

11. OUTLINE APPLICATION – RE-DEVELOPMENT OF INDUSTRIAL SITE TO RESIDENTIAL USES; ALTERATIONS TO INDUSTRIAL BUILDING TO FORM A DWELLING, ERECTION OF WORKSHOP/BOILER HOUSE, ALTERATIONS TO/CONVERSION OF WATER TANK TO ANCILLARY ACCOMMODATION AND ERECTION OF SOLAR PANEL ARRAY AT STONE PIT YARD, CRESSBROOK (NP/DDD/0515/0460, P.6809, 416885 / 373131, 10/09/2015/AM)

APPLICANT: GARDEN STREET LTD

Site and Surroundings

The application site comprises the base of a former shallow quarry located between the steep wooded valleys of Cressbrook Dale and the River Wye which converge to the south east. The lower slopes of the valley are occupied by terraces of mill cottages to house the workers of Cressbrook Mill. The application site is approximately 50m to the west of the highest of these terraces known as Top Cottages. The application site is outside but adjacent to the designated Cressbrook and Ravensdale Conservation Area.

The western boundary of the application site has a frontage onto Bottomhill Road which turns sharply east some 20 metres south of the application site to drop steeply towards Cressbrook and the valley bottom. The road is narrow and without footways in the vicinity of the application site. Some 100m to the further to the north is a small isolated group of buildings comprising St. John's Church and a cottage.

The former quarry benefits from planning permission granted in 1994 for light industrial and storage uses (Use Classes B1 and B8). Two of the industrial units approved in 1994 have been erected which back onto the northern boundary of the site which is also the former quarry face. Two concrete open fronted aggregate stores and two concrete water stores are also positioned on the site.

Proposal

This application seeks outline planning permission for the re-development of the site to create a single dwelling house through converting and altering the existing industrial building on site. The application also proposes to erect a new building to be used as a domestic workshop and to house a boiler for the house as well as the conversion of one of the water tanks to create ancillary accommodation and the erection of a solar panel array. The proposed solar array would be sited along the northern boundary of the site.

The application is for outline permission with some matters reserved for later approval. The application does seek approval for access, landscaping, layout and scale of the development but reserves details of the appearance of the development. If permission is granted in outline then a further planning application would be required for approval of the appearance of the development.

The plans show that the existing industrial building would be converted to create a two storey detached dwelling with three bedrooms at first floor and living accommodation at ground floor. The submitted elevations show that the ridge height of the industrial building would be increased to facilitate the provision of accommodation over two floors while part of the roof would be lowered and provided with a sedum roof with cladding for the upper roof and parts of the upper walls.

The underground reservoir would be converted to create three or four habitable rooms but the precise function of these is not specified. The proposed workshop and boiler room would be to the front of the site and dug into the earth bund under a sedum roof. The boiler room would house a biomass boiler with backup diesel generator.

Access to the site would use the existing opening onto Bottomhill Road with three spaces for guest parking adjacent to the access and space for a further six vehicles to the east of the house access by a driveway along the northern boundary.

The submitted landscaping plan shows that the domestic curtilage of the house would be effectively limited to within the former quarried area. Parking and turning areas around the house would be surfaced with limestone chippings with a strip of macadam and stone setts along the access. New drystone walls are proposed along the access and to form the boundaries for the proposed parking and turning areas. The area to the south of the house is proposed to be grassed and new estate railings are proposed above the southern edge of the quarry to create a boundary to the adjacent field. An orchard and an area of mixed woodland is proposed to the east of the dwelling consisting of native broadleaf trees. New hedge planting is also proposed behind the boundary walls adjacent to the access.

RECOMMENDATION:

That the application be REFUSED for the following reason:

- 1. The application site is located in the open countryside within the National Park. The Authority's Core Strategy takes forward the policy approach that it is not appropriate to permit new housing simply in response to the significant market demand to live in its sought after environment. In common with the National Planning Policy Framework, the Authority's policies therefore do not make provision for housing other than in exceptional circumstances which in the open countryside would be where housing provides for key rural workers or where housing is required to achieve conservation or enhancement of valued vernacular or listed buildings.**

The benefits of the proposed re-development of the application site will be limited because the proposed development would facilitate the conversion and retention a substantial existing modern industrial building on an isolated site and therefore the proposed development would continue to be read as an isolated and incongruous feature which would not reflect, respect or enhance the valued characteristics of the National Park. The benefits of the proposed development therefore would not outweigh the strong presumption against the creation of new housing in unsustainable locations within the National Park in the development plan or the National Planning Policy Framework.

Therefore it is considered that any approval of the proposed development would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to Core Strategy policies GSP1, GSP2, GSP3, DS1, L1, L3, CC1 and HC1 and saved Local Plan policies LC4, LC5, LH1 and LH2 and the National Planning Policy Framework.

Key Issues

- Whether the proposed development is acceptable in principle.
- The design and scale of the proposed development and the impact upon the scenic beauty of the landscape and the significance of the adjacent Cressbrook and Ravensdale Conservation Area.

Relevant Planning History

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

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

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

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

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

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

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

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

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

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

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

Consultations

Highway Authority – No objection subject to conditions to secure details of construction site compound and parking, access, parking and turning and bin storage for the dwelling.

District Council – No response to date.

Parish Council – The Parish Council resolved to support the application provided that:

- The site does not become developed in any way other than in the original planning application.
- That there be no further residential development of the site.
- That the needs of local residents be borne in mind and any disruption minimised.
- That any business activities from the site be limited to a home working office only and no other business be permitted.

The Council also say that while it supports the application it would be concerned to see a more detailed application being submitted at a later date which deviates from the current planning application.

Natural England – Make the following comments:

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Cressbrook Dale Site of Special Scientific Interest (SSSI) and Derbyshire Dales National Nature Reserve (NNR) and the Wye Valley SSSI which form part of the wider Peak District Dales Special Area of Conservation (SAC) which is a European site.

In considering the European site interest, Natural England advises that as a competent authority under the provisions of the Habitats Regulations, the National Park Authority should have regard for any potential impacts that the proposed development may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment: Details on the sustainable disposal of both foul and surface water.

This application is in close proximity to Cressbrook Dale SSSI and the Wye Valley SSSI Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Natural England advises that a condition is attached to any planning permission for this proposal which should require details on the sustainable disposal of both foul and surface water to be submitted prior to any development works to ensure that sufficient provision is taken to protect water quality of the watercourses close to this site. These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Cressbrook Dale SSSI and the Wye Valley SSSI are notified.

Natural England refers the Authority to advice from its own experts in regard to landscape impact and to standing advice in regard to protected species and the scope to incorporate biodiversity enhancements into the development.

PDNPA Cultural Heritage: Makes the following comment:

The Authority's Conservation Officer has no objection in principle to the establishment of a house on this site because despite the fact that the site is elevated, the extraction of stone in the past means that the interior of the site lies low and is perceived as something clearly distinct from the surrounding countryside. This, coupled with the sharp fall of the land to the south, means that a discreet development could in principle be accommodated without harm. A discreet appearance is required both in the interests of preserving the character of the countryside, and of preserving the setting of the adjacent conservation area.

However, the proposal as submitted perpetuates the worst feature of the site, which is the existing building. This is a poor quality construction, incomplete and of semi-permanent nature, built in the 1990s. It is wholly without merit and unworthy of retention, and the application as submitted envisages total reconstruction of the roof. In some respects the present proposals

make the building worse, as the proposed fenestration increases its prominence and apparent scale, and the conversion scheme would also make it a little higher than at present.

Exceptional design should be required on an exceptional site to justify an isolated dwelling in the countryside. Something low-lying that fuses with the terrain, e.g. single storey and earth-sheltered building, would seem to be an appropriate response to a site like this, allowing creativity and ingenuity without impinging on the setting of the conservation area or the countryside. Special attention should also be paid to the entrance off the road, in order to restore and maintain the rural character of the area. Overtly domestic detailing should be avoided.

PDNPA Landscape: Makes the following comment:

The photos submitted with the application are not hugely informative, but it is accepted that while the proposed development would be visible from the south it is not likely to be highly visually intrusive in views.

Whilst it is recognised that the application is outline, the landscape plan submitted with the application is not considered to meet the requirements of Policy LC4 and the landscape strategy. To meet these objectives a revised landscape plan should be submitted as part of any subsequent full / reserved matters application. This should include maintenance and management of planting, details of the proposed green roof, amendments to planting mix and numbers along with further details of the proposed access, hardstanding and grassed areas.

A tree survey to BS 5837 would also be expected including proposals for tree retention and protection to be required for submission with any full / reserved matters application as retention of existing trees will be an issue for landscape character and visual integration of the scheme.

Subject to the applicant suitably addressing the above issues in any subsequent reserved matters or full application, as the site is a semi-derelict quarry / industrial area, the proposal is not considered to conflict with Policy L1 (A) in that it offers potential enhancement opportunities to landscape character and also for the setting of the adjacent Conservation Area.

Representations

Four representations have been received to date, one letter objects to the application, two letters support the application and one makes general comments. The comments made are summarised below, the letters can be read in full on the Authority's website.

Support

- The re-development of this long-vacant brownfield land and the use of features such as green roofs and renewable energy is welcomed.
- One letter supports the proposal to convert the building to a house and says that this option is preferred to the suggested alternative development for social housing.

Object

- Disappointed that an application for one large expensive house is being considered when the need for social housing is pressing. This site could accommodate four to six affordable homes which would go some way to helping to address the local housing crisis.

General Comment

- Concern that the land between the proposed house and Top Cottages which is currently used for grazing may be developed in a way which could affect natural light and views to those properties.
- One letter asks questions about the nature of the light industrial use on the site and does not make comment on the proposed development.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC1, E2 and HC1

Relevant Local Plan policies: LC3, LC4, LC5, LC17, LH1, LH2, LT11 and LT18.

Development Plan

Policies HC1, LH1 and LH2 set out the Authority's approach to new housing in the National Park; GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development; GSP2 supports development that would enhance the valued characteristics of the National Park; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.

E2 is relevant for businesses located in the countryside. E2 says that businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads and in groups of buildings in sustainable locations. Proposals for estate or farm diversification will also be acceptable in principle. Proposals for business use in an isolated existing or new building in the countryside will not be permitted.

L1, L2, L3 and LC17 seek to ensure that all development conserves and where possible enhances the landscape character (as identified in the Landscape Strategy and Action Plan), biodiversity and cultural heritage of the National Park. LT11 and LT18 set out the requirement for adequate parking and safe access as a pre-requisite for any development within the National Park.

The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.

Of particular note is the fact that at paragraph 55 the Framework says that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting, for example, which are essentially the same criteria that are set out in HC1 (C) I.

The fact that the site is within the National Park is an important because the Framework maintains within paragraphs 115, 132, 133 and 134 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage within our National Parks.

Therefore it is considered that policies within the development plan are up-to-date and in accordance with the more recently published National Planning Policy Framework and therefore should be afforded full weight in the determination of this planning application.

Assessment

Principle

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

There is no evidence within the submitted application which demonstrates that the proposed dwelling is intended to meet any functional need or any eligible local need for affordable housing. It is therefore considered that the proposed house is intended to meet general demand rather than an established local need or to house a worker to meet the essential functional need of a rural enterprise.

Therefore, the special circumstances in which planning permission could be granted are set out in policy HC1(C) I. HC1 (C) II does not apply in this case because the application site is not in a settlement listed in policy DS1.

HC1 (C) says in accordance with policies GSP1 and GSP2 that, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where (I) it is required in order to achieve conservation and / or enhancement of valued vernacular or listed buildings.

The supporting text to policy HC1(C) says that occasionally new housing (whether newly built or from the re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building or listed building) where conservation and enhancement of the building could only be reasonably achieved by the impetus provided by open market values.

The application site is a former quarry which has an extant planning permission for the erection of four units for use as either light industrial uses (within use class B1) or for storage and distribution (within use class B8). The development of the site has not been completed and while two of the industrial units on site have been built the site has not been occupied for the approved uses and is currently vacant.

The completed industrial building is a modern industrial unit which does not possess any architectural or historic merit. There are no other vernacular or listed buildings on the application site or evidence that the development is required to achieve the conservation or enhancement of any other valued vernacular or listed building. It is therefore considered clear in this case that the principle of the proposed development is in conflict with policies DS1 and HC1.

Impacts and benefits of proposed development

The submitted application is supported by a design and access statement which while accepting that the application site lies outside of any named settlement makes the case that there are other site specific considerations which mean that the Authority should approve the proposed development as an exception to its normal housing policies to achieve enhancement of the site and the surrounding area. The statement also makes the case that there is support for the principle of the proposed development within paragraph 55 of the National Planning Policy Framework (the Framework).

Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and

that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Those special circumstances include where the dwelling would be for a rural worker (for example an agricultural workers dwelling), would represent the optimal use of a heritage asset, would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or where a truly outstanding and innovative design of exceptional quality is proposed.

Importantly, however, no single paragraph of the Framework should be read in isolation and the impacts and acceptability of any housing proposal within the National Park must also be considered in the context of the need to give great weight to the conservation of the National Park's landscapes, biodiversity and cultural heritage. Taken as a whole it is considered that the Authority's approach to new housing within the National Park strikes the right balance and is up-to-date and in accordance with the Framework. The Authority has been consistently supported on this point by the Planning Inspectorate at appeal.

Policy GSP1 makes clear that all policies which make up the Authority's development plan must be read in combination including GSP2 which generally seeks enhancement of the valued characteristics of the National Park. Therefore opportunities to enhance the National Park must also be in accordance with the HC1 which generally seeks to ensure that housing development within the National Park is located in sustainable locations unless there are exceptional circumstances. Full weight should therefore be given to relevant policies in the development plan when taking a decision on this planning application. The conclusion that the proposal would not be in accordance with DS1 and HC1 must weigh against the proposal.

Officers do accept that the existing industrial site is not well located either in terms of the likely functional requirements of potential businesses which would occupy the site or in terms of highway safety. The site is in an isolated location which would not normally be considered acceptable under policy E2 for the creation of a new business use and is not served by good road links or public transport. The highways leading to and from the site in both directions are narrow and vehicles exiting to the south would need to pass through Cressbrook. Furthermore despite being located in the former quarry, the existing building on site (along with activity if the site was in active use) is prominent from the adjacent roadside and from more distant vantage points from access land looking north across the site towards Litton.

Therefore Officers do accept that a proposal to re-develop the site could offer the potential to enhance the built development, biodiversity and landscaping of the site itself but also to significantly reduce vehicle movements to and from the site along the local narrow road network.

This proposal seeks permission for the retention and conversion of the existing industrial building on the site along with other ancillary development to create the proposed dwelling. The application is in outline but the only reserved matter relates to the appearance of the proposed development. Plans showing the general appearance, scale and layout of the development have been submitted.

It is considered that the proposed approach of retaining and altering the existing industrial building would not offer very significant enhancement to the built environment of landscape of the site or its setting. It is considered that the proposal would perpetuates the worst feature of the site, which is the existing building – a modern industrial building which while a relatively simple and utilitarian design is not of exceptional quality and does not possess any architectural or historic merit.

The proposed alterations to the building would potentially result in a more obtrusive design by introducing a higher overall ridge height and lower pitched element. The proposed domestic fenestration in such a substantial building would also potentially increase the prominence and apparent scale of the building where viewed from nearby vantage points. The opportunity would also not be taken to remove a building which currently does 'sky-line' above the valley edge where viewed from the access land to the south.

Though the altered building would be concealed to some extent by the former quarry the completed house would nevertheless appear as a sporadic isolated housing which does not reflect or complement either built development within Cressbrook, the local building tradition or outstanding contemporary design of an exceptional quality. The house would bear no relationship to the character and form of the village and its impact would be wholly upon the appearance of the open countryside in which the dwelling would be viewed as isolated and intrusive.

In coming to this conclusion Officers have taken into account that converting the existing building may reduce the carbon footprint of the development as a whole, but this is not considered to be a factor which would justify development which would be contrary to the Authority's development plan. The environmental performance of any buildings erected as part of the re-development of this site would rest heavily upon the design approach and it may be that a well-designed new building would offer comparable or potentially greater potential to reducing carbon emissions.

The appearance of the proposed development is reserved to be approved later, however given that the proposal is for the alteration of the existing industrial building and that the scale and layout of the development is not reserved it is considered that any changes to the appearance of the building itself would effectively represent minor variations to the fenestration and cladding of the roof and walls of the building which would not make the proposals acceptable.

It is therefore considered that the potential benefits of the proposed development would not outweigh the presumption against the development of this site to create a market house and that the proposed alteration and conversion of the existing building would actually perpetuate the impact of a building which does not have a positive relationship to the surrounding area or landscape. It is therefore considered the proposed development is contrary to Core Strategy policies DS1, HC1 and CC1 and saved Local Plan policies LC4, LH1 and LH2. Approval of the proposed dwelling would therefore represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to the framework.

Other Issues

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect the interest and features of these sites. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). The application site is in close proximity to the Cressbrook Dale Site of Special Scientific Interest (SSSI) and Derbyshire Dales National Nature Reserve (NNR) and the Wye Valley SSSI which form part of the wider Peak District Dales Special Area of Conservation (SAC) which is a European site.

Officers agree with advice from Natural England that the proposed development is not necessary for the management of the European Site. In this case it is considered that subject to the imposition of planning conditions to secure appropriate surface and foul drainage that the proposed development would not have any significant impact upon the European site or any other nature conservation interests. In coming to this conclusion Officers have taken into account that the proposed dwelling would potentially have less impact compared to the existing lawful industrial use of the site. Officers also agree with Natural England that the development would not have an adverse impact upon the nearby Sites of Special Scientific Interest.

The proposed development would be served by ample off-street parking and would utilise the existing access. The proposed house would generate considerably fewer vehicle movements than the lawful use of the site and therefore Officers agree with the Highway Authority that the development would not harm highway safety or the amenity of road users.

Given the distance between the application site and the nearest neighbouring properties it is not considered that the development would have any harmful impact upon the privacy, security or amenity of any neighbouring property or land use.

Conclusion

The proposed development is in principle contrary to Core Strategy policies DS1, HC1 and CC1 and Local Plan policies LH1 and LH2 because the proposal is for the creation of an open market dwelling which would not conserve or enhance a valued vernacular or listed building.

It is considered that the potential benefits of the development would be limited because the proposed development would facilitate the conversion and retention a substantial existing modern industrial building on an isolated site and therefore the proposed development would continue to be read as an isolated and incongruous feature which would not reflect or respect the valued characteristics of the National Park. The benefits of the proposed development therefore would not outweigh the strong presumption against the creation of new housing in unsustainable locations within the National Park in local and national planning policy.

It is therefore considered that any approval of the proposed dwelling would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to the framework.

The erection of the proposed dwelling would not have any significant impact upon the residential amenity of any neighbouring property or adversely affect highway safety. The proposal would not raise any additional issues in terms of potential impact upon any nature conservation interests. However, these issues do not add any significant weight either for or against the proposal and do not otherwise overcome the more fundamental concerns that the creation of the proposed open market dwelling would not meet the requirements of a range of policies within the Development Plan.

The proposal is therefore considered to be contrary to the development plan. In the absence of any further material considerations the application is accordingly recommended for refusal.

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