

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**16 January 2020**

<b>Application Nos:</b>	SMD/2019/0241 (Full) and SMD/2019/0518 (LBC)	
<b>Location</b>	Peak Wildlife Park, Ellastone Road, Winkhill	
<b>Proposal</b>	Proposed replacement snack bar. Proposed ramp structure and insertion of dormer structure for existing family building.	
<b>Applicant</b>	Peak Wildlife Park	
<b>Agent</b>	CTD Architects	
<b>Parish/ward</b>	Ipstones	<b>Date registered</b> 01/05/2019 (full) and 21/08/2019 (LBC)
<b>If you have a question about this report please contact:</b> Chris Johnston tel: 01538 395400 ex 4123 christopher.johnston@staffsmoorlands.gov.uk		

## **REFERRAL**

This application has been referred to Planning Applications Committee at the request of the Chairman due to a previous application for the retention of a snack bar at the premises being decided at Committee in December 2017.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE WITH CONDITIONS</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site is within the complex of stone buildings at Peak Wildlife Park which occupies a large area of land to the west of Ellastone Road within the countryside to the west of Winkhill village. It includes a single-storey "Family Room" (with seating area, baby change and toilets) building lying between the main entrance/ shop building and two-storey staff accommodation building (which is a Grade II listed building), in the middle of the wildlife park and to the west of the main car park. The site also includes an open area and hardstanding to the south of the Family Room building and a stone wall of 1.0m in height (approx) which separates the open part of the site from a service road/driveway. To the west of the listed stone staff accommodation building lies an outdoor seating area with timber snack bar structure, placed against the western boundary of the wildlife park and to the south of the café building. The current snack bar is unauthorised and was the subject of the planning application decided at Committee in December 2017. To the west of the boundary lies a listed stone dwelling, Blackbrook Farm. To the south of the application site, is another outdoor seating area, mostly grassed over.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 This is a full planning application and corresponding Listed Building Consent application for the relocation of an existing and unauthorised snack bar building (refused at Committee in December 2017) from its current position next to the western boundary of the wildlife park and into a more central location next to the complex of buildings to the west of the main car park. It would be placed against the south wall of the Family Building in the open part of the site part where there is a “gravel mound” enclosed by a traditional stone wall next to the service road. It would be also be placed against part of a wall of a listed building (staff accommodation block to the west). It would not be attached to any part of the listed barn.

3.2 The application is also for proposed works to the east elevation of the Family Room building to provide a disabled ramp which would lead up to a new side door. This would involve raising part of the roof eaves to incorporate a small dormer structure to allow enough height for the door. Listed Building Consent is required for the proposal by virtue of the proposed dormer works to the Family Room building as it affects the roof which is attached to the listed barn.

3.3 The new snack bar would have the same open-sided flat-roofed timber clad design as existing and with the same height of 2.5 metres. However, it would be reconstructed to have a slightly larger footprint. The existing footprint is 11.0 x 5.5 metres. The proposed footprint would be 13.7 x 6.4 metres. This would include a covered walkway to enable access from the paved road to the south into the gap next to the Family Building where the new ramp access is proposed to be built. There are glass screens enclosing the gap next to the Family Room building which would be removed to enable access. The existing stone wall to the south of the Family Room building would be removed to make way for the snack bar. The ramp structure would have a max height of 1.2 metres and would be finished with matching stone. The main access to the Family Room would remain on the north side of the building with the new side entrance intended to be the disabled access.

3.4 The Listed Building Consent application is accompanied by a Design and Access Statement incorporating a Heritage Statement relating to the listed stone barn adjacent to the site, which assesses it's historical significance.

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

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=129199>

3.6 The Listed Building Consent application which includes the Design, Access and Heritage Statement, can be viewed on the following link:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=130597>

#### **4. RELEVANT PLANNING HISTORY**

4.1 The previous application was a retrospective application to retain the snack bar in its current position and also new timber fences either side of it placed along the western boundary of the park. This was refused planning permission following a decision at December 2017 Planning Applications Committee. The reference number of this application is SMD/2017/0351.

4.2 Previous planning applications relating to the buildings in which the application site sits, are as follows:

13/00269/FUL: Extensions to café and toilets to provide further toilets. Approved.

09/00139/LBC: Listed Building Consent for extensions to café. Approved.

08/02089/FUL: Extensions and modifications to café. Approved.

08/01867/FUL: Extension to toilets. Approved.

08/00199/FUL: Erection of visitor restaurant. Approved but appears to have not been implemented.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)
- The Minerals Local Plan (adopted December 1999) Saved Policies 2007
- Staffordshire & Stoke on Trent Joint Waste Core Strategy (adopted March 2013)

5.2 The following Core Strategy policies are relevant to the application:-

- S01 Spatial Objectives
- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6c Other Rural Areas Strategy
- SS7 Churnet Valley Area Strategy
- E3 Tourism and Cultural Development

DC1 Design Considerations  
DC2 The Historic Environment

National Planning Policy Framework (NPPF) (Feb 2019)

Chapter 6 – Building a Strong and Competitive Economy  
Chapter 12 – Achieving Well Designed Places  
Chapter 16 - Conserving and Enhancing the Historic Environment

Other Relevant Policy Documents

National Planning Policy Guidance (NPPG)

Local Plan Submission Version (February 2018)

SS1 Development Principles  
SS1a Presumption in Favour of Sustainable Development  
SS10 Other Rural Areas Strategy  
SS11 Churnet Valley Area Strategy  
E4 Tourism and Cultural Development  
DC1 Design Considerations  
DC2 The Historic Environment

### 5.3 Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They will be held on 4<sup>th</sup> and

5<sup>th</sup> February. The Inspector will outline the timetable for next steps in the process at the close of the hearings.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight. However, policies that are subject to the February hearing sessions can only be given moderate weight as they are subject to outstanding objections and scrutiny.

## **6. CONSULTATIONS CARRIED OUT**

<b>Neighbour letters</b>	Expiry date for comments: 26.6.19 (Full) and 17.10.19 (LBC).
<b>Site Notice Posted</b>	Expiry date for comments: 26.6.19 and 17.10.19
<b>Press Notice</b>	27.8.19

6.1 No letters were received in response to the above.

### **Ipstones Parish Council**

6.2 The Parish Council supports the application.

### **Conservation Officer**

6.3 No objection to this. No harm to the significance of the attached Listed Barn or setting.

## **Environmental Health**

6.4 No objection providing conditions are added requiring restrictions to plant/machinery noise (e.g. ventilation systems), sound insulation in the construction of the building, prevention of amplified sound (e.g. radio's or announcements for food collections) and hours of construction.

## **Severn Trent Water**

6.5 No objection.

## **7. OFFICER COMMENT**

### **Planning Policy**

7.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Council's Development Plan is formed of the Core Strategy Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998) remains in force until the Council's new Development Plan is adopted (some time in 2020).

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, II. Specific policies in that Framework indicate that development should be restricted.

### **Main Issues**

7.3 The key issues for consideration in assessment of this application are the principle of the development, the impact on the character and appearance of the area including the setting of listed buildings and the impact on the residential amenities of nearby neighbours, as a result of the relocation of the snack bar and the impact on the character and appearance of the listed barn as a result of the works to the Family Room building.

### **Principle of Development**

7.4 The principle of the snack bar was assessed in determining the 2017 application to retain the unauthorised structure. The principle of providing further visitor facilities to a tourist attraction in the Churnet Valley such as

refreshment/catering buildings or improved access works is not unacceptable. There is general support for tourist related development in such areas under policies SS6c, SS7 and E3. However, Policy SS7 states that tourist development in the Churnet Valley should be of a high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area. Policy E3 states tourist development shall be of an appropriate quality, scale and character compatible with the local area, protect the residential amenity of the area and enhance the heritage, landscape and biodiversity of the area.

### **Impact on the character and appearance of the area and the setting of listed buildings.**

7.5 The 2017 application to retain the unauthorised snack building was refused planning permission for the following reason:

*The existing snack bar building by virtue of its form, design and siting and also the existing timber fences, by virtue of their design and siting, causes less than substantial harm to the traditional historic farmstead arrangement of rural stone buildings which also comprise two nearby listed buildings, in which the snack bar sits between, which comprise the wildlife park staff building to the east of the site and a dwellinghouse (former farmhouse) immediately to the west within a neighbouring property. The public benefits of the proposal do not outweigh the harm which has been identified. Due to the harm to heritage assets and the failure of the building and fences to conserve or enhance the setting of listed buildings, the erection of the building and fences therefore does not comply with policies DC1 'Design Considerations' or DC2 'The Historic Environment' of the Council's adopted Core Strategy Development Plan document or government planning guidance contained in Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework (NPPF).*

7.6 The current snack bar lies opposite the front wall of the listed staff accommodation stone barn and a listed stone farmhouse, once part of the wildlife park but now a separate residence no longer in the same ownership, lies a short distance behind it, the boundary running directly adjacent to the back wall of the snack building. The building due to its siting and design was considered to cause some degree of harm to the setting of both listed buildings. However, this current application looks to completely remove it from the 2017 application site and place it to the rear of the listed staff barn. This effectively removes the harm to the listed farmhouse due to the distance between the snack bar with low height and simple timber form, and the listed dwelling and also the presence of other more solid buildings between the relocated snack bar and listed dwelling, which would include the two-storey listed staff barn.

7.7 With regard to the impact directly on the listed staff building, the snack building would be placed adjacent to rear wall of the single-storey side lean-to part of the listed building rather than the main two-storey pitched roof part of the building. As the snack bar would be placed against taller structures

including the lean-to and the larger single-storey lean-to of the Family Room building, views of the main two-storey part of the listed barn would not be significantly affected and the side gables of the main part of the building would still be visible. The snack bar, despite the slight increase in footprint to enlarge the canopy over the entrance to the Family Room enclosure/gap (where the new access ramp would be placed), would still maintain a simple low-key, open sided, flat-roofed, timber clad form which does not harmfully detract from the nearby listed stone buildings or historic farmstead as a whole. The Conservation Officer does not raise an objection to the proposal.

7.8 The works to the Family Room building, which although comprising matching stone but with a lean-to roof and which is unlisted, are minor and on the opposite side of the building to the listed barn. The dormer structure does not detract from the appearance of the Family Room building or listed barn. The ramp structure has a maximum height of 1.2 metres and would be placed in a fairly narrow gap between the Family Room building and main entrance/shop building to the east, also not listed. The ramp structure would comprise a matching stone finish to harmonise with the adjacent buildings. In any case, it would not be visually prominent due to the screening from other buildings including the proposed snack bar building.

### **Impact on residential amenity**

7.9 On assessing the previous 2017 application, it was determined that despite the close proximity of the current snack bar to the dwelling behind it, would not lead to significant harm to the residential amenities of the occupants, by way of loss of privacy, light provision and particularly noise and disturbance, particularly as the adjacent outdoor area was used as an outdoor seating area and that conditions could be added to provide further controls, as recommended by the Environmental Health Section. The new proposed siting is considerably further away from the dwelling, to the other side of solid buildings to the east of the dwelling and therefore would result in far less potential for noise and disturbance or any other harms which may affect the living conditions of the occupants of the dwelling. The Environmental Health Section continues to recommend conditions to further reduce and minimise the potential for harm to residential amenity. Although an objection was received from the residents in response to the 2017 application to retain the snack bar in its current position, no objection has been received in response to the new siting.

## **8. CONCLUSION & PLANNING BALANCE**

8.1 The 2017 application to retain the unauthorised snack bar building at the wildlife park was refused due to the impact on the setting of two nearby listed stone buildings. This new application looks to remove it from an open courtyard between the two buildings and to a far more discreet location to the rear of one of the listed buildings. Although still close to the listed staff accommodation barn, the simple flat-roofed and open timber form of the snack bar, would not significantly harm the setting of the listed barn or the character and appearance of the historic farmstead turned wildlife park

surroundings of the area. The ramp and small dormer works to the unlisted Family Room building would also not harm the character and appearance of the area or setting of listed building. Any perceived harm would be outweighed by the benefits of the scheme in improving visitor facilities at a growing tourist attraction which is a benefit to the Churnet Valley and contributes positively to the Council's sustainable tourism aims for the area and there are no other harms identified with this new scheme, such as impacts on residential amenity.

8.2 The application succeeds in overcoming the refusal of the previous application and provides a solution to the harms caused by the current unauthorised snack bar and would secure its removal. The proposal complies with the Core Strategy and the National Planning Policy Framework. The full and Listed Building Consent applications are therefore recommended for approval with the safeguard of planning conditions.

## **9. RECOMMENDATION**

**A. That the full planning application be APPROVED with the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:-**

**To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.**

**2. The development hereby approved shall be carried out in complete accordance with the submitted plans and specifications as follows:-**

**AL10A**

**AL11**

**AL13A**

**AL16A**

**AL17**

**AL18A**

**AL19A**

**Reason:-**

**To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

**3. Within three months of the date of the decision notice, the existing snack bar building within the application site of SMD/2017/0351 shall be removed entirely from the SMD/2017/0351 application site.**

**Reason:-**

**In the interests of protecting the setting of listed buildings.**

**4. The ramp structure and dormer structure, hereby approved shall comprise facing stone and roof tile finishing materials which match the**

finishing materials of the Family Room building in terms of type, colour and texture.

Reason:-

In the interests of the character and appearance of the area and setting of listed buildings.

5. The machinery, plant or equipment including air conditioning and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

Reason:-

To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

6. The design and construction criteria for development of the relevant building/premises shall be such as to achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the relevant buildings/premises shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

Reason:-

To protect the local amenities from noise.

7. No means for the amplification of voice or music whatsoever shall be installed for use inside or attached to the outside of the proposed buildings.

Reason:-

To protect the local amenities from noise.

8. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations,

refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason:-

To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

**B. That Listed Building Consent be APPROVED with the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason:-

To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

**2. The development hereby approved shall be carried out in complete accordance with the submitted plans and specifications as follows:-**

**AL10A**

**AL11**

**AL13A**

**AL16A**

**AL17**

**AL18A**

**AL19A**

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

**3. The ramp structure and dormer structure, hereby approved shall comprise facing stone and roof tile finishing materials which match the finishing materials of the Family Room building in terms of type, colour and texture.**

Reason:-

In the interests of the character and appearance of the area and setting of listed buildings.

**C. 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 Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**





Front Elevation as Proposed  
1:50



Side Elevation as Proposed  
1:50



Section A-A1



Section B-B1



Ramp Section

