

**9. FULL APPLICATION - CHANGE OF USE OF LAND AND ERECTION OF BUILDING FOR CLASS E PURPOSES (PREVIOUSLY WITHIN CLASS B1) – THE OLD SCRAPYARD, OFF A515 NR BIGGIN (NP/DDD/1221/1378, ALN)**

**APPLICANT: MR SAM DAVIES**

**Summary**

1. The application is for the change of use of the land from its lawful use as a scrapyards to an office/warehouse use.
2. It is proposed to erect a new building on the north western side of the site, and associated parking and manoeuvring to the east.
3. On balance, as amended, the development would be less harmful in terms of its landscape impacts and potential for other impacts, than the existing lawful use.
4. The proposed soft landscaping and the existing tree screening would help to mitigate the visual impacts of the development from the A515 and the Tissington Trail.
5. Traffic generation would be only marginally more than permitted by the lawful use and subject to conditions a safe and suitable access would be provided.
6. The application is recommended for conditional approval.

**Site and Surroundings**

7. The application site is located in open countryside, just to the west of the A515 between Newhaven and Alsop en le Dale. The site is rectangular in shape and is accessed via a 100m long access track off the A515.
8. The Tissington Trail, a popular bridleway, runs in a north south direction approximately 180m to the west, on the former railway trackbed.
9. To the south there is a caravan and camping site (Banky Barn Caravan and Camping), whilst to the east of the site is Bank House Farm, a traditional farm complex.
10. There are currently no buildings on the site and the site is currently vacant. In 2010 a Lawful Development Certificate was granted for 'use of land for the purposes of buying, selling, storage and sorting of scrap metal, reclaimed stone and second hand goods' (NP/DDD/0410/0318).
11. The site is relatively level. The majority of the site is surfaced with concrete hardstanding with other parts being bare ground, covered with crushed stone. It is bounded by a mixture of drystone walls and post and wire fencing.

**Proposal**

12. Planning permission is sought to for a change of use of the site from a sui generis use to E(g)(i) office use with associated parking and manoeuvring space. The submitted Design and Access statement explains that the site would be occupied by a company that sells mobility showers and bathrooms.
13. It is proposed to erect an L-shaped portal framed building arranged along the western and northern boundaries of the site.

14. As amended the bay that would run along the western boundary would be 23m long by 8m wide with a height of 5m to the eaves. The eastern bay would be 14m long by 8m wide and would be lower, with an eaves height of 3m. The western bay would be used as a warehouse and the single storey element as an office.
15. The walls and roof would be clad with pre-coated composite panels, finished in grey. As amended there would be a roller shutter door on the east facing elevation of the higher bay. On the single storey element there would a door and three windows on the south facing wall and an array of solar panels. There would no openings on the west and north facing elevations.
16. Six parking spaces would be provided to the east and south of the new building. An area of landscaping including hedgerows and trees would be provided in the south eastern part of the site.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

1. **3 year implementation time limit.**
2. **Adopt amended plans.**
3. **Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the site shall be used for office (use class E (g)) and/or storage/warehousing (use class B8) only and for no other use within the Use Classes Order. There shall be no retail sales from the site.**
4. **The use hereby permitted shall be limited only to the triangular shaped area to the north west of the new boundary wall that runs north east to south west to the north of the proposed tree planting area. There shall be no storage of materials or other equipment associated with the approved use on land in ownership outside of this area.**
5. **Submitted landscaping scheme to be implemented. The new boundary feature that runs along the south east side of the parking and manoeuvring area shall be a 1.2m high continuous limestone drystone wall (not a post and wire fence as annotated on approved plan no. 2124-01 Rev E).**
6. **Before any other works commence, the first 10m of the private access road from A515 to be widened to 5 metres (within the confines of and without demolition of the flanking drystone walls), unless otherwise agreed.**
7. **Passing place and parking and manoeuvring space all as shown on the approved plans to be provided before the premises if first brought into use and retained for the life of the development.**
8. **The land in advance of visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access to the extremities of the site frontage abutting the highway in each direction shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.**

9. **Landscape management plan to be submitted and agreed for existing trees on the site.**
10. **There shall be no gates or other barriers within 5m of the nearside highway boundary, and any gates shall open inwards only.**
11. **There shall be no ‘daylight panels’ on the south elevation of the single storey element of the building.**
12. **The solar pv panels shall be matt black with black framing and shall have a matt, non-reflective finish.**
13. **Before the premises is first brought into use an ecological management plan for the surrounding land in ownership shall be submitted to and agreed by the National Park Authority.**
14. **Bird nesting boxes to be provided in accordance with the submitted ecological appraisal.**
15. **Before the premises is first brought into use a scheme for environmental management measures on land in the applicant’s ownership and control shall be submitted to an agreed in writing by the National Park Authority.**
16. **External lighting scheme to be submitted and agreed.**
17. **The sheeting for the sides and roof of the building shall be dark green.**

### **Key Issues**

17. The key planning issues relating to the development are:

1. The principle of a new business use in open countryside.
2. Impact on the landscape character of the area.
3. Impact on trees
4. Ecological considerations
5. Highways and Parking
6. Impact on Amenity

### **History**

18. March 2021 – application refused for erection of steel portal framed building for use as E(g)(i) Office and change of use of 722sq m of agricultural land to E(g)(i) Office and associated parking and manoeuvring space (NP/DDD/1020/0920). The application was refused on the following grounds:
19. *1. The proposed change of use of existing agricultural land to business use and the erection of a new, isolated building in open countryside is directly contrary to Core Strategy policy E2C. The existing lawful use of the site is a material consideration but the expansion of the site and the proposed new building would cause harm to the landscape character of the area, over and above the lawful use, contrary to Core Strategy policy GSP2.*
20. *2. The proposed building, by virtue of its size, massing, design and materials; and the proposed car parking would cause harm to the landscape character of the area contrary to Core Strategy policies GSP3 and L1 and Development Management Plan policy DMC3.*

21. 3. *It has not been demonstrated that the required visibility sightlines and alterations to the access track can be achieved without harm to the visual amenities of the area (including loss of trees) contrary to Core Strategy policy L1 and Development Management policies DMT3 and DMC13.*
22. 4. *There are trees on the site but no tree survey has been provided to assess the impact of the proposals on trees. Thus the current information submitted is not sufficient to assess the impact on trees contrary to Development Management policy DMC13.*
23. July 2011 – application for Lawful Development Certificate granted for ‘use of land for the purposes of buying, selling, storage and sorting of scrap metal, reclaimed stone and second hand goods’ (NP/DDD/0410/0318).
24. 2009 - Application for lawful development certificate for use of land for metal recycling and sorting refused (NP/DDD/0509/0436).

### **Consultations**

25. **Highway Authority** – *The site most recently has been used as the scrap yard. The proposed site is in a rural area in a somewhat unsustainable location, leaving the future employees heavily reliant on the private car.*
26. *The access will be taken from the existing access to the previous scrapyards site, which forms a junction with A515, a classified road subject to a 50mph speed limit. A515 also provides access to Caravan sites and stables just approximately 80m south of the site. It has been noted in the Design and Access statement that traffic generation compared to the consented use would increase; however, the proposed site would not result in significant increase in traffic generation. As the access exists and was operational for the scrap yard previously and considering insignificant increase in traffic generation, the principle of the access is acceptable.*
27. *It is noted that at both sides of access, a wide verge exists due to which maximum emerging visibility splays at the site’s extremities on the highway’s land could be achieved. The visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction be provided. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level. A planning condition to provide emerging visibility splays in line with the above comments is acceptable.*
28. *The proposed site plan indicates that a total of 6 car parking spaces will be provided for the proposal. The parking needs to be justified in accordance with the LPA standards. It is noted that the site has sufficient area for manoeuvring. The access road to the proposed site is of single-width up to its junction with A515 without having passing places and is not suitable for two-way traffic movements. Therefore, the Highway Authority, recommends that at least one passing place be installed along the access road. The passing place is constructed in such a manner that increases the track’s width to a minimum of 5.5m for a minimum length of 15m (to allow two vehicles to pass). Furthermore, the first 10m of the private access road from A515 be widened to 5 metres to avoid a vehicle waiting on the main road if another vehicle is exiting from the site in the interest of road safety. A revised plan to this effect should be submitted for approval.*

29. *The first 10m of the proposed access road from A515 should not be surfaced with loose material and should be upgraded to tar or any other hardstanding surface. There shall be no gates or other barriers within 5m of the nearside highway boundary, and any gates shall open inwards only.*
30. *Information about the refuse collection area and refuse collection arrangement be provided.*
31. **District Council** – no response
32. **Parish Council** – response to consultation on amended scheme *‘Whilst the site looks tidier and the new application is for a smaller building, this would still be large building which would stand out in open countryside which is intended for a use which is incompatible with the area. The use intended would bring little, if any, benefit to the local population and would increase traffic to a quiet location on a busy road. It has also been suggested that given the history of this particular stretch of road and accidents, access off the A515 will be an issue too.’*
33. **Natural England** – no response
34. **Authority’s ecologist** – *‘A report about the wildlife on site has been submitted - Preliminary Ecological Appraisal Land off A515, Biggin, Derbyshire (Dec 20) by Peak Ecology Ltd. No protected species were found and no further surveys are required. The report suggests avoidance measures for breeding birds and some ecological enhancement. All of these proposals should be carried out in full if the development goes ahead.’*
35. **Authority’s Tree Conservation Officer** – no response
36. **Authority’s Landscape Architect** – *‘This is an improvement on the previous planning application but I still have the following concerns: The tree survey does not conform to the recommended guidance provided by the tree officer. In addition I would like to see a management plan for the remaining existing trees on site to ensure that the building doesn’t suddenly become exposed within the landscape.*
37. *Because the site has been opened up to longer distance views I would like to see a simple landscape and visual impact assessment looking at in particular the impact of the buildings within the landscape. A plan showing the proposed building and suggested landscaping has been provided. Clarification is required that there is to be a new limestone wall on the SE boundary which straightens up the existing boundaries.’*

### **Representations**

38. None received

### **Main Policies**

39. Relevant Core Strategy policies: GPS1, GSP2, GSP3, E2, L1, L2, CC1, CC2
40. Relevant Local Plan policies: DMC1, DMC3, DMC11, DMC13, DME5, DMT3

## National Planning Policy Framework

41. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 2021. The Government's intention is that the document 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 the Authority's Core Strategy 2011 and policies in the Peak District National Park Development Management Policies document 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. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
42. In particular, paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
43. In the National Park, the development plan comprises the Authority's Core Strategy and the Development Management Policies (DMP). These Development Plan policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.

## Main Development Plan Policies

### Core Strategy

44. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
45. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
46. DS1 - *Development Strategy* states that the majority of new development will be directed into named settlements. In all settlements and in the countryside outside the natural zone the conversion or change of use for business uses will be acceptable in principle, preferably by re-use of traditional buildings.
47. E2 - *Businesses in the Countryside*. Section A states that proposals for business development in the countryside outside of the Natural zone and named settlements, should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads and in groups of buildings in sustainable locations, However where not suitable traditional building exist, the re-use of modern buildings may be acceptable. E2 B states that on farmsteads small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. E2 C states that business use in an isolated existing or new building in the open countryside will not be permitted. E2 D states that the growth and intensification of existing businesses will be considered carefully in terms of their impact on the character of landscapes.

48. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
49. L2 – Sites of biodiversity or geo-diversity importance. States that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where is likely to have an adverse impact on any site, features or species of biodiversity importance or their setting.
50. CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
51. CC2 states that proposals for low carbon and renewable energy development will be encouraged provided that they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.

### Development Management Policies

52. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
53. Policy DMC11 - *Safeguarding, recording and enhancing nature conservation interests*. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development that 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. For all sites, features and species development proposals must consider amongst other things, the setting of the development in relation to other features of importance, historical and cultural.
54. DME5 - *Use Class B1 employment in the countryside outside Core Strategy policy DS1 settlements* states that planning permission for a Use Class B1 employment use in an existing building will be granted provided that certain criteria are met.
55. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.
56. DMC13 – *Protecting trees, woodland or other landscape features put at risk by development* – requires that sufficient information is submitted to enable impacts on trees to be properly considered.

### Assessment

#### **The principle of a new business use in open countryside**

57. The Authority's Development Strategy policy DS1 makes it clear that the majority of development in the National Park should be directed into named settlements in order to promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park. Core Strategy policy E2 makes it clear that in the countryside businesses should be located in existing traditional buildings

in smaller settlements, on farmsteads and in groups of buildings in sustainable locations. It states that business use in an isolated existing or new building in the open countryside will not be permitted.

58. In this case the application site is in open countryside outside of any settlement and there is no farmstead or existing buildings at the site. Consequently a business use and building in this location would ordinarily be contrary to policy.
59. A material consideration in this case however is that a Lawful Development Certificate (LDC) was granted on the existing site in 2011 for '*use of land for the purposes of buying, selling, storage and sorting of scrap metal, reclaimed stone and second hand goods*'. It should be noted that the certificate relates to the north-western triangular half of the application site only (and the access road), whilst the south-eastern triangular portion was part of the adjoining field and until recently partly planted with boundary trees.
60. The Lawful Development Certificate limits the lawful use to:
- Up to 10 tons of scrap metal, including sorted metals which are sorted in no more than two skips at any one time
  - Up to 20 tons of reclaimed stone stored on the land
  - Up to 10 tons of second-hand goods stored within Building A and Building B which are shown in the approximate positions shown hatched black on the attached plan
  - All working takes place on the land during weekdays (Monday to Friday) 7.30am to 4.30pm except for a maximum of 12 days per calendar year when the duration of working is extended to between 7.30am and 8.00pm during weekdays (Monday to Friday)
  - Any unsorted scrap metal or stone on the site is no stacked to a height greater than 3 metres
  - One 7.5 ton wagon is used for the purposes of transporting the scrap metal, reclaimed stone and second hand goods onto and from the land per week with a maximum of 10 vehicular movements (5 in and 5 out) per week.
61. This must be given considerable weight because in theory the site could brought back into use for these purposes, which could cause harm to the National Park in terms for example of noise, visual impacts and traffic impacts. In fact, since they purchased the site the applicant has, until fairly recently, been using the site for the storage of waste in association with their business (this has now been removed).
62. It should also be noted that the two buildings referred to in the Certificate have now been demolished.
63. In 2021 an application to almost double the site area over and above that permitted by the Lawful Development Certificate and to erect a higher building than is currently proposed was refused on the grounds that the considerable expansion of the site would cause landscape harm to the area and would not represent a net benefit over and above what was permitted by the LDC.
64. This revised application seeks to address the previous reasons for refusal. The proposed site area is now limited to the area previously approved under the LDC. The remainder of the red-edged area (as amended) would not be included in the operational area of the site and would be given over to new soft landscaping.
65. The proportions of the building and the size of the parking area have been reduced. Previously the building was a single span building across the western boundary with dimensions of 30m x 15m and a height of 6m to the eaves. As amended the gable width



of the building would be nearly halved (to 8m). The taller section is reduced in length to 23m and its eaves height lowered from 6m to 5m. Officers have tried to negotiate a further reduction in height but the applicant feels that the proposed height is necessary for the proper operation of the business. Part of the building has also been reduced to single storey with an eaves height of 3m. The overall footprint of the building is reduced from 450 sqm to 312 sqm.

66. The main issue therefore is whether this amended scheme would represent a net benefit, in terms of its impacts on the landscape, over and above the potential impacts of the lawful use of the site as a scrapyards.

### **Impact on the landscape character of the area**

67. The site falls within the Limestone Plateau Pastures Landscape Character type within the Authority's Adopted Landscape Strategy. This is a rolling upland plateau area with a regular pattern of small to medium sized rectangular fields, and open views to surrounding higher ground. A Landscape and Visual Impact Assessment has not been submitted. Notwithstanding this, officers have viewed the site from nearby public vantage points and on balance have sufficient information to come to a view on the likely impacts of the proposals.
68. The application site is clearly visible set back off the main A515 Ashbourne to Buxton road. Prior to the 2021 planning application there was tree/shrub planting around the majority of the site which helped to screen it in views from the road but before that application was submitted, a number of trees along the south east boundary in particular were removed, which has opened up the site more.
69. The proposed building would also be clearly visible from the Tissington Trail to the north west. In this area the trail runs along a raised embankment and so there are extensive views available across the fields towards the site.
70. When viewed from the A515 and the Trail the building would cause some harm to the landscape character of the area because it would appear as an isolated modern shed, largely unrelated to other built development in the area. However, one mitigating factor is that when viewed from the trail, it would be seen against a distant backdrop of trees that line the A515 and also against the background of the buildings at Bank House Farm some distance to the east. At 5m to the eaves maximum the building would not be dissimilar in appearance to an agricultural building. The building would be completely plain on its western and northern elevations facing towards the trail and from there the building would screen the car parking area. On balance, when viewed from the trail the building is likely to be less harmful in the landscape than the lawful use of the site for the storing and processing of scrap both in terms of visual impacts and the potential for noise and impacts on the quiet enjoyment of the area.
71. When viewed from the A515 from the east, as well as the building, parked vehicles would also be visible from the road, certainly in the shorter term until planting is established. However by articulating the building somewhat into a higher and lower section, its bulk and outline would be broken up.
72. As submitted the plans did not show any firm boundary between the proposed operational area, which follows the footprint of the LDC and the landscaped area in the south east corner. This could have led to 'creep' of the development into the landscaped area. Amended plans have now been received showing a stone wall to demarcate a clear boundary between the two areas. This will ensure that the site is well contained in the landscape and no larger than that permitted by the LDC. The proposed landscaping scheme includes the planting of native boundary hedgerows and a number of specimen

trees to provide more immediate cover to the site. In the medium to longer term the proposed planting (together with the remaining existing trees) would screen the development effectively when viewed from the A515.

73. As submitted the elevations showed extensive glazing on the eastern and southern elevations of the single storey 'office' bay. This detailing would have been prominent in the landscape and would signal the commercial use of the site very clearly. Amended plans have now been received showing the amount of glazing substantially reduced. Three windows to serve a single room office space is considered sufficient. As amended the elevations now have a more simple, agricultural character that would not be wholly out of keeping with their surroundings.
74. Finally, the proposals are for the sheeting to the sides and roof of the building to be 'Merlin Grey'. Given the isolated location of the building and its setting within an arable landscape, we consider that a dark green colour would be more appropriate and would help to minimise the visual impact of the building better. This can be required by condition.
75. Taking all of the above into account, on balance this amended scheme is likely to represent a modest enhancement to the landscape in comparison to the impacts of the lawful use as a scrapyards of the scale and extent approved under the LDC. The storage and sorting of scrap metal, stone and second hand goods in piles up to 3m high would be particularly harmful on this open and prominent site, especially given that the trees that previously screened the site have been removed. Given that the current owner has been storing scrap on the site in recent times there appears to be a realistic prospect of this fall-back position being implemented.

### **Impact on Trees**

76. There are existing immature and young mature trees along the northern and western boundaries of the site as well as along both sides of the access track. A full tree survey has not been submitted with the application. However a topographical survey has been submitted which accurately plots all of the existing trees on the site. The Design and Access Statement explains that none of the existing (remaining) trees would be removed and the site plan shows that they should not be unduly affected by the development. The Authority's Landscape Architect has suggested that a tree management plan for the existing trees be submitted to ensure that the building does not become more exposed in the landscape. This is a reasonable request, especially given that some of the trees are ash and are suffering from ash die back. The plan will be required by condition.

### **Ecological Considerations**

77. A preliminary ecological appraisal has been submitted with the application. The report concludes that the grassland habitats on site and semi-improved grassland Priority Habitat immediately adjacent to the site (eastern bank of the Tissington Trail) have potential to provide a network of good grassland habitats and a management plan to develop species rich grassland would represent an enhancement. The site has negligible potential for roosting bats and low potential for foraging and commuting bats. No evidence of Badger was found. The site is sub-optimal terrestrial habitat for amphibians but a precautionary approach is recommended for any drystone wall rebuilding with respect to Great Crested Newts
78. The applicant has previously advised that he is willing to consider proposals to improve the grassland habitat in the fields in ownership to the west and south of the site. The Planning Officer's report on the previous application welcomed this as it could represent an ecological enhancement and biodiversity gain, but noted that no plans or details had

been provided to show the extent of this or how it would be achieved in practice. The report concluded that had the proposals been acceptable in all other respects this element of the scheme would have been required by condition. The agent has confirmed that the applicant is still willing to consider such improvements and would accept a planning condition to achieve this.

79. Such a condition is considered to be necessary and reasonable to secure the enhancement of the site in biodiversity terms in accordance with policy L2.

### **Environmental Management**

80. In response to Core Strategy policies CC1 and CC2, the following measures are proposed:

- Solar panels are to be installed on the south-facing roof slope of the office section. These would be an appropriate way of generating renewable energy on the site and subject to a condition with regard to their finish, they would be relatively unobtrusive.
- The Design and Access statement states that it is proposed to use ground source heat pumps to heat the building. The applicant owns the site and the adjacent fields, so there is space to install the pipework for the system. This will be covered by a planning condition requiring the submission of a scheme for environmental measures on land in the applicant's ownership and control.
- The building would be heavily insulated

81. These measures are proportionate to the scale of the development and would secure compliance with policy CC1.

### **Highways and Parking**

82. Access would continue to be via the existing walled track from the A515. Following the previous refusal of planning permission it is stated that the applicant has given more thought to the scale of the use and now advises that the level of vehicular activity is likely to be 4-6 employee cars a day and 1-2 LGVs (light goods vehicles) a week. Overall this is a higher level than that accepted in the LDC (10 vehicular movements a week) but it is not significantly more intensive. The Highway Authority has accepted that this modest increase in usage is acceptable in principle.

83. There is a very wide highway verge both to the north and south of the access bellmouth and the road is straight in both directions. Visibility is well in excess of requirement to the south. To the north the road falls and visibility is restricted by a dip beyond around 150 metres, but given the level of use in comparison with the use allowed by the LDC, the slight shortfall is considered to be acceptable.

84. As submitted no passing places were proposed along the access track. Following comments from the Highway Authority that the track is not of a suitable width for two vehicles to pass, which could lead to cars stopping on the A515, amended plans have now been received showing a passing place roughly halfway along the track. This would be contained within the flanking drystone walls and so would have minimal landscape impact and no impact on trees.

85. The Highway Authority also requested that the first 10m of the access track be widened to 5m to avoid a vehicle waiting on the main road if another vehicle is exiting from the site. The plans indicate that there is a 5.5m gap between the flanking walls to the access and so there is sufficient space for this to be achieved without demolition of the walls.

86. Six car parking spaces are proposed. The Authority's Parking Standards advise that there should be a minimum of one parking space per 40 sqm for office space (which would equate to three spaces for the proposed office bay) but provides no minimum for warehousing space. Overall a further three spaces to service the storage area is considered to be reasonable.

87. In conclusion, as amended the application now accords with policy DMT3.

### **Impacts on Amenity**

88. The site is in an isolated location. The nearest residential properties are Bank House Farm approximately 170m to the south east and Bank Top Barn some 160m to the south. Due to the intervening distances and relatively quiet nature of the business use proposed, there would no significant impact on residential amenity as a result of the development.

### **Conclusion**

89. In conclusion the development, in particular the large new building would cause some harm to the landscape character of the area. However if the site were brought back into active use as a scrapyards then there is the potential for further harm to the character of the landscape and to the tranquillity of the area by virtue of noise, dust and vehicle movements. On balance this amended scheme is likely to represent a modest benefit to the landscape in comparison to the impacts of the lawful use as a scrapyards of the scale and extent approved under the LDC. The approval of the proposed development would secure additional planting and give the Authority more control over the use of the site and its impact.

90. All other considerations have been adequately addressed and the application is recommended for conditional approval.

### **Human Rights**

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

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

Nil

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

Andrea Needham – Senior Planner - South