

7. FULL APPLICATION - PROPOSED REMOVAL OF EXISTING BUILDING AT WESTERN END OF SITE, AND REPLACEMENT WITH A WORKSHOP AND ANCILLARY OFFICE, INCLUDING THE ASSOCIATED CHANGE OF USE - LAND SOUTH OF CHURCH LANE, CHELMORTON – (NP/DDD/0322/0396, MN)

APPLICANT: MR MARK ALLEN

Summary

1. The application site is on the edge of the village of Chelmorton, and as such the proposals to establish a new business use here accord with adopted planning policy in principle.
2. Given the character of the site and its immediate surroundings the proposed development is concluded to conserve the character and appearance of the site, village, and wider landscape, and – subject to conditions to control the extent of use – would also conserve neighbouring amenity.
3. There are no further adverse impacts arising that would suggest planning permission should be refused.
4. The application is therefore recommended for conditional approval.

Site and Surroundings

5. The application site lies towards the northern end of Chelmorton village. It is accessed via a field gate off Church Lane, and lies a short distance east of Main Street.
6. The western end of the site is given over to two modern buildings of portal framed massing with sheet cladding and associated hardstandings, whilst the eastern part is a field, bounded by Church Lane to the north and east.
7. To the immediate west of the site lies a modern portal framed building that is industrial use, and just beyond this are the dwellings of Ivy House Farm and Ivy Barn, with Cliff Farm to the south of these. Several properties front Church Lane to the north of the site, with the closest being Church Lane House opposite the site entrance. South of the site lies a range of further modern agricultural buildings.
8. The site is within the Chelmorton Conservation Area.

Proposal

9. To demolish the southernmost existing building on the site, and to replace it with a new building for use as a workshop and ancillary office for an electrical and property development business.
10. As originally submitted, the development description referred to the existing building as a 'workshop' and made no reference to proposed office space in the replacement building. This has since been altered at the request of officers to reflect the existing and proposed uses of the buildings.

RECOMMENDATION

11. **That the application is APPROVED subject to the following conditions:**
 - 1) **3 year time limit**
 - 2) **In accordance with amended plans**

- 3) Use as a workshop and ancillary office only, and for no other purpose, including for any ancillary retail sales or public showroom.
- 4) Any use of the approved workshop (excluding office use) shall take place only between the hours of 8am to 6pm on Mondays to Fridays and 9am to 1pm on Saturdays, with no use permitted on Sundays or on Bank or Public Holidays
- 5) No outdoor storage of materials or equipment, other than the parking of commuter vehicles associated with the occupation of the building
- 6) Provision of solar panels prior to first occupation
- 7) Design details

Key Issues

12. The principle of establishing a new business in this location
13. The impacts of the development on the appearance of the built environment, landscape, and conservation area.
14. Impacts on neighbouring amenity.

Relevant Planning History

15. 2022 – Enforcement case opened in relation to alterations to existing building subject of the current application, and potential change of use of this building.
16. 1981 – Planning permission granted for agricultural building on the site adjacent to Church Lane. A condition requiring the removal of the building when no longer required for agriculture was not imposed.

Consultations

17. Derbyshire County Council - Highways – The proposal seeks the change of use/replacement of an existing agricultural building to be replaced by a workshop and ancillary office associated with the applicants electrical and property development businesses.

Whilst the site could still be used for agricultural purposes associated with the existing large agricultural building and pastureland, revised details suggest vehicle movements related to the workshop/office would typically be one to two vehicles arriving in the mornings and leaving in the evenings, therefore, whilst the proposal will likely result in a slight intensification in use of the existing vehicular access off Church Lane, any minor increase in traffic generation the proposal may generate is unlikely to lead to any severe safety issues associated with the access.

Accordingly, the Highway Authority has no objections to the proposal.

18. Derbyshire Dales District Council – No response at time of writing.
19. Parish Council – Chelmorton Parish Council notes that the current building is an eyesore and this proposal with its lower height will improve the situation. That said, it appears a large scale for single use with a potential for greatly increased traffic and on road visitor parking.

This site was one of those looked at during the last round of sorely needed affordable housing plots in the village and Council would prefer to see a development to keep younger generations in the village prioritised by planners.

20. PDNPA – Archaeology – I note that the proposed redevelopment is located on the footprint of currently extant modern structure, the proposed building is to be located on the site of an existing building. Based on this, the likelihood that the site retains belowground archaeological remains and that these will be affected by the proposed development is considered to be low. The site is located within the Chelmorton Conservation Area, and I suspect this will be the main heritage consideration.

Representations

21. Five representations have been received in relation to the application, all of which object to the proposals. The grounds for objection are summarised as:
- Concerns regarding the unauthorised works that have been carried out to the existing building, and the unauthorised change of use of this building
 - The business will not contribute to local employment
 - There is limited room for parking at the site
 - There are more appropriate sites for industrial development
 - The development does not meet a local need.
 - The development will result in additional traffic
 - The building would harm the appearance of the site and/or village

Main Policies

22. Core Strategy policies: GSP1, GSP2, GSP3, DS1, CC1, L1, E1
23. Development Management policies: DMC3, DMC8
24. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
- a. Conserve and enhance the natural beauty, wildlife and cultural heritage
 - b. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
25. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National planning policy framework

26. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered 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 Local Plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Local 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 Local Plan and more recent Government guidance in the NPPF.
27. Paragraph 176 of the NPPF 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.'

Local Plan

28. Core Strategy 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.
29. Core Strategy policy GSP2 states, amongst other things, that when development is permitted, a design will be sought that respects the character of the area.
30. Core Strategy 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.
31. Core Strategy policy DS1 details the development strategy for the National Park, and supports small-scale retail and business premises in particular settlements in principle. Chelmorton is listed as one such settlement.
32. Core Strategy policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
33. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
34. Policy E1 addresses development comprising proposals for business development in settlements named in policy DS1. It states that these must take account of the following principles:
 - A. New sites and buildings for business development will be permitted within or on the edge of the named settlements in policy DS1. Proposals must be of a scale that is consistent with the needs of the local population. Wherever possible, proposals must re-use existing traditional buildings of historic or vernacular merit or previously developed sites, and take up opportunities for enhancement. Where this is not possible, new buildings may be permitted.
 - B. Appropriate improvements to make existing employment sites more attractive to businesses will be welcomed.
 - C. Home working will be encouraged provided that it is at an appropriate scale.
 - D. The National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location. Where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.
35. Development Management Policy DMC3 requires development to be 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. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.

36. Development Management policy DMC8 states that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.

Assessment

Context and background

37. The 2021 applications for replacement of this building with a workshop of the same appearance as now proposed, as well as including replacement of the other building on the site with an open market dwelling, were refused – principally on design grounds. Whilst the reasons for refusal related to the appearance of the proposed dwelling, the officer report did also note that the proposed workshop would not result in enhancement of the site.
38. The policy context and the scope of the proposals was different in that instance however.
39. In terms of the policy context, the previous proposals were considered on the basis that adopted policy HC1 supports open market housing on an exception basis on sites within settlements that are in need of enhancement. This site was considered to be such a location, although it was ultimately concluded that the proposals would not achieve enhancement. No such enhancement test applies to new business development (as now proposed) within settlements proposed under policy E1 however; such development is instead subject to tests of conservation set out under other provisions of the Local Plan.
40. It is also significant that the previous proposal included the removal of the larger agricultural building positioned to the north of the building subject of the current application. This application does not, and the impacts of the development must be considered in the context that this building remains on the site.
41. It is also of note that the building proposed for replacement is likely to be un-authorized in its current form. Whilst an enforcement notice has not been served at this time, the Authority's enforcement team have taken the view that the footprint and general form are reflective of a building that has long stood at the site, but that the western section has been entirely re-built, and cladding and changes to openings have been made. It would be possible to reverse some of these works to return the building, in part, to its former and authorised appearance. As the western section appears to have been re-built and to be un-authorized however, we are of the view that the current proposals should be assessed on the basis that the building to be replaced comprises only the eastern part of the existing building, which looks like it could be returned to its former appearance to remove the breach of planning control.

Principle of the development

42. The lawful use of the site is currently for agriculture, and so there would be a change of use arising from conversion to business use as a workshop for an electrical and property development workshop with ancillary office space. Policy E1 supports proposals for new businesses in and on the edge of settlements named by policy DS1 in principle. In this case the site is on the edge of the named settlement of Chelmorton.
43. The policy seeks to steer new businesses to re-use existing traditional buildings where these are available. There are no traditional buildings on the application site, and in these circumstances policy E1 permits the erection of new buildings.
44. There is therefore no objection to the change of use or new building in principle.

Design and appearance

45. As set out in the Context and Background section of this report, above, the impacts of the development must be assessed in the context of the adjacent existing agricultural building – which would be retained.
46. It must also be assessed on the basis that the proposal is to replace an existing building, but one that only part of, the eastern half, is authorised. As such, the impacts of the proposed development have been compared only to those of the eastern part of the current building, in relation to changes to form, massing, design, landscape impacts and public visibility.
47. In regard to these impacts, the site is on the edge of the settlement and land to the immediate east gives way immediately to open fields that are characteristic of those surrounding the majority of Chelmorton.
48. The character of the landscape changes abruptly at the land around the application site however, owing to a relatively large grouping of large, modern sheds. In addition to the application building, there is the other aforementioned building on the site. This is taller and larger than both the existing and proposed new building at the site.
49. Immediately west of the application site, adjacent to the proposed building on the opposite side of the site boundary, is another large portal framed building – albeit set at a lower ground level to the application site.
50. The land to the immediate south and southeast of the site contains several further large portal framed buildings within only a few metres of the proposed building.
51. The proposed building would occupy a larger footprint than the building it would replace, and would be approximately 2m taller to the ridge. As such, it would be a more substantial building in terms of its massing, and would have increased landscape prominence as a result.
52. The impacts of this increased size would be mitigated to a large extent by surrounding development however. The large roadside building on the same site would serve to screen the building in some limited views from Church Lane to the north. Perhaps more significantly, the large size and roadside position of this other building would remain the most dominating, and incongruous, feature at the site in these views, with any additional visual impacts from the new building being slight in comparison, and also seen backed by further large, modern buildings behind it.
53. The other key views of the site are from Church Lane to the east, at longer distance, where the road winds south in to open countryside. The road here is elevated above the village with views down towards to it. The proposed building, as is the case with the existing one, is embedded within the group of portal framed buildings in these views, and the increased size would not have a significant further impact on the character of the landscape or conservation area.
54. Overall, and subject to conditions securing the colour of cladding materials, the development would conserve the appearance of the built environment and landscape at this location, and accord with the requirements of policies L1, DMC3 and DMC8 in these regards.

Amenity

55. The relationship of the building to neighbouring dwellings would be largely unchanged by the proposals.

56. The increase in height is most notable from an amenity perspective in terms of its relationship to the dwellings to the west of Ivy Barn, Ivy House Farm, and Cliff Farm. However, there are other portal framed buildings between each of these dwellings and the application building, and given this and the intervening distances it is concluded that the new, taller building would not appear either overbearing or oppressive from these properties.
57. The site has a lawful use for agriculture. There is no restriction on hours of operation or vehicle movements in relation to this use. Whilst it is not anticipated that the proposed use would give rise to significant further noise impacts than could be associated with the lawful use of the site, the provision of a purpose-built unit does have the potential to extend operating hours at the site, and to increase potentially noise-generating activity. It is therefore recommended that a condition to control operating hours be imposed if permission is granted.
58. Overall, and subject to the recommended condition, the development complies with policy DMC3 in regards to amenity.
59. It is important to note that whilst the application description relates only to the proposed building, the application site area identified on the submitted plans covers the entirety of the land in control at this location. In the event that the application is approved, in order to prevent inadvertently approving a change of use of the other building on the site or of other land in control, which would raise further policy and amenity considerations, a condition is recommended to limit the change of use to the building only, and to prevent external storage of materials or equipment on the site, other than parking of operatives commuting vehicles.

Highway considerations

60. The highway authority have advised that the intensification of use of the site is expected to be low and raise no objections. This is based on the applicants projected vehicle movements, which amount to either one or two commuters per day.
61. Officers are of the view that limiting parking of vehicles at the site to those occupying the premises, and preventing other use of the buildings, including any retail sales or public showrooms that might be argued to be ancillary or incidental to the applied for uses, would provide sufficient certainty that significant additional vehicle movements above this would not arise.
62. The size of building, predominantly given over to workshop space, would typically necessitate 4 parking spaces, which could be accommodated within the site.
63. Therefore, subject to any permission restricting the use of the building as specified, there are no objections to the proposals on grounds of highway safety or amenity.

Climate change mitigation

64. A sustainability statement has been provided outlining the measures carried out as part of the conversion works.
65. The measures involve installing solar panels to the southern roof slope, and the proposals also incorporate rooflights in to the northern roof slope, reducing reliance on artificial lighting.
66. Given the nature of development applied for, these measures are considered sufficient to meet the requirements of policy CC1.

Other matters

67. The Authority's Archaeologist has confirmed that given the current development of the site they consider that the development would be unlikely to give rise to any further archaeological impacts.
68. The proposed uses would fall within Classes B2 (Industrial, in the case of the workshop space) and E (Commercial, Business, and Service, in the case of the office space) of the Use Class Order. Class E in particular includes a broad range of commercial uses including shops, offices, cafes and restaurants, day nurseries, and indoor leisure facilities. If approved without constraint, further changes of use would be possible to any of these uses under permitted development rights. Given the proximity to neighbouring properties, the landscape sensitivities of the locality, and the minor nature of the highway network at this location it is recommended that any decision restricts the uses of the building to only those applied for, and for no other use.
69. Given the lack of agricultural business or activity currently operating at the site, in response to the recent (refused) applications at the site, and in response to the unauthorised works that have been carried out, some representations raise concern over the piecemeal development of the site. The Parish Council also point to the site as a potential site for future affordable housing. Officers recognise these concerns. However, it is the applicants prerogative to change his plans for the site from what has been applied for previously, and/or to apply to develop the parts of the site that he wishes to at any given time. Officers can only determine such applications in accordance with current policy and material considerations; we cannot reasonably anticipate or prejudice potential future applications in the determination of the current proposals. They have therefore been considered on their merits, as set out above.

Conclusion

70. The development complies with policy E1 in relation to the establishment of new businesses in settlements.
71. Subject to conditions the development would also conserve the character and appearance of the built environment and landscape and the amenity of nearby properties, according with planning policies GSP3, DMC3, and DMH8.
72. Other material considerations that would indicate planning permission should be granted for the development as a whole.
73. Accordingly, the application is recommended for approval subject to conditions.

Human Rights

74. None arising.

List of Background Papers (not previously published)

75. None

Report Author and Job Title

76. Mark Nuttall, Interim South Area Manager