

**6. FULL APPLICATION – SITING OF A MOBILE COFFEE UNIT TO BE SITUATED AT THE TOP OF THE CAR PARK AT LADY CANNINGS PLANTATION, SHEEPHILL ROAD, SHEFFIELD (NP/S/1220/1197, AM)**

**APPLICANT: AVVENTURA COFFEE CO.**

**Summary**

1. The site is part of a small car park in open countryside south of Ringinglow.
2. The application proposes the change of use of part of the car park for the siting of a mobile coffee unit selling drinks.
3. This development in this location is not acceptable in principle and would harm the landscape character and biodiversity of the National Park. The development would also exacerbate on-street parking issues in the local area.
4. The application is recommended for refusal.

**Site and Surroundings**

5. The site is located on a small car park in open countryside south of Ringinglow. The car park is off Houndkirk Road and adjacent to Lady Canning's Plantation.
6. There are two mountain bike courses within the plantation and a public right of way leading south from the car park to Houndkirk and Burbage Moor, which form part of the Eastern Peak District Moors Site of Special Scientific Interest (SSSI), Peak District Moors Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC).
7. The nearest neighbouring property is Moor Cottage to the north of the site.

**Proposal**

8. The application is for the change of use of part of the car park for the siting of a mobile coffee unit.
9. The coffee unit would be housed in a converted horsebox, which would be towed by a vehicle on site. The application states that initially the coffee unit would open on weekends but with a view to extending this to Wednesday – Sunday between the hours of 10:30 and 16:00.
10. The application says that bins would be provided adjacent to the trailer. The bins would be moved at the end of each day and managed by a specialist waste management company.

**RECOMMENDATION:**

**That the application be REFUSED for the following reasons**

1. **The development would not be directly related to or ancillary to a recreation or tourist facility and therefore in principle is contrary to policies DS1 and HC5 that seek to direct development to named settlements and other appropriate locations detailed within the Development Plan.**

2. **The development would harm the landscape character and biodiversity of the National Park contrary to policies GSP1, GSP3, L1, L2, DMC3, DMC11 and litter from the development could not be satisfactorily controlled contrary to policy DMC14.**
3. **The development would reduce available off-street parking spaces in the car park and exacerbate existing on-street parking issues in the local area, particularly at weekends and harm highway safety and the amenity of the local area contrary to policies GSP3 and DMC3.**

### **Key Issues**

- Whether the proposed development is acceptable in principle.
- The impact of the development upon the valued characteristics of the National Park.
- The impact of the development upon amenity and highway safety.

### **History**

11. 2016: Planning permission granted conditionally for construction of a second mountain bike trail through existing conifer plantation woodland.
12. 2015: Planning permission granted conditionally for construction of mountain bike track through conifer plantation woodland.

### **Consultations**

Highway Authority – No response to date.

Sheffield City Council – Response received from countryside service manager:

I have asked our licensing colleagues to not approve a street trading license for this unit. The Council's Parks and Countryside Service owns and manages the adjacent Lady Canning's Plantation. The site has seen unprecedented visitor numbers and cars parking irresponsibly on the area in question and the main road. As part of the Better Parks initiative and the Outdoor City project, we are constantly looking for new opportunities to improve visitor experience. Whilst we would like to see an appropriate Coffee Unit on site, we would not want to see one at this location.

We would favour instead a facility further up the Houndkirk Track on Council land adjacent to the track on the hard standing used for timber stacking. We would then be able to provide an appropriate licence that ensured that litter management was considered more sensitively for this site to reflect growing local opposition. If the proposal went ahead in its current location it would not only remove valuable car parking spaces but would move the problem onto the Highway causing further traffic management issues and damage to soft verges.

PDNPA Archaeology: No objection

PDNPA Ecology: No objection.

PDNPA Landscape: No objection in principle. The site within Section 3 land (Natural Zone) but the car park is existing development and possible should have been omitted from the last review. Unless the proposal is outside of the car park then we need to accept that the site is not within Section 3 land.

## **Representations**

We have received a total of 153 letters of representation to date. 134 letters object to the development, 15 letters support and 4 letters make general comments. The issues raised in representations are summarised below.

### **Object**

- The plantation is on the edge of the Natural Zone and the mobile unit will be highly visible in an exposed, elevated location. Although on the edge of an informal car park, the proposal represents an unnecessary further visual intrusion into an exceptional landscape. The structure is a metal container of industrial design and incongruous in a rural environment.
- The establishment of a commercial refreshment outlet in open countryside outside of a recognised settlement is unnecessary and detrimental to the quiet enjoyment of the countryside. Visitors will be encouraged to walk into open moorland drinking produce from the outlet and no amount of bins will restrict littering. The landscape will be urbanised if a plethora of bins are provided.
- The proposal is contrary to local and national planning policies, which seek to protect the valued characteristics of the National Park.
- Refreshment facilities are available in Ringinglow at the Norfolk Arms pub, which is 400m from the site. The site is outside of a named settlement and therefore contrary to the Authority's policies.
- The development would harm the valued characteristics of the National Park including its natural beauty, landscape character, sense of wilderness, woodlands and special value attached to the National Park by surrounding urban communities.
- The development would reduce the recreational enjoyment of the countryside because people visit the National Park to remove themselves from this type of urban facility and make connection with the natural environment.
- The car park is sited on an incline and accessed off a bend with poor visibility. The development would encourage an increase in the dangerous access.
- The development will reduce available parking spaces in the car park creating congestion and additional pressure to park on the road.
- Litter is a very significant problem in Lady Canning's. The proposed development would result in a significant amount of litter being dropped in the local area exacerbating the current problem.
- The area is already too busy with visitors. The development will create additional visitor pressure and damage the local area.
- Members of the public will drive to the site to buy food and drink.
- Food and drink is sold at the Norfolk Arms in Ringinglow.
- Noise and smells created by the development will harm the amenity of the local area.
- The development will exacerbate public order issues in the local area.

### Support

- The development will provide a facility for people walking in the local area.
- The development will not make the site busier. Existing visitors to the site will buy food and drink.
- The development will not create additional litter if bins are provided. The provision of bins may reduce litter overall.
- The proposed structure is very unimposing and would fit in nicely with the local area.
- The development will reduce pedestrian traffic through Ringinglow.
- Could consider a temporary permission to assess effect on the local area.

### General comment

- Disposable cups will create litter in a rural area even if a bin is provided.
- Car park is not big enough to support numbers of visitors and at weekends, cars often park on the road.
- Car park will need to be extended to facilitate the development.

### Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, CC1, L1, L2, HC5

Relevant Development Management policies: DMC2, DMC3, DMC11, DMC12, DMC14, DMS3, DMT3 and DMT6

### National Planning Policy Framework

13. The National Planning Policy Framework (NPPF) should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park, the development plan comprises our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.
14. Para 172 states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

### Peak District National Park Core Strategy

15. Policy DS1 sets out the Development Strategy for the National Park. DS1 C. sets out the limited types of development that is acceptable in principle in the countryside outside the Natural Zone.

16. Policy HC5 is relevant for proposals for shops, professional services and related activities (including premises for the sale and consumption of food and drink). HC5 E. says that other than farm shops retail use in the countryside will only be acceptable where proposals are small scale and must be ancillary to a business acceptable under policy E2 or related directly to and be ancillary to recreation and tourism facilities taking into account impact on local centres.
17. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
18. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
19. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.
20. Policy L1 says that development must conserve and enhance valued landscape character and other valued characteristic of the National Park. L1 B. says that other than in exceptional circumstances development in the Natural Zone will not be permitted.
21. Policy L2 says that development must conserve and enhance any sites, features or species of biodiversity and geodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted which is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

#### Development Management Policies

22. Policy DMS3 provides more detailed policy for proposals associated with business or industrial units, petrol stations, garden centres or expansion of existing sites or buildings. The supporting text to policy DMS3 restates that retail uses in the countryside will only be acceptable where proposals are acceptable and ancillary to existing uses in accordance with policy HC5.
23. Policy DMC3. A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
24. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related Supplementary Planning Document and the technical guide.

25. Policy DMC11. A says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.
26. Policy DMC11. B says that details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance that could be affected by the development must be provided. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of a development.
27. Policy DMC14. A says that development that presents a risk of pollution or disturbance will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits.

## **Assessment**

### **Principle of development**

28. Part of the car park is located on designated Section 3 Land and is therefore Natural Zone for the purposes of our development plan. Our Landscape Officer advises that as this land is an established car park it cannot be considered as Section 3 Land or Natural Zone in itself. Nevertheless the car park site forms an immediate gateway to a landscape of wilder quality which underpins the Natural Zone designation and great care is needed to ensure that these qualities are not undermined. Natural Zone designation represents the highest level of protection in order to protect these undeveloped qualities and control is therefore also necessary to protect the setting and integrity of the qualities.
29. In the countryside, our development strategy allows for limited development. The proposal is for a change of use of the land to allow the sale of drinks from a mobile unit. Policy HC5 is therefore directly relevant and only allows for retail development in the countryside (other than farm shops) where they are small scale and ancillary to an existing business or where they related directly to and are ancillary to recreation and tourism facilities.
30. The site is part of an existing car park in an area of countryside that is popular with visitors to the local area, particularly walkers and cyclists. Users of the car park generally are visiting the wider area rather than the site itself and a significant amount of cyclists use the mountain bike trails within Lady Canning's plantation.
31. Critically there are no existing recreation or tourism facilities at the site other than the mountain bike trails that are available for the public to use. The proposed coffee unit is intended to serve members of the public visiting the area and would not be ancillary or related directly to any existing recreation and tourism facilities.
32. The development is therefore contrary to our development strategy, which generally directs this type of development to named settlements within the National Park set out by policy DS1 and other appropriate locations detailed in the development plan.

### **Impact of development**

33. The coffee unit would be within a converted horse trailer, which would be towed onto the site by a vehicle. The trailer and vehicle would be visible on site by passing members of the public and from Sheephill road looking up at the car park. The development would however be seen in the context of the existing car park and the vehicle and horse trailer would not unduly visually intrusive or incongruous in this context.

34. We accept that it is likely that the development would provide a facility for existing visitors to the area, rather than be an attraction in its own right. Nevertheless, we recognise concerns raised in representations that activity created by the unit would have an urbanising impact upon in an area, which is enjoyed by members of the public seeking to enjoy the recreation opportunities, natural beauty and sense of wilderness within this part of the National Park.
35. Concern has also been raised about the potential impact of litter in the wider area which evidence in representations indicates is an existing problem. The application proposes to use biodegradable takeaway cups, provide bins and undertake litter picks to mitigate this issue.
36. While it is likely that bins provided on site would be utilised, it is also likely that some customers will chose to consume drinks purchased from the development while walking or cycling in the local area. It is reasonable to conclude therefore that the development is likely to cause an increase in litter in the local area and potentially in ecologically sensitive moorland areas that are well connected to the site.
37. The control of litter in practice would be difficult to manage and given the potential wide area covered by visitors could not be satisfactorily mitigated by either the provision of bins on site, litter picks or the use of biodegradable cups.
38. We therefore conclude that the development would harm the landscape character and biodiversity of the National Park contrary to policies GSP3, L1, L2, DMC3, DMC11, DMC14 and the National Planning Policy Framework.

#### Impact upon amenity and Highway Safety

39. The site is located within an established car park and approximately 100m away from the nearest neighbouring property. There are no concerns that activity at the coffee unit itself would harm the amenity of neighbouring properties or create unacceptable impacts from noise or smells.
40. The development would serve existing visitors to the local area and would be unlikely to provide an attraction in its own right. We therefore consider that the development would be unlikely to generate any significant additional trips to the site or intensify the use of the existing access from Sheephill Road.
41. The development would take up parking spaces within the site. No detailed site plan has been provided, however, it is likely that at least two parking spaces would be taken up by the vehicle and trailer if no seating is provided. The development would therefore only have a limited impact upon available parking spaces.
42. However, evidence submitted with representations shows that the car park is often full especially at weekends with very significant levels of on-street parking in the local area created by visitors along Sheephill Road and Ringinglow Road. In this context, the reduction of two available parking spaces is significant and would exacerbate the existing parking issues and harm the amenity and highway safety of the area.
43. The development is adjacent to the public right of way. There are no concerns that the development would obstruct the right of way if properly managed.

#### Other issues

44. A number of representations point out that there are existing facilities in the local area, most notably at the Norfolk Arms in Ringinglow. Commercial competition is not a material

consideration and there is no planning requirement for the applicant to make a business case.

45. Given the scale of the development, it is unlikely that the development would harm the viability of existing community facilities; however, we note our policy position as set out earlier in the report, which directs this type of development to settlements and existing tourism and recreation businesses and facilities.
46. A representation suggests that consideration is given to a temporary planning permission so that any potential impacts could be monitored. However, in this case we conclude that the development is not acceptable in principle and would have an unacceptable impact upon the National Park. In these circumstances, a temporary planning permission to allow a trial run would not be appropriate.

### **Conclusion**

47. The development would not be directly related to or ancillary to a recreation or tourist facility and therefore in principle is contrary to policies DS1 and HC5 that seek to direct development to named settlements within the National Park.
48. The introduction of development of this nature into a landscape of such wild quality would harm the valued character and biodiversity of the National Park contrary to policies GSP1, GSP3, L1, L2, DMC3, DMC11 and litter from the development could not be satisfactorily controlled contrary to policy DMC14.
49. The development would reduce available off-street parking spaces in the car park and exacerbate existing on-street parking issues in the local area, particularly at weekends and harm highway safety and the amenity of the local area contrary to policies GSP3 and DMC3.
50. Having taken into account all material considerations and issues raised in representations we conclude that the proposed development is contrary to the development plan. Material considerations do not indicate that planning permission should be granted. Therefore, the application is recommended for refusal.

### **Human Rights**

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

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

52. Nil
53. Report Author: Adam Maxwell, Senior Planner