

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 14th January 2019

Application No:	HPK/2018/0501	
Location	Lime Tree Park, Dukes Drive, Buxton	
Proposal	Change of use of land for extension to existing camp site to include the siting of 21 static caravans	
Applicant	Mr R Hilderley	
Agent	Mr C Timothy, CT Planning	
Parish/ward	Cote Heath Ward	Date registered 05 October 2018
If you have a question about this report please contact: Mark Ollerenshaw, Mark.Ollerenshaw@highpeak.gov.uk 01538 395400 ext. 4921		

REFERRAL

The application has been referred to committee as it is a major development.

1. SUMMARY OF RECOMMENDATION

APPROVE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site comprises a roughly square shaped field which in area extends to 1.88 hectares and is located to the east of Lime Tree Holiday Park. The site slopes upwards from north to south and is bounded by a combination of drystone walls and fencing.

2.2 A public right of way runs through the site: HP18/1/1 connecting Dukes Drive to Staden Lane.

2.3 The site is outside the built up area boundary of Buxton within land designated in the Local Plan as Open Countryside and the Landscape Character Area is Plateau Pastures. Ashwood Dale is located immediately to the north of the site and is subject to a number of designations, including Ancient Woodland, Tree Preservation Order, Local Wildlife Site and Regionally Important Geological Site.

3. DESCRIPTION OF THE PROPOSAL

3.1 Full planning permission is sought for a change of use of the land to a camping and caravan site as an extension to the existing camping and caravan site at Lime Tree Park together with associated engineering works.

3.2 Planning permission was granted in October 2017 (Ref. HPK/2017/0367) for an extension of the existing camping and caravan site to provide 21 no. touring caravan pitches and camping areas. The current application proposes that the 21 no. caravans be static. i.e. be available as self catering accommodation 365 days per year. As with the previous scheme, the surrounding land will be available as additional pitches for tents.

3.3 Parts of the site would be excavated to create level areas. The newly created terraced banks would be planted with native trees. Existing boundaries around the site would be retained. The application indicates the locations of the proposed static caravans on ground reinforced mesh. Each caravan pitch would benefit from a below ground surface grey water tank. Grassed areas for camping pitches are provided to the north, east and south of the site. A 20 metre buffer zone is proposed at the north end of the site which would be planted with locally native trees and shrubs to match the existing woodland.

3.4 A circular access road would be created through the site and this would partly follow the line of the existing public right of way. The road would cross diagonally across the field, looping back to a lower terrace and exiting the field through a new gateway.

3.5 The application, the details attached to it, including the plans, comments made by residents and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=227950>

4. RELEVANT PLANNING HISTORY

4.1 The following is a summary of previous planning applications relating to the site.

HPK/2017/0367 – Change of use of land for extension to existing camp site – Approved 31/10/2017.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=217331>

HPK/0003/6049 – Conversion of part of existing wardens dwelling into holiday flat – Approved 06/06/1997.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=27985>

HPK/0003/5866 – Extensions to existing toilet block – Approved 17/12/1996.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=27619>

HPK/0003/4914 – Increase touring site from 30 to 64; erection of one new toilet block and implement store. Extend season to 11 months – Refused on 07/11/1995 but allowed on appeal.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=25715>

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

S1 – Sustainable Development Principles
S1a – Presumption in Favour of Sustainable Development
S2 – Settlement Hierarchy
S4 – Maintaining and Enhancing an Economic Base
S7 – Buxton sub area strategy
EQ1 – Climate Change
EQ2 – Landscape Character
EQ3 – Rural Development
EQ5 – Biodiversity
EQ6 – Design and Place Making
EQ8 – Green Infrastructure
EQ9 – Trees, Woodland and Hedgerows
EQ10 – Pollution Control and Unstable Land
EQ11 – Flood Risk Management
E6 – Promoting Peak District Tourism and Culture
E7 – Chalet Accommodation, Caravan and Camp Site Developments
CF6 – Accessibility and Transport

National Planning Policy Framework

Para 14 Presumption in Favour of Sustainable Development
Para 17 Core Planning Principles
Section 1 Building a Strong, Competitive Economy
Section 3 Supporting a prosperous rural economy
Section 4 Promoting Sustainable Transport
Section 7 Requiring Good Design
Section 10 - Meeting the challenge of climate change, flooding & coastal change
Section 11 - Conserving and enhancing the natural environment

6. CONSULTATIONS CARRIED OUT

End of Consultation Period

15 November 2018

Neighbours

No representations have been received.

Consultations

Consultee	Comment	Officer response
King Sterndale Parish Council	No comments received.	
Highway Authority	<p>Refer to previous response dated 24 August 2017 relating to similar proposals Ref. HPK/2017/0367, which was subsequently approved.</p> <p>The revised layout is noted and advise that the highway comments remain as previously stated and are repeated below for avoidance of doubt:</p> <p>On the basis that the proposed additional camp site area is ancillary to existing operations this Authority would not wish to raise objections. Please advise the applicant that a public right of way runs through the area and pedestrians using this route must not be obstructed either during any construction works or once operational.</p> <p>Recommends inclusion of an informative note concerning the right of way.</p>	Paras 7.20 – 7.23
Environmental Health	No comments received.	
Severn Trent Water Ltd	No comments received.	
Arboricultural Officer	<p>Comments on previous application HPK/2017/0367 remain applicable. These were as follows:</p> <p>No objections. The woodland to the north is an ancient woodland and</p>	Paras 7.12 – 7.16

	<p>should be afforded protection. The use of a 20m construction exclusion zone should be a condition of approval. The planting of a woodland buffer zone in this region is a good design feature. The tree species will need to be agreed. Recommend conditions requiring landscaping scheme and implementation, tree protection condition and supports the LEMP condition recommended by DWT.</p>	
Derbyshire Wildlife Trust	<p>The Ecological Appraisal and the Masterplan for the site provide sufficient information to determine the application. The site appears of relatively low ecological value. DWT welcome the proposed buffer zone to the adjacent woodland as this comprises ancient semi-natural ash woodland, which is designated as a Local Wildlife Site. The width of the buffer and suggested native tree planting is considered appropriate.</p> <p>Recommend conditions covering the following:</p> <ul style="list-style-type: none"> • The development shall proceed in accordance with the Masterplan to provide ecological enhancements including bat and bird boxes. • A Construction Environmental Management Plan shall be submitted for approval. • A detailed lighting strategy shall be submitted to and approved by the LPA to safeguard the functionality of the adjacent woodland for bats. 	Paras 7.12 – 7.16
Waste (HPBC)	No objection.	
Peak & Northern Footpaths Society	<p>The Masterplan appears to indicate that the existing public footpath across what is currently a pasture field, will bisect the proposed location of the 21 static caravans. However, there should be no conflict between site users and footpath users. There</p>	Paras 7.22 – 7.23

	<p>needs to be clear signage which alerts site users to the presence of the public footpath. Site users will no doubt be car users and there must be no danger to path users from moving vehicles or parked vehicles on or close to the footpath. Vehicle speeds must be minimal within the site to minimise the dangers to pedestrians.</p>	
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7. POLICY AND MATERIAL CONSIDERATIONS

Planning policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.

7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.4 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

Principle of development

7.5 The site lies within the Open Countryside outside the built up area boundary of Buxton. Policy EQ3 of the Local Plan supports the provision and expansion of tourist and visitor facilities in sustainable locations where identified needs are not met by existing facilities. The proposal would support an existing rural business, support tourism in the area and

increased spending in the local economy from visitors. Although it is situated in the Open Countryside, the site benefits from having relatively good connectivity to Buxton Town Centre and is in a reasonably sustainable location for this type of use. The site is also ideally situated in terms of access to the Peak District and the development would support Peak District tourism in accordance with Policy E6 of the Local Plan.

7.6 Local Plan Policy E7 permits development proposals involving caravan and camp sites subject to the development having no adverse impact on the landscape and subject to the proposal being well screened.

7.7 As with the previous application granted permission in October 2017, it is considered that the principle of the proposed development is acceptable subject to consideration of the impact on the character of the landscape / open countryside and any other material considerations.

Impact on Visual Amenity of the Countryside

7.8 Policy EQ3 states that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.

7.9 Policy E7 permits development proposals involving caravan and camp sites where:

1. The development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape and;
2. Any visual impact would be well screened by existing landscape features for the whole of its proposed operating season and;
3. Any permanent structures would not be visible even during winter months when viewed from areas outside the site to which the public has access.

7.10 As part of the assessment of the previous application proposal it was concluded that the site is not unduly prominent in the surrounding landscape given the topography of the area and it benefits from screening in views from the north by the extensive area of woodland. The current proposal is similar to the previous scheme in that the total number of caravans on site would still be a maximum of 21 with the principal difference being that the caravans are now proposed to be static rather than touring caravans, as previously approved. The overall visual impact, however, is likely to be of a similar nature albeit the static caravans now proposed will be present on site throughout the year. The proposed use of the site for caravans and camping together with the proposed engineering works will clearly change views from the public footpath running through the site. However, the site is physically well related to the existing holiday park

and camp site to the west and the proposals will be seen largely in that context. The proposals for native tree and hedge planting within the site together with the woodland buffer strip to the north will soften the development and enhance biodiversity. The creation of the terraced banks within the site will provide screening of the caravans in views from the south as the caravans will be set below the banks. It is accepted that relatively significant engineering works are required to level parts of the site, but the terraced banks would be planted with native trees whilst the levelled areas would be laid with grass covered ground reinforcement mesh. Existing dry stone walls around the site would be retained. A separate planning application would be required for any new structures on the site such as a utility block.

7.11 In summary, it is considered that the proposed development would not have a prominent and adverse impact on the character of the landscape and will be well screened by existing landscape features as well as proposed landscaping. The proposed development thereby accords with Policies EQ2, EQ3 and E7 of the Local Plan.

Biodiversity and Tree Protection

7.12 Policy EQ5 seeks to conserve and enhance biodiversity and geological resources, including locally designated sites. The Council will not permit any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless there is no appropriate alternative site available; and all statutory and regulatory requirements have been satisfied; and appropriate conservation and mitigation measures are provided.

7.13 The site is located immediately adjacent to Ashwood Dale Local Wildlife Site. The submitted Ecological Appraisal states that the site is generally of low ecological value. The field survey has identified that the site supports semi-improved grassland with boundary dry stone walls and tall ruderal vegetation. DWT advises that adequate survey work has been undertaken for this planning application to be determined and conditions are recommended, including the need for ecological enhancements (e.g. bat and bird boxes), submission of a Construction Environmental Management Plan to minimise disturbance to wildlife during the construction phase and submission of a detailed lighting strategy to safeguard the functionality of the adjacent woodland for roosting and foraging bats. Subject to these conditions, it is considered that there would be adequate safeguards in place to protect ecological interests. The additional landscaping presents an opportunity to improve the site in terms of biodiversity.

7.14 Policy EQ9 of the Local Plan affords protection to existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration. This will be achieved by requiring that existing woodlands, healthy, mature trees and hedgerows are retained and integrated within a proposed development

unless the need for, and benefits of, the development clearly outweigh their loss.

7.15 The Council's Arboricultural Officer does not object to this application subject to tree protection measures and the need for appropriate landscaping (native tree planting). It is considered that the 20 metre construction exclusion zone will ensure protection of the adjoining Ancient Woodland.

7.16 Subject to the conditions recommended by DWT and the Arboricultural Officer, the proposals would not adversely affect trees or ecological interests on the site and the development thereby complies with Policies EQ5 and EQ9 of the Local Plan.

Amenity

7.17 Paragraph 17 of the NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy EQ6 of the Local Plan requires new development to achieve a satisfactory relationship to adjacent occupiers to ensure that the amenity of neighbouring occupiers will not be compromised, thus reflecting the requirements of paragraph 17 of the Framework.

7.18 There is a neighbouring dwelling and chalets on the holiday park to the west. The nearest dwelling is The Glen, which is approximately 70m to the west. There are also residential properties located off Staden Lane to the south and these are approximately 260m away from the site. Given the separation distances involved, it is considered that no neighbouring properties would be adversely affected.

7.19 It is therefore considered that the proposal accords with paragraph 17 of the NPPF and Policy EQ6 in this regard.

Highway and Parking Considerations

7.20 The NPPF promotes sustainable transport and recommends that local planning authorities seek to encourage and facilitate where possible sustainable patterns of transport using practical alternatives to private motor vehicles so that people have a real choice about how they travel. Policy CF6 of the Local Plan requires the site to be accessed safely.

7.21 The proposed development will utilise the existing vehicular access from Lime Tree Park and Dukes Drive. The site layout can accommodate approx. 21 caravans with sufficient separation distance allowing sufficient space in between caravans for vehicle parking. County Highways do not object to the proposed development on the basis that it is ancillary to existing operations on the holiday park.

7.22 The existing public footpath (Footpath No. 1 Parish of King Sterndale) through the site would be retained and improved. The Peak and

Northern Footpaths Society emphasises that there should be no conflict between site users and users of the public footpath running through the site and recommends clear signage which alerts site users to the presence of the public footpath and vehicle speeds within the site must be minimal to minimise the danger to pedestrians. It is considered that this matter can be addressed through the provision of signage indicating the route of the footpath through the site, details of which can be agreed by means of a condition attached to the recommendation.

7.23 Given the above, it is reasonable to conclude that there would not be a significant adverse impact on the local road network, and subject to the condition referred to above, the risk to users of the public footpath would be minimised. The proposal therefore complies with the provisions of Section 4 of the NPPF and policy CF6 of the adopted Local Plan in this regard.

Flood Risk / Drainage

7.24 The site does not lie within a designated high flood risk area. It is not considered that the proposed development would increase flood risk nor is it vulnerable to flooding and as such would comply with Local Plan Policy EQ11.

7.25 As part of the previous application, the Environmental Health Officer advised that the application was silent as to the method of sewage disposal at the site and a condition was therefore attached requiring an assessment of the adequacy of the existing sewage disposal system. This remains the case with the current application and the same condition is recommended again.

8. CONCLUSION AND PLANNING BALANCE

8.1 The starting point for the determination of any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise. In this instance the High Peak Local Plan 2016 is the adopted Development Plan for the area.

8.2 The site is within the Open Countryside. Local Plan Policy EQ3 applies. Whilst it is acknowledged that there will be some limited harm to the landscape due to the proposed engineering works and the presence of caravans, the proposals would be seen in the context of the existing holiday park and caravan pitches. Whilst there would be local landscape impacts arising from the engineering works when viewed from the site and the immediate surroundings, such works will help to reduce the wider landscape impacts by setting the caravans down into the hillside. The proposals would bring economic and social benefits to the area, in terms of improving visitor accommodation within the area and increased spending in the local economy, thereby supporting tourism in Buxton and the Peak

District. Any harm in landscape terms which does occur could be mitigated by a detailed a landscaping scheme and it is considered that this limited measure of harm is clearly and demonstrably outweighed by the benefits the proposals would bring in relation to supporting tourism and the local economy. Furthermore conditions can be imposed to restrict the use of the site, protect trees and biodiversity interests, address pedestrian safety concerns and reduce the visual impact of the development. Accordingly, it is considered that the proposal complies with the requirements of local plan policy and the NPPF, and having regard to all other material considerations raised it is recommended for approval.

9. RECOMMENDATIONS

A. APPROVE, subject to the following conditions:

Condition number	Brief description	Comment
TL01	3 year time limit	
AP01	Approved plans	
NSTD	Restriction on the number of caravans on site at any one time to 21.	
NSTD	The occupation of the caravans must solely be for tourism or recreation only and not for permanent residential use.	
NSTD	Landscaping scheme to be submitted and agreed	
LA02	Landscaping scheme to be carried out and maintained.	
LA12	Tree Protection measures	
NSTD	Development to proceed in accordance with the Master Plan to provide ecological enhancements, including installation of bat and bird boxes.	
NSTD	Submission of a Construction Environmental Management Plan.	

NSTD	Submission of a detailed lighting strategy to safeguard the functionality of the adjacent woodland for roosting and foraging bats.	
NSTD	Submission of an assessment to demonstrate adequate sewage disposal	
NSTD	Submission of surface water drainage scheme	
NSTD	Submission of a scheme for provision of appropriate signage relating to the route of the public footpath through the site.	

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services be delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informative

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site Plan

