

1. **OUTLINE PLANNING APPLICATION APPLICATION – REDEVELOPMENT OF BUSINESS PARK TO CREATE HERITAGE CENTRE WITH CAFÉ/COMMUNITY FACILITY, CRAFT/WORK UNITS, CRAFT SHOP WITH ASSOCIATED RETAILING, TOURIST ACCOMMODATION WITH UNDERGROUND PARKING AND TWO TIED WORKER OCCUPATION UNITS, ROCKMILL BUSINESS PARK, THE DALE, STONEY MIDDLETON (NP/DDD/0811/0774, P.3289, 07/09/2011, 422427 375647/KW)**

#### **Purpose of the report**

1. This report relates to a planning application which has been referred to the Authority meeting for determination by the Planning Committee, on the basis that it has resolved to grant the application but the proposal if approved would be an exception to planning policies.

#### **2. Recommendations**

**That the Authority be recommended to APPROVE the application as an exception to policy, subject to prior entry into a S106 agreement regarding community benefits, Highway works and control of occupancy of the managers dwellings and subject to the following conditions:**

- 1 **Agree mill style option with fourth floor in roof space with maximum height of 15.3m**
- 2 **Maximum building footprint to be 40m x 16m**
- 3 **Cafe opening hours to be 8.00am to 10.00pm**
- 4 **Retail sales to be ancillary to heritage centre and craft shop and limited to goods produced on the site**
- 5 **Craft work B1 use only**
- 6 **Heritage Centre and Café available for D2 community use**
- 7 **28 day occupancy restriction on holiday units**
- 8 **Environment Agency conditions**
- 9 **Development in accordance with flood risk assessment and mitigation**
- 10 **Adopt ecological survey and mitigation measures**
- 11 **Highways conditions**
- 12 **Ground contamination recommendations**

#### **How does this contribute to our policies and legal obligations?**

3. This planning application, if granted, could contribute to the achievement of the following corporate objectives :
  5. Work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purpose
  9. Support the development of a coherent and successful Peak District tourism sector which takes account of the needs of the environment, local residents, local businesses and visitors.

## **Background**

4. The report to the Planning Committee held on the 10<sup>th</sup> February 2012 is attached as Appendix 1. This explains in detail the proposal, policy background and the officer recommendation which was to refuse the application.
5. This application is a significant proposal seeking outline consent in principle for a major redevelopment of the Rockmill Business Park. The proposal is seeking approval for details of access and layout only, with other matters (appearance, and landscaping) reserved for subsequent approval.
6. Planning Committee members were minded to approve the application as they felt the proposal would provide jobs, community facilities and tourist accommodation. Furthermore, as part of their assessment of the policy implications members were not satisfied that the site is outside the village and considered, therefore, there is no policy objection on that basis.

## **Proposals**

7. It is important to understand the policy background and if the Planning Committee's resolution can be considered as a justifiable exception to planning policies. This report therefore sets out a summary of the officer analysis of policy issues in the report to Planning Committee and the basis of the Committee's resolution to override this advice.

### **A ) Officer policy assessment in the report to Planning Committee**

8. The Core Strategy provides the main overarching policy reference. The other relevant national and local policies are referred to in the Planning Committee report attached as appendix 1. Essentially these support the policies in the Core Strategy. The emerging National Planning Performance Framework is due to be confirmed by the government in the period between writing this report and the Committee meeting. A verbal update will be given in relation to this situation at the meeting. At this stage it is considered unlikely that the NPPF, as confirmed, will alter this recommendation.
9. The officer recommendation to Planning Committee was based on a judgement that the site is outside the village of Stoney Middleton and, in planning policy terms, is considered to be in open countryside, where there is a presumption against this scale and type of development.
10. Policy DS1 in the Core Strategy relates to the overall development strategy for the park and seeks to promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park. It refers to the forms of development that will be acceptable in principle in all settlements and in the countryside outside the Natural Zone. In named settlements, such as Stoney Middleton, there is additional scope to maintain and improve the sustainability of communities across the National Park. In or on the edge of these settlements new-build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises.
11. A further relevant policy in the Core Strategy is Policy E1 which relates to business development in towns and villages and states, amongst other things, that new sites and buildings for business development will be allowed within or on the edge of 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 and vernacular merit or previously developed sites, and take up opportunities for enhancement. Where this is not possible, new buildings may

be permitted. Appropriate improvement to make existing employment sites more attractive to businesses will be welcomed.

12. Policy RT1B in the Core Strategy states that new provision for recreation, environmental education and interpretation must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary. Policy RT2 C states that new build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
13. In respect of the provision of occupational dwellings in the open countryside Core Strategy policy HC2 states these must be justified by functional and financial test and tied to the rural enterprise for which it is declared to be needed.
14. It is the officer view that the Rockmill Business Park is situated outside the village confines. This view is based on the fact that the site is separated from the village by a large section- of undeveloped land and that the nearest property on this side of The Dale is 'Rock View' 310m to the east. On the other side of the road the nearest development is approximately 117 metres. There is therefore, a loose ribbon of development containing significant gaps, stretching westwards out of Stoney Middleton and the application site is at the extremity of this. This is an officer judgement as the Authority's Local Plan does not draw specific boundaries around villages
15. Furthermore, there are concerns that the proposal is of a scale which represents an unacceptable intrusion into the landscape. It involves the replacement of the existing buildings which have a total internal floor area of around 517m<sup>2</sup> with a significantly larger new building which has accommodation on four floors, and new internal floor space of around 2116m<sup>2</sup>.
16. The proposal is clearly contrary to policy RT2 C as it involves new build holiday accommodation.
17. Officers considered further that in terms of Core Strategy policy HC2 whilst, the applicants have stated that the occupational dwellings are required to manage the enterprise, there are no accompanying detailed functional or financial appraisals to support the need for two dwellings.
18. Concerns about the access have been overcome following the submission of further information and reassessment by Derbyshire County Council Highways.

#### **b) Planning Committee resolution and analysis of policy issues**

19. The Committee considered that the proposal has significant merit as it would provide jobs, community facilities and tourist accommodation desired by the village. The Committee felt that the concerns regarding the landscape impact are mitigated by the location of the site on the floor of a steep valley such that it is not readily visible in open countryside. The prevailing judgement was that it could be considered as on the edge of the village and should not be considered in policy terms as if it is in open countryside.
20. In terms of jobs the applicant estimates the proposal will provide between 20 and 30 local jobs in the Heritage Centre, café, shop and accommodation facility. It is stated that the Heritage Centre will celebrate the industrial role of the village and its folklore. It will provide a viable tourist attraction attracting significant visitor numbers both to stay in the proposed accommodation and as daily visitors.

21. The café/heritage area will be able to be used for community use both day and evening for group functions.
22. The Committee's assessment that the site is on the edge of the village is based on the evidence there is other built development within the proximity of the site which is a part of the established built form of the village, consisting of ribbon development stretching along the A623. The Committee considered any landscape harm is, therefore, effectively mitigated particularly as the site is not prominent in the landscape due to its position on the steep valley floor.
23. It is the officer view that there are policy objections in terms of Core Strategy policies RT2 which does not allow large scale new build holiday accommodation and HC2 which requires a demonstration of a functional need for the occupational dwellings. Planning Committee considered that in view of the merits of the scheme the proposal should be approved as an exception to policy
24. It should be noted that the report in appendix 1 does not indicate any overriding local objections to the proposal. It summarises consultations and representations of support. Furthermore, there are no significant objections from technical consultees.
25. The Committee did not accept the officers concerns regarding the scale of the proposal being incongruous with the traditional vernacular style in the park. The Committee was concerned to ensure that, of the two design options presented, it was necessary to require by condition that the building should be the mill style option with fourth floor in the roof space with a maximum height of 15.3m. This is the lower height option. Furthermore, the Committee agreed to leave the decision on the café opening hours to be determined at the Authority meeting. In this respect it is recommended that the hours be 8.00am to 10.00pm to allow it to function essentially as a café, servicing the development. Longer hours into the evening would effectively entail the use of the premises as an evening restaurant which is not what is being applied for and could raise issues around parking provision, traffic safety and impact on residential amenities.

### **Conclusion**

26. It is considered that the Planning Committee resolution has legitimacy in planning terms for the following reasons.
27. In terms of planning policies, there is a judgement to be made on whether the site is classed as within the village and if it has an overall detrimental landscape impact. The built form of the village does extend in a loose ribbon along the A623 which offers a number of interpretations regarding the logical extent of the village. It is considered that, despite the officer view that the site is outside the village the Planning Committee's view could be supported that the landscape impact is mitigated by surrounding development and the proposal can be considered as an exception to policy for the reasons specified below.
28. Although officers have reservations about the scale and design of the proposed buildings this is a judgement which can be challenged. Furthermore, there is an element of enhancement of the appearance of the site by replacement of utilitarian non traditional buildings with buildings of a higher standard of design. In this respect, therefore there is scope to conclude that there are no overall design objections.
29. The remaining clear main policy contraventions relate to Core Strategy policies RT2C which does not allow new build holiday accommodation and HC2 which allows occupational dwellings only in cases when a functional need has been explicitly

proven. However, it is possible to conclude that due to the benefits in terms of provision of jobs, community facilities and tourist accommodation this development should be granted as an exception to policy. Furthermore, there is a case to conclude that whilst the proposal is contrary to these policies it does not conflict with national park purposes as there is no overriding landscape harm and, therefore, as an overview is acceptable as an exception to policies.

**Are there any corporate implications members should be concerned about?**

30. **Financial:**

There are no financial risks.

31. **Risk Management:**

32. **Sustainability:**

The proposal requires flood protection and ecological safeguards. Detailed proposals will allow the incorporation of specific environmental management measures

33. **Background papers (not previously published) - None**

**Appendices**

Report to Planning Committee 10 February 2012

**Report Author, Job Title and Publication Date**

R J Bryan, Head of the Planning Service, 22 March 2012