state or with minor alterations could accommodate independent dwelling use

LHC12: Section 106 agreements

Affordable housing

- A. In all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 legal agreement, that will
 - (i) Restrict the occupancy of all of the affordable property (ies) in perpetuity in line with policy LHC1, LHC2, and LHC3,

and

 - (ii) Prevent any subsequent development of the site and/or all affordable property(ies) that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity by restricting overinvestment.

Essential worker dwellings

- B. In all cases involving the provision of essential worker housing, the applicant will be required to enter into a Section 106 legal agreement, that restricts occupancy to essential workers.
- C. Where, exceptionally, permission is granted for the temporary release of an occupancy restriction on an essential worker dwelling, the dwelling will:
 - (i) remain tied to the business,

or

 - (ii) will remain limited to a local person who has lived in the parish or adjoining parish for ten out of the last twenty years and is in housing need, or to holiday use, until such time as an essential worker or other qualifying person needs the property.
- D. The removal of section 106 agreements on essential worker dwellings will not be permitted unless it can be demonstrated that:

- (i) Reasonable attempts have been made to allow the dwelling to be used by a person who could occupy it in accordance with the restriction;

and

- (ii) The long term need for the dwelling in the locality has ceased and removing the restriction would be more appropriate than a temporary relaxation.

Ancillary accommodation

E. Where permission is granted for ancillary residential use of a building in the curtilage of a dwelling house, that ancillary use will be required to be secured by a legal agreement.

F. Variation to a Section 106 agreement that ties ancillary accommodation to the main house will not be permitted unless it can be demonstrated that the proposed change in use of the building is in accordance with other policies of this plan relating for example to holiday accommodation use or essential worker use.

G. Applications to remove legal agreements tying ancillary accommodation to other accommodation will be refused unless:

- (i) Evidence has been provided to this Authority that the main dwelling unit and ancillary accommodation have been marketed together, with at least 3 local estate agents, and on nationally available property websites, for a period of not less than six months at a price, at or below the average price, as confirmed in writing by the district valuer, for accommodation of that size and type, and with the occupancy restriction, in the district at the time the property is marketed

and

- (ii) All estate agents used in accordance with G. i) confirm in writing to this Authority, and subject to the consequences of providing false information with respect to legal obligations conferred by the Section 106 Legal Agreement, that there has been no offers made at or above the district valuer valuation.

LHC13 Retailing and service provision in Core Strategy named settlements

Retail development (use class A1) within named settlements listed in policy DS1 of the Core Strategy will be permitted provided that:

A Its scale is appropriate to local shopping needs or acceptable levels of visitor orientated outlets;

and

B. There are adequate facilities and access for the storage and disposal of goods, waste and delivery of stock;

and

C. In newly built shops (and in those conversions that involve substantial change to an existing building) provision is made for access allowing separate use of upper floors. This should be from an entrance onto the front of the building wherever possible;

and

D Access is provided for people with a mobility difficulty where practicable;

and

E Where the development of a take-away food shop is proposed, particular care must be taken to protect the amenity of nearby property (for example by restricting opening times) and to ensure local traffic safety.

LHC14 Change of use of shops, community services and facilities

- A. Where an applicant is seeking change of use to a non-community use, evidence of reasonable attempts to sell or let the shop or community facility as a going concern must be provided including:
- (i) evidence of a thorough marketing exercise with a commercial property agent, sustained over at least 6 months, to sell or let the building for alternative community uses or facilities including local needs affordable housing

and

 - (ii) evidence of marketing of the property through the Economic Development team of the appropriate district council for at least 6 months

and

 - (iii) details of contact with the Parish Council or Meeting or other adjacent Parishes to establish the needs existing in the local area and an assessment of the local affordable housing needs in the Parish or adjoining Parishes with reference to a Housing Needs Survey.
- B. The Authority will consider favourably proposals for change of use of shops, community services and facilities to mixed use community schemes including the provision of affordable housing for eligible local need.
- C. Where the ground floor of a dwelling is a mixed residential and retail use, residential amenity will be fully taken into account when considering change of use. If segregation of the retail area from the dwelling would have an unacceptable impact on its residential amenity permission will be granted for change to residential use.

LHC15 Retail development outside Core Strategy named settlements

- A. Where retail development is associated with an industrial or business unit, sales will be mainly restricted to goods produced on the unit. Where they are part of a farm diversification scheme, sales will be mainly, restricted to goods grown, produced or processed on the farm.
- B At petrol stations, retail activity must remain ancillary to fuel sales.
- C. New development within existing garden centres or nurseries will not be permitted unless it is

related to the primary function of the site and would not damage the valued characteristics of the area.

- D Proposals to expand or intensify the use of an existing site or building must assess the impact of the development in its landscape context by reference to the Landscape Strategy and Action Plan.
- E Retail development will not be permitted if it would lead to inappropriate types or volumes of traffic on country roads and lanes, or is of a scale or nature that threatens the retail vitality, viability or potential of nearby settlements.

LHC16 Shop fronts

Particular attention will be paid to the design and appearance of any new shop fronts or alterations to existing shop fronts, which will be permitted provided that the proposed works conserve and where possible enhance the character and appearance of the building and its locality. External security roller shutters will not be permitted.

LHC17 Outdoor advertising

A. Advertisements will be granted consent provided that they :

(i) are as near as possible to the business or activity concerned (an exception may be made for community information boards or finger-post schemes in named settlements of Core Strategy policy DS1);

and (ii) do not result in a proliferation of signs inappropriate to the building or locality;

and (iii) do not pose a hazard to public safety or unduly harm the amenity of neighbouring properties;

and (iv) are in proportion and appropriately located relative to the building on which they are displayed and/or to nearby buildings;

and (v) are of a high standard of design, materials and construction;

and (vi) their scale, setting and design do not detract from features of architectural or historic importance or other valued characteristics of the area.

B. Internal illumination will not be granted consent (except for single illuminated pole signs essential to road safety at petrol stations on main roads). External illumination will not be granted consent unless it is during opening hours in predominantly commercial areas; or is at public houses, restaurants or similar premises open after

dark.

- C. Signs or adverts more than 3.6 metres above ground level, or (if lower) above the bottom level of any first floor window on the same wall, will not be granted consent unless:
- (i) they are hanging signs;
 - or (ii) the building is a public house, hotel or restaurant that does not have a fascia and the sign or advert has individual lettering attached to it so as to minimise any harmful visual impact and any damage to the stone or brickwork.
- D. Advertisements for the purpose of announcement or direction will not be granted consent unless they are reasonably required having regard to the nature and location of that which they advertise

LHC18 Safeguarding sites for community facilities

Sites identified for the provision of new or expanded community facilities in a Neighbourhood Plan or those gaining planning permission for such use will be safeguarded from other prejudicial development on or adjacent to the site

LHC19 Retention of community recreation sites or sports facilities

Development that would prejudice the continued use of community recreation sites or sports facilities will not be permitted unless:

- A. An assessment has been undertaken which has clearly shown the open space, buildings or land to be no longer required
- and
- B. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- and

C. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Exceptionally where sites or facilities can be shown to be no longer required, new uses should meet another community need (including those for affordable housing for local people). Evidence of reasonable attempts to secure such a use will be required before alternatives are permitted.

Economy

Issues Covered

- 1) LE1 Agricultural or forestry operational development
- 2) LE2 Farm diversification
- 3) LE3 Safeguarding employment sites
- 4) LE4 Reuse of non-safeguarded, unoccupied or under-occupied employment sites in DS1 settlements
- 5) LE5 Class B1 employment uses in the countryside outside DS1 settlements
- 6) LE6 Home working
- 7) LE7 Expansion of existing industrial and business development
- 8) LE8 Design, layout and neighbourliness of employment sites including haulage depots

LE1: Agricultural or forestry operational development

New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted provided that:

A. It is proven to the Authority's satisfaction, from information provided by the applicant on all the following criteria, that they are functionally required for the purposes of agriculture,

- I. Location and size of farm
- II. Type of agriculture practiced on the farm;
- III. Intended use and size of proposed building;
- IV. Intended location and appearance of proposed building.
- V. Stocking type and numbers;
- VI. Area covered by crops;
- VII. The density of stock per ha;
- VIII. Existing buildings, uses and why these are unable to cope with existing or perceived demand.
- IX. dimensions and layout;
- X. Predicted building requirements by type of stock/crop/other usage;
- XI. Contribution to NPA objectives, e.g. winter housing to protect landscape

and

B. The building(s) and structure(s) are close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features;

and

- C. The building(s) and structure(s) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design;

and

- D. The building(s) and structure(s) avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location;

and

- E. The building(s) and structure(s) are not in isolated locations requiring obtrusive access tracks, roads or services.

and

- F. The buildings and structures are designed with particular respect for the landscape and its historic patterns of land use and movement, and any landscape change likely to result from agricultural or forestry practices.

LE2: Farm diversification

- A. Diversification of economic activity on a farm will be restricted to the specific use or range of uses for which permission is given rather than to a use class.
- B. Development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business.
- C. New buildings may be permitted if the proposed development cannot be appropriately located in existing buildings of cultural heritage significance, or in other buildings which remain appropriate within the farm building group.
- D. Development will be permitted to remove a stand-alone building and replace it with a new building within the building group provided the scale massing and use of the new building is appropriate and the existing building has no cultural heritage significance.
- E. New or expanded buildings for non-farming uses that generate income to support the farm business will be permitted provided there is not net harm to any valued characteristics of the building group or valued landscape character

(this policy does not apply to buildings justified for agricultural purposes, which, either through prior notification procedure or planning application, are legitimate forms of development on farms)

LE3: Safeguarding employment sites

The following sites will be safeguarded for B1, B2 or B8 industrial use employment use unless an adopted neighbourhood plan justifies mixed use development, in which case the predominant use (s) should remain the B1 B2 or B8 use classes:

Bakewell: Deepdale Business Park, Ashford Road
Bakewell: land adjoining Cintride Factory
Bakewell: Riverside Business Park (incorporating Lumford Mill)
Great Longstone Industrial Estate
Calver Sough Industrial units
Hathersage Station Yard
Station Road, Bamford
Aston Industrial Estate
Vincent Works, Brough
Whitecross Industrial Estate Tideswell

LE4: Re-use of non-safeguarded, unoccupied or under-occupied employment sites in DS1 settlements

The re-use of non safeguarded, unoccupied or under-occupied employment sites in DS1 settlements will be permitted provided that:

- A. The site or buildings have been marketed to the Authority's satisfaction for a continuous period of six months prior to the date of the planning application, in line with the requirements of this plan and the Authority agrees that there is no business need;

and
- B. The proposed use conserves and enhances any valued character associated with the site or premises, including any cultural heritage significance attached to the site or buildings,

and
- C. The proposed use does not conflict with any preferred use for that site that has been expressed in an adopted Neighbourhood Plan,

and
- D. The changed nature of any business use proposed for land or buildings is justified by evidence of need for particular business premises and space in the National Park or, if expressed as a need for the district, borough, or metropolitan council, for that council area,

and
- E. In accordance with any evidenced need, the size and type of buildings proposed would address that need,

and
- F. The proposal complies with all of the other policy criteria, and in accordance with conservation policies? represents a net enhancement to the built environment of the settlement and its landscape setting.

LE5: Class B1 employment uses in the countryside outside DS1 settlements

Planning permission for a B1 employment use in an existing building will be granted provided:

- A. Any adverse impact on any building with cultural heritage significance, and on the valued characteristics and amenity of the area can be mitigated by application of the following criteria:
- i. Restriction to the specific activity applied for;
 - and
 - ii. A specified and agreed scale, intensity and type of activity, including vehicular movements and hours of operation;
 - and
 - iii. A specified and agreed arrangement of parking and/or storage of vehicles, equipment and materials.
 - and
- B. For the particular use permitted, and where necessary and appropriate:
- I. Permitted development rights (particularly for further buildings or structures) are removed ;
 - and/or
 - II. Permission is time limited for a temporary period of (usually) 2 years
 - and/or
 - III. In the case of personal permissions, the permission is restricted to personal benefit of the occupant of the building only
 - and

If any combination of these mechanisms prove to be ineffective in practice, a further permission will not be granted.

LE6: Home working

- A. Permission for home working will be restricted to a specified activity within use class B1 and restricted to a scale that can be accommodated within the dwelling, or ancillary buildings, without creating a need or demand for further ancillary buildings, or extension of a dwelling beyond that which would normally be permitted by policy LHC8; and
- B. Planning conditions and/or obligations will be used as necessary and appropriate to control any aspects of the business activity likely to adversely affect the valued characteristics,

residential character or amenity of the area. The conditions and obligations may include:

- I. the exclusion of permitted development rights for further buildings or structures;
- II. controlling the scale, intensity and type of activity, including vehicular movements and hours of operation;
- III. controlling the arrangement for parking and/or storing of vehicles, equipment and materials.

LE7: Expansion of existing industrial and business development

In or on the edge of a DS1 settlement

In or on the edge of a DS1 settlement, expansion of an existing industry or business will be permitted provided that:

- A. It is operating in an appropriate location;

and
- B. The scale and type of development can be accommodated without harm to the amenity and valued characteristics of the area or to traffic safety and circulation;

and
- C. Proper consideration has been given to the possibilities of using, modifying or extending buildings to conserve and enhance landscape character before proposing new buildings

Outside DS1 settlements

Outside DS1 settlements, expansion of existing industrial and business development will be refused unless:

- A. It is of a modest scale in relation to the existing activity and/or buildings, and does not extend the physical limits of the established industrial use to above 1000 m²

and
- B. It does not harm, but wherever possible secures an enhancement to the amenity and valued characteristics of the area and the appearance of the site;

and
- C. Proper consideration has been given to the possibilities of conserving and enhancing landscape character by using, modifying or extending existing buildings

and
- D. Where any retail activity is to be conducted from the premises, it is limited to those products that are produced on the premises.

LE8: Design, layout and neighbourliness of employment sites including haulage depots

Where development for employment purposes is acceptable in principle, it will only be permitted provided that every practicable means is used to minimise any adverse effects on the valued characteristics and amenity of the surrounding area. Particular attention will be given to:

A. visibility from vantage points;

and

B. site access, vehicular circulation and parking;

and

C. site layout and use of open space surrounding buildings;

and

D. storage of vehicles or other equipment;

and

E. landscaping and other screening, and whether, in the landscape proposed, it is an appropriate method to mitigate adverse impact on the landscape;

and

F. noise and proposed times of operation.

Where necessary, planning conditions will restrict future growth and intensity of the activities on site.

Minerals and Waste

Issues Covered

- 1) LMW1 Assessing and minimising the environmental impact of minerals and waste development
- 2) LMW2 Waste Management

LMW1 Assessing and minimising the environmental impact of minerals and waste development

Mineral development or the development of waste management facilities will only not be permitted where unless the adverse impacts on the valued characteristics and amenity of the National Park can be appropriately mitigated, reduced to the minimum practicable level, or eliminated, and the development is acceptable given the need to conserve and enhance the National Park. Where appropriate, the applicant must provide satisfactory evidence that the development can be completed within an agreed period. Particular attention will be paid to the following issues:

- A. Nuisance and general disturbance to the amenity of neighbouring properties and the wider area, including the impact on local communities resulting from transport, hours of working and the method and duration of working;
- B. The risk and impact of potential pollution on environmental receptors;
- C. The potential for any adverse effects on amenity or human health including from noise, particulate emissions, blasting, dust, vibration, fumes, smells, leachate or water run-off and material storage;
- D. The proposed operating methodology and the conformity to the highest possible standards;
- E. Harm to landscape character and cultural heritage, including that caused by the design and location of plant and buildings, storage of waste and loss of any existing site features and any necessary screening or landscaping of the site;
- F. Where new buildings, plant or structures are required the scale, siting, design, orientation and relationship to existing buildings;
- G. Opportunities for enhancement of the landscape, biodiversity, geodiversity and amenity;
- H. Harm to agricultural and forestry interests, including to soil resources and the impact on the use and quality of neighbouring land;
- I. Harm to the water environment and impacts arising from any dewatering or surface water run-off or management and any proposals for foul water disposal;
- J. The need to minimise the residual waste arisings from the development along with the proposals for the disposal of those residual waste arisings;
- K. The potential effects of land instability arising from the operations, any tipping or disposal activities and the restoration proposals on neighbouring development;

- L. The cumulative impacts of operations in the area and across the wider National Park and its setting both concurrently and successively;
- M. The efficiency and effectiveness of the proposed working scheme or operation, including the phasing proposals and their potential for resulting in the highest standards of environmental acceptability;
- N. The proximity of the mineral extraction to the end-user market or the proximity of the waste operation to the supply-chain, availability of other permitted or allocated mineral supply or the availability of secondary or recycled materials or the availability of other permitted or allocated waste sites or developments, both within and outside the National Park, closer to the end-user market or supply-chain with the aim of reducing 'mineral or waste miles';
- O. The off-site impact of any utility or infrastructure improvements necessary to serve the development;
- P. The need for site security to prevent unauthorised public access or to prevent access from livestock or fauna from adjacent land;
- Q. The impact of the development on the local economy and job opportunities and the contribution of any planning benefits to the local community;
- R. The need for any buildings, plant or other structures proposed to meet the functional needs of the development, their design to be appropriate to their temporary nature and the proposals to ensure their complete removal from site, together with any foundations, bases and utilities immediately on cessation of working; and
- S. The suitability of restoration proposals, including the need for restoration to ensure that no future land stability or other public safety issues will arise, phased progressive restoration being undertaken within a reasonable timescale and to the best industry standards, and suitable after-use and aftercare proposals that will result in landscape, biodiversity and geodiversity enhancement.
- T. The provision of suitable geological and other information on the quality, availability and volume of the mineral reserves ensuring that high quality materials are retained for appropriate end uses.
- U. The provision of information on the durability and aesthetic qualities of the stone together with precise details of its compatibility with the repair or restoration project it is supplying.

Planning conditions will be imposed as appropriate to ensure proposals are satisfactory against the above issues. Where necessary, planning obligations will be sought to address matters which cannot be dealt with by means of planning conditions, including the extinguishment of existing planning permissions where appropriate and necessary. Where necessary to ensure the protection of landscape character or to prevent adverse impact on the locality, planning conditions will be imposed to remove permitted development rights for buildings, plant and structures to ensure that the Authority has the ability to adequately control their impact.

LMW2 Waste Management facilities

Sites for waste management facilities where permitted by Policy CC3 of the Core Strategy should be located in accordance with locational criteria in National Planning Policy for Waste and having regard to the relevant Municipal Waste Management Strategy where appropriate:

Proposals for waste management facilities must also demonstrate the relationship to the community in which the facility is located, the scale of the facility in relation to the needs of the local community and proximity to any onward facility for transmission; and ensure the minimisation of the need for any outside storage of waste.

Travel and Transport

Issues Covered

- 1) LT1 Cross-park infrastructure
- 2) LT2 Access and Design Criteria
- 3) LT3 Railway construction
- 4) LT4 Development affecting a public right of way
- 5) LT5 Operational parking
- 6) LT6 Non-operational parking
- 7) LT7 Residential off street parking
- 8) LT8 Air transport

LT1 Cross-park infrastructure

New roads or railways for cross-park travel will not be supported, and no proposals for a major alteration to an existing road or railway will be permitted, unless;

- A. There is a compelling national need which cannot be met by any reasonable alternative means, and
- B. It is demonstrated to be in the overall public interest, and
- C. It is demonstrated to meet long term local transport needs, and
- D. There is a demonstrable long term net environmental benefit within the National Park, and
- E. There is a demonstrable long term net economic benefit within the National Park.

LT2 Access and design criteria

- A. Development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access can be provided in a way which does not detract from the character and appearance of the locality.
- B. Particular attention should be given to the need to retain, hedges, walls and roadside trees. Where a proposal is for a new access to improve a substandard access, a

condition will be applied requiring the substandard access to be closed up in an appropriate manner.

- C. Appropriate and sympathetic measures, including wild bridges or cut and cover tunnels, will be provided where transport infrastructure results in wildlife severance.

LT3 Railway construction

- A. New railways designed primarily as tourist attractions will not be permitted.
- B. The development of a new passenger railway terminus within the National Park must have an overall environmental and economic benefit to the national park can be demonstrated. It will be permitted provided that:
 - i. It is the destination end of an acceptable park and ride scheme; or
 - ii. It is a temporary part of a phased construction programme; or
 - iii. It is part of a traffic / visitor management project; or
 - iv. It is principally used for local purposes.
- C. Any heavy rail, light rail or guided bus development must clearly demonstrate a net environmental benefit to the National Park.
- D. Any heavy rail, light rail or guided bus development that impinges on existing footpaths, bridleways or major trails must comply with the policy approaches in Core Strategy Policy T6a, ensuring equally good alternatives and maintaining their continuity.
- E. Any detrimental effects that a heavy rail, light rail or guided bus scheme may have on the National Park must be outweighed by significant benefits – including a demonstrable lasting removal of road traffic from parallel routes and the mitigation of any habitat loss.

LT4 Development affecting a public right of way

- A. Where a development proposal affects a public right of way, either the definitive line of the public right of way should be retained, or, in exceptional circumstances, where retention of the definitive line is not possible, the developer will be required to provide an alternative route that:
 - i) Is of equal or better quality than the original; and
 - ii) Has similar or improved surface appropriate to its setting; and
 - iii) Wherever appropriate, is of benefit to users with special needs, including those with disabilities; and
 - iv) Is available before the definitive route is affected or if this is not possible until the development is complete, a suitable temporary route is available before the definitive route is affected; and
 - v) Is as convenient and visually attractive as the original.

- B. Development that would increase vehicular traffic on footpaths, bridleways or byways open to all traffic to the detriment of their enjoyment by walkers and riders will not be permitted unless there are overriding social, economic or environmental conservation benefits arising from the proposal.

LT5 Operational parking

Operational parking space means the space required for the cars and other vehicles regularly and necessarily involved in the operation of the business of particular buildings. This policy applies where planning permission is required for an expansion or alteration of a business, and where planning permission is required for expansion or alteration of an operational car park.

- A. New or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown.
- B. Where planning permission is required, additional parking provision should be of a limited nature. It should be appropriate to the size of the development, take account of its location and the visual impact of parking.
- C. The adopted parking standards are provided in **Appendix?**

LT6 Non-operational parking

Non-operational parking space means the space required for the traffic which does not need to park or wait precisely at the premises in question. The term includes the cars of commuting employees as well as those belonging to shoppers, business callers, commercial vehicles servicing the buildings and sight-seers.

- A. New or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown.
- B. For non-operational car parking additional off-street parking will normally only be permitted where it replaces equivalent on-street parking spaces.
- C. In considering proposals for new or enlarged car parks in the Natural Zone and in Conservation Areas, the developer is expected to have assessed alternative sites located in a less environmentally sensitive location, capable of being linked to the original visitor destination either by a park and ride system or right of way.

LT7 Residential off street parking

- A. Unless it can be demonstrated that on street parking meets highway and amenity standards, off-street car parking for residential development should be provided. This should be either within the curtilage of the property or allocated elsewhere, normally at the following levels:
- I. For one bedroom dwellings: 1 space per unit plus 1 space per 2 units for visitors.
 - II. For two and three bedroom dwellings: 2 spaces per unit.
 - III. For four bedrooms and above: 5 spaces per unit.
 - IV. For holiday residences: 1 space per 1 and 2 sleeping room units, 2 spaces per 3 (and over) sleeping room units.
 - V. Car free development will be considered favourably where reasonable alternative parking provision exists. Off-street car parking space provided as part of development will be protected where there is evidence that loss of such space would exacerbate local traffic circulation problems.
- B. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

LT8 Air transport

- A. Aircraft landing sites will not normally be permitted. Developments related to helicopter or other powered flights will not be permitted where they will adversely affect the valued characteristics or amenity of the area. Powered flights include, but are not exclusive to, model airplanes and drones.
- B. Where planning permission is required, regular non-powered flights including but not exclusive to hang-gliders, para-gliders and model aircraft, may also be restricted if they have an adverse impact on bird and wildlife populations or other Valued Characteristics of the National Park.

Utilities

Issues Covered

- 1) LU1 Development that requires new or upgraded service infrastructure
- 2) LU2 New and upgraded utilities services
- 3) LU3 Development close to utility installations
- 4) LU4 Telecommunications infrastructure
- 5) LU5 Restoration of utility and telecommunications infrastructure sites

LU1 Development that requires new or upgraded utility service infrastructure

- A. New or upgraded utility service infrastructure required for development will be permitted provided that it:
- (i) does not adversely affect the valued characteristics of the area
and
 - (ii) can be provided before any new land use begins.

LU2 New and upgraded utilities services

- A. Development of utilities infrastructure will not be permitted unless it is to improve or extend the service to the communities and businesses of the National Park, and can be provided without harm to the valued characteristics of the area or to other established uses. Infrastructure and ancillary works or buildings should be located, designed and landscaped so as to minimise their impact on the built and natural environment, and on any other established activities.
- B. Infrastructure services to new development, or improved services to existing uses should be placed underground. Overhead services will not be permitted where they adversely affect the valued characteristics of the area.

LU3 Development close to utility installations

Development will not be permitted in the vicinity of sewage treatment works, high pressure oil or gas pipelines or other notifiable installations where they would present an unacceptable loss of amenity or risk to those using the development.

LU4 Telecommunications infrastructure

- A. Telecommunications infrastructure will be permitted provided that:
- (i) the landscape, built heritage or other valued characteristics of the National Park are not harmed:
 - (ii) it is not feasible to locate the development outside the National Park where it would have less impact:
- and
- (iii) the least obtrusive or damaging, technically practicable location, size, design and colouring of the structure and any ancillary equipment, together with appropriate landscaping, can be secured.
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the landscape or other valued characteristics of the National Park.
- C. Development proposals for radio and telecommunications, must be supported by evidence to justify the proposed development
- D. Wherever possible, and where a reduction in the overall impact on the National Park can be achieved, telecommunications equipment should be mounted on existing masts, buildings and structures. Telecommunications equipment that extends above the roofline of a building on which it is mounted will only be allowed where it is the least damaging alternative.
- E. Substantial new development such as a mast or building for the remote operation and monitoring of equipment or plant not part of the code-system operators' network will not be permitted.

Domestic satellite dishes and telecommunications equipment

- F. Satellite dishes and other telecommunications equipment on buildings will be permitted provided that the proposal does not;
- (i) detract from the character appearance or amenity of the original building, its setting or neighbouring buildings; or
 - (ii) dominate the building where it is a heritage asset.

LU5 Restoration of utility and telecommunications infrastructure sites

- A. Where the erection or installation of a building, structure or equipment for utility service and telecommunication provision is acceptable, it will be permitted provided that its removal is guaranteed when it is no longer used to meet an appropriate operational need. Restoration of the site to its original (or previously agreed alternative) condition will be required to be commenced and completed within an agreed period following the end of the operational use for which the development was permitted.
- B. Provided that its long-term requirement is established, water supply infrastructure that may only come into use in times of drought or high rainfall will not be subject to this policy.

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