

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 13th December 2021

Application No:	HPK/2020/0298	
Location	The Beehive 35 Hague Street Glossop	
Proposal	Retention of decked area to rear of pub	
Applicant	Mr John Kennedy	
Agent	N/A	
Parish/ward	Whitfield	Date registered 13.08.2020
If you have a question about this report please contact: Tom Hiles-Email tom.hiles@highpeak.gov.uk Tel: 01538 395400 Ext: 5430;		

REFERRAL

The application is referred to committee per a request from Ward Councillor Graham Oakley for the following reason:

This is a difficult issue, both for the pub, which is a very popular one, and local residents. This application should be determined by the Planning Committee.

1. SUMMARY OF RECOMMENDATION

APPROVAL - Subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

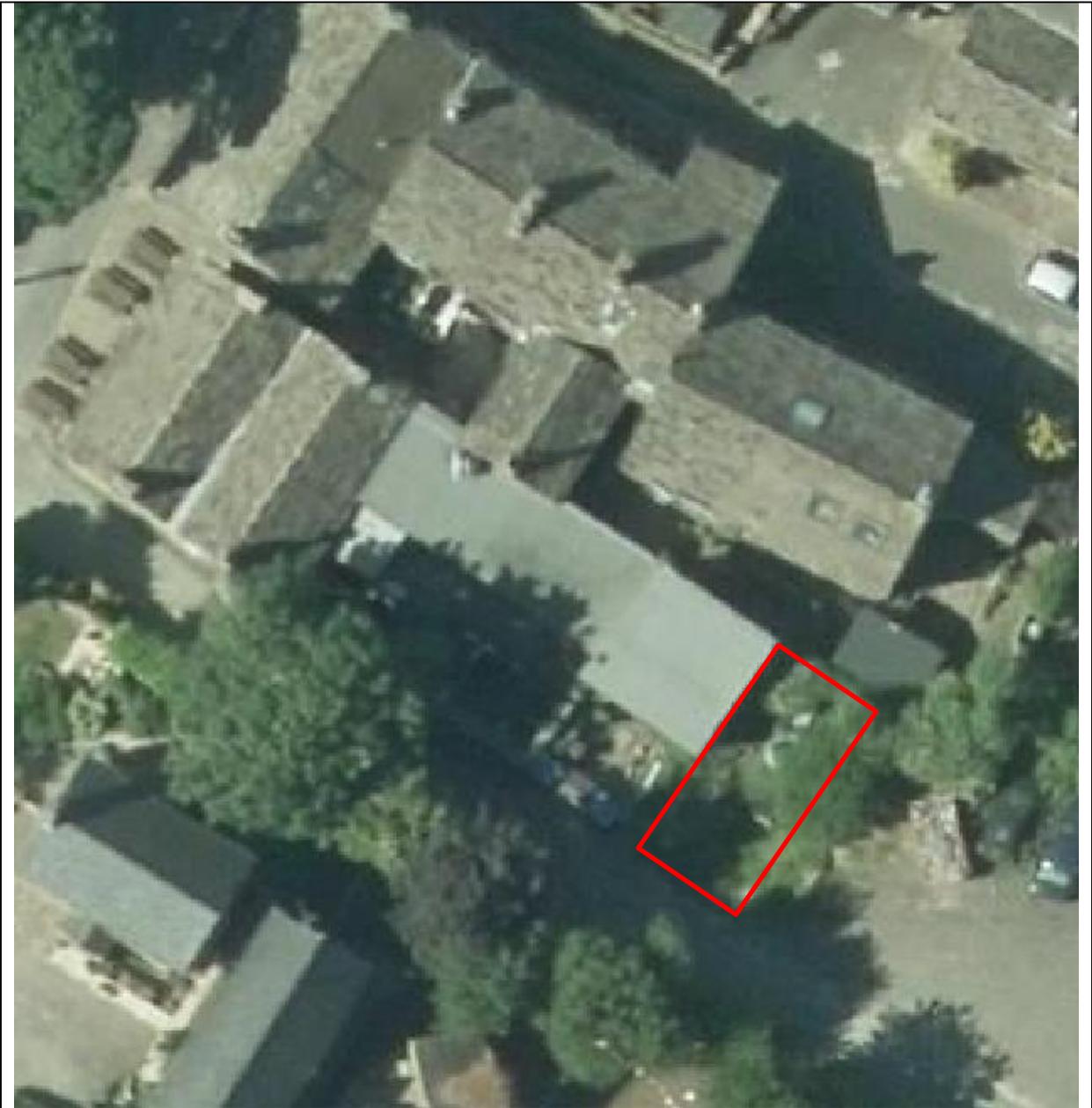
- 2.1. The application site is an area to the rear of the Beehive public house, located on Hague Street in a generally residential area of Glossop, within the built-up area boundary. The site also lies within the Whitfield Conservation Area. As detailed further below, the area the subject of this application is within the curtilage of the pub.
- 2.2. The pub is located on the corner of Hague Street and a private lane serving fields to the east and rear of the pub. The pub is surrounded at the front and both sides by residential properties and by an informal parking area and paddock to the rear. The ground level and the land raises from the front of the site towards the rear.
- 2.3. The pub property comprises the main two-storey part of the pub with two-single storey extensions and an attached garage/store building. Beyond the store building is a bin storage area.

- 2.4. To the rear of the store building a raised timber deck has been created without planning permission. The deck provides a seating area for customers and is enclosed by railings and a timber fence. The deck is around 1m above ground level at the highest point. Six picnic tables had been installed upon the site visit. A branded shelter was also in place at the rear corner of the deck (not part of the application).
- 2.5. The application was originally registered and publicised as '*Permission for the decked area outside of the pub to be used for A4 use*'.
- 2.6. Following initial consideration of the application the description of development was changed to '*Retention of decked area to rear of pub*' to reflect the understanding of the status of this area of the site, and the necessary scope of the permission, as detailed below. Repeat neighbour notification letters were issued with this revised description.
- 2.7. It is understood that the deck was built in summer 2020. Aerial photos suggest that the area in question may have previously been a garden.

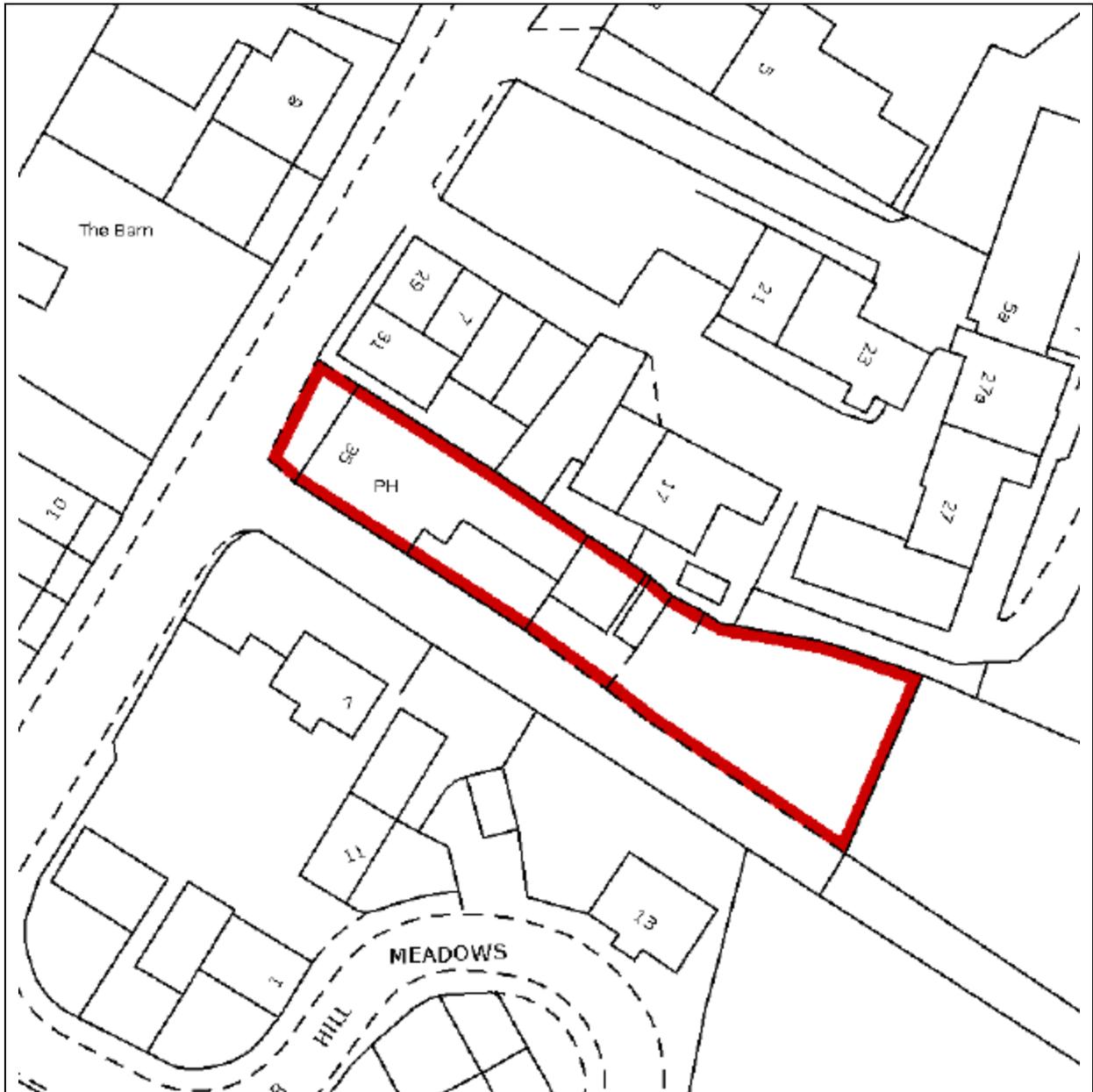
Aerial photos of the site



2011 aerial photo.



2018 aerial photo



Land registry title plan

- 2.8. This area of the site lies between the pub building and its car park. Public comments note that the car park has been used for events run by the pub, and that the application area was previously used for bin storage by the pub. The area is within the same legal ownership as the pub, as indicated by the above Land Registry. Public comments indicate that there was a hedgerow which was removed to build the deck, which appears to be shown adjacent to the car park on the aerial views above. Comments were received from a neighbouring resident on the matter of whether the land is within the curtilage of the pub, which have been carefully considered.
- 2.9. It is considered that the circumstances on the ground and the other information available to the Council establish satisfactorily that the area in question is within the curtilage of the pub. This is significant to establishing the scope of the development requiring planning permission: the use of the area for customer

seating is ancillary to the main use of the building and the planning unit, and therefore does not require planning permission. As such, permission is only required for the deck structure.

3. DESCRIPTION OF THE PROPOSAL

3.1. The application seeks permission to retain the raised deck. The application does not refer to the standalone shelter.

3.2. The application is accompanied by the following plans and documents;

- Block Plan / Site Plan
- Location Plan
- Design and Access Statement
- Conservation Area Statement of Significance

3.3. Elevation drawings of the deck were received after the initial consultation period expired. Repeat neighbour notification letters were issued on 21.09.2021, with an additional 21 days allowed for further comments.

3.4. The application and details attached to it - including the plans, supporting documents, representations and responses from consultees - can be found on the Council's website at:-

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=241352>

4. RELEVANT PLANNING HISTORY

HPK/2009/0250 - Metal Fencing To Roof Of Kitchen To Accomodate New Cooker Hood Extraction Unit With Associated Sound Reduction Filters. Refused, 02/07/2009

HPK/2009/0395 - Resubmission Of Hpk/2009/0250 For Adaptation Of Kitchen Extract Equipment On Rear Flat Roof To Install Acoustic Baffles And Filtration System. Approved, 24/08/2009

HPK/0001/2538 – Alteration. *No decision recorded.*

5. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S5 Glossopdale Sub-area strategy
- EQ2 Landscape Character

EQ6 Design and Place Making
EQ 7 Built and Historic Environment
CF6 Accessibility and Transport

Supplementary Planning Documents

- High Peak Design Guide
- Landscape Character

National Planning Policy Framework

Paragraph 11 The Presumption in Favour of Sustainable Development

Section 4 Decision-making
Section 9 Promoting Sustainable Transport
Section 12 Achieving well-designed places
Section 13 Protecting Green Belt land
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

National Design Guide 2019

National Planning Practice Guidance

6. CONSULTATIONS

Site notice	Expiry date for comments: 16.09.2020
Press notice	Expiry date for comments: 17.09.2020
Neighbours	Expiry date for comments: 12.10.2021

Public comments have been received from eight addresses, comprising objections from three addresses, three letters of support, and two neutral responses.

In summary, objections, including number of videos were as follows:

- I live in close proximity to the development, which will undoubtedly have a substantial negative impact on my standard of living.
- Inaccuracies in the application (work had already started)
- Lack of consideration to residents
- Application is prospective and should be retrospective
- Development does not preserve or enhance the Conservation Area
- Several comments were received from a nearby resident repeatedly raising concerns regarding the behaviour of pub patrons using the deck, including foul and obscene language and loud conversation. Other objectors raised similar concerns.
- A noise assessment should have been submitted and there is no noise mitigation

- The area in question has never been used as a beer garden it was used for bin storage
- The area is peaceful and tranquil and should be protected.
- The development causes substantial light pollution – a floodlight spills light onto neighbouring properties and is left on after 11pm. No details of the lighting have been submitted or assessed
- Approval of the development would not protect my Human Rights to the quiet enjoyment of my property.
- Development may encourage rats and customers may urinate outside around the deck instead of going into the pub to use the toilets.
- Concerns about customer behaviour
- There is no general right of access over the lane, so customers walking to the deck are trespassing
- The deck has affected my privacy in my garden and inside of my house
- Pub's CCTV system overlooks our property and causes a loss of privacy
- Hedgerow was removed to install the deck
- We are vulnerable adults and the situation is causing us stress and anxiety
- There is a local spring which arises under the track. Drainage services cannot run to the deck to take soiled water.
- We are adjacent to the site and the development results in intrusive noise even with our windows closed, private conversations can be heard from our property by anyone utilising the development. We cannot sit out or have windows open. It has affected our mental health and left us feeling anxious in our own home. Cigarette and vape smoke has wafted into our garden and living room. People can see into our garden, living room and bedrooms. The decking is higher than our property meaning people can look in. The only barrier separating our property and patrons is a laurel hedge on our side which does not have lots of leaves especially in Spring. In darkness, when we have the lights on in the living room, people can see clearly into our home. What happens if we decide to cut the hedge down further or if the hedge dies?
- The decking is not inclusive. There is no way for people with walking difficulties or who use a wheelchair to access the decking up a steep uneven lane and up the steps.

Supporting comments note that:

- The area was in poor condition before and the proposal is an improvement
- Impressed by the improvement which the development has brought. It is now clean and tidy, and orderly.
- Opening a garden seems a responsible and pragmatic decision in light of the pandemic. I am concerned that if they are prohibited from using the (very limited) outside space that they have, then we may lose this service and the people who run it.
- The land to the rear of the pub has been an eyesore in the past, the Landlord has now improved the aspect of the area. The installation of CCTV to the rear of the Public House is a benefit and having spoken with the Landlord about noise he has confirmed he would monitor this.

Neutral comments were as follows:

- Comments about planning issues relating to surrounding land which don't relate to the proposal
- Suggested conditions to require ashtrays, litter bins, maintenance of CCTV systems, provision of DDA compliant facilities
- The impact of people using the area has been minimal

It should be noted that, further to formal comments received on the planning application, extensive discussion has been undertaken between the occupants of the neighbouring residences and the Council's Environmental Health Officer in relation to the concerns raised in terms of noise, customer behaviour and light pollution.

Consultees

Consultee	Comment	Officer response
DCC Highways	No objection subject to no loss of overall off-street parking space.	
HPBC Conservation Officer	No comments	
HPBC Environmental Health	<p>The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.</p> <p>To protect general amenity of the area the following conditions are recommended.</p> <p>1. OU11 TEMPORARY PERIOD & REINSTATEMENT The development hereby permitted shall be discontinued and the land restored to its former condition on or before within 2 years of this approval in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.</p> <p>2. Hours of Use The decking structure hereby approved shall not be used by partons after 22:00 on any evening and a suitable barrier shall be in place to prevent access after this time.</p>	

	<p>3. Artificial Lighting Any artificial lighting associated with the decking area shall be switched off after 22:00.</p>	
--	---	--

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Context

- 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 considerations 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 currently consists of the adopted High Peak Local Plan April 2016.
- 7.3 At the heart of the NPPF is the presumption in favour of sustainable development (paragraphs 10 and 11). For decision makers this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, grant planning permission unless a) policies in the Framework which protect areas or assets of importance provide a clear reason for refusing the application or b) any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.4 Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependent objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well-

designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and,

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

Principle of development

7.6 The works comprise an ancillary addition to an existing commercial premises, within its curtilage and within the built-up-area boundary for Glossop. The proposal is therefore acceptable in principle, in accordance with Policies S2 and S5, subject to its acceptability in terms of all relevant planning matters, which in this case are considered to be design, effects on the Conservation Area, and impacts on residential amenity.

Design and Heritage

7.7 Section 12 of the NPPF outlines that the creation of high quality buildings and places is fundamental to what planning and the development process should achieve. Design is a key aspect of sustainable development. Paragraph 130 seeks to ensure developments:

a) function well and add to overall qualities of the area over the lifetime of the development,

b) are visually attractive as a result of good design,

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not discouraging innovation,

d) establish a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) Optimise the potential of the site to accommodate and sustain an appropriate amount of mix of development and support local facilities and transport networks.

f) Create places that are safe, inclusive, and accessible and which promote health and well-being with a high standard of amenity of existing and future

users and where crime and disorder, including the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 7.7 Policies S1 and EQ6 of the adopted Local Plan seek to ensure that development is well designed and of a high quality that responds positively to its environment whilst contributing towards local distinctiveness and a sense of place. New development should take account of the distinct character, townscape and setting of the area and secure high quality and locally distinctive design and amenity. Developments should be easy to move through and around and incorporate well integrated car parking, pedestrian and cycle routes.
- 7.8 The High Peak Design Guide 2018 requires the setting of any building to be carefully considered. New development should be guided by the existing character and context. The National Design Guide 2019 explains that the underlying purpose for design quality is to create well-designed and well-built places that benefit people and communities.
- 7.9 Local Plan Policy EQ7 states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their settings, including conservation areas.
- 7.10 NPPF paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.11 The public house is referred to within the adopted Whitfield Conservation Area Appraisal. It states:
- The Beehive Inn is set back from the road and its paved forecourt sets it apart from other buildings within the street. It was named the Beehive Inn in the mid 19th century. The front part was added to an older 18th century property, creating a double-pile building. The front elevation has a simple character with stone slate roofs, stone wedge-lintels, typical of 1820-1840, and a narrow door lintel and jambs, typical of this area.*
- Although the Council does not have a local list of heritage assets, the Conservation Area Appraisal recommends that the Beehive Inn is worthy of such status.
- 7.12 The structure comprises a modest addition to the existing built form at the site, with a form and general appearance sympathetic to the existing structures, the immediate street scene and the wider area. The use of timber for all structural and decorative elements is considered to be appropriate to the general use of

stone and traditional materials at the property, and to the semi-rural setting of the site. Glimpsed views of the deck can be seen from Hague Street, however it is seen at a distance, against the extent of the stone building of the public house and the soft landscaping found to the rear and side of the houses in Hobhill Meadows.

- 7.13 The branded shelter installed on the deck at the time of the officer site visit is a somewhat incongruous feature but this does not form part of the application for retrospective permission. Approval of the application would therefore not include permission for this element, which would therefore remain subject to potential enforcement action.
- 7.14 Overall the proposed structure does not harm the character and appearance of the conservation area. It has a low level appearance and given its position to the rear of the public house sustains the character and significance of the Conservation Area.
- 7.15 The timber fence forming the rear boundary of the deck appears somewhat incongruous in views to the rear of the site, however the impact is significantly mitigated by its position set into the sloping topography, reducing the extent of the fence which is visible above ground and the adjacent car park. However, it is considered that this element would be further mitigated by the planting of hedging at the rear-side of the fence, which could be secured by condition.
- 7.16 Subject to these further details, the proposals are considered to sustain the importance of the heritage asset, and therefore accords with local policies S1, EQ6 and EQ7, the High Peak Design Guide, and section 12 and paragraph 199 of the NPPF.

Trees and Hedgerows

- 7.17 Policy EQ9 notes that the Council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration, and that this will be achieved by resisting development that would directly or indirectly damage existing ancient woodland, veteran trees and ancient or species-rich hedgerows.
- 7.18 It is understood that a section of hedgerow or shrubbery was removed in order to construct the deck. No part of the site is subject of a specific tree preservation order, and in the absence of any clear detail on the composition or extent of the removed hedging, an accurate assessment of the impact of the removal is impractical.
- 7.19 Nonetheless, it is considered that reinstatement of some hedgerow planting to the rear of the deck would be a reasonable means of compensating for the loss of the previous hedge, in terms of its amenity, landscape and ecological value. Subject to a condition to secure details and implementation of re-planting, it is considered that the development would be acceptable in terms of policy EQ9.

Highways and Access

- 7.20 Section 9 of the NPPF states that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, opportunities from existing or proposed infrastructure are realized and opportunities to promote walking, cycling and public transport are identified. Parking and other transport considerations should be integral to the design of schemes and contribute to making high quality places.
- 7.21 Paragraph 110 of the NPPF identifies that in assessing an application for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.22 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.23 Policy CF6 of the adopted Local Plan sets out the need to ensure that development can be safely accessed in a sustainable manner, whilst minimising the need to travel particularly by unsustainable modes of transport.
- 7.24 The comments from the Derbyshire County Council Highways officer are noted. The development does not given rise to any impact on the availability of parking provision on the site and is not considered to give rise to any other issues in terms of parking, vehicle access or highways safety.
- 7.25 The proposal is therefore considered to accord with policy CF6.

Impact on neighbouring residential amenity

- 7.26 The NPPF at paragraph 130 (f) seeks to ensure that planning decisions deliver, amongst a number of factors, a high standard of amenity for existing and future users.
- 7.27 Paragraph 174 notes that planning decisions should contribute to and enhance the natural and local environment by, *inter alia*, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

7.28 Paragraph 185 notes that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development, and that in doing so they should:

- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*

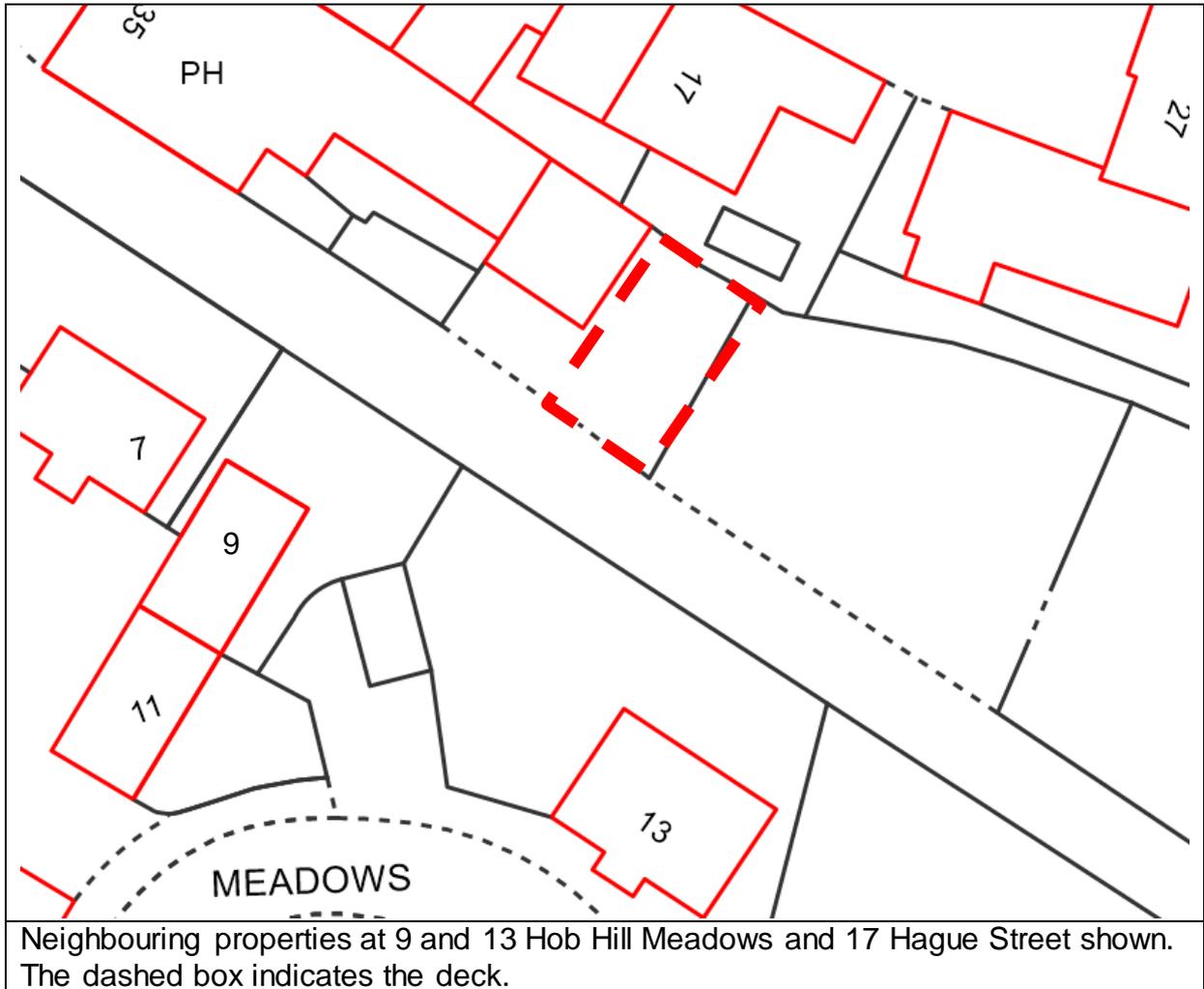
7.29 Policy EQ6 requires new development proposals to achieve a satisfactory relationship to adjacent development taking into account matters such as overlooking, shadowing, overbearing effects, noise and light pollution.

7.30 The nearest residential dwellings are 17 Hague Street to the immediate north, and numbers 9 and 13 Hob Hill Meadows, to the south of the site on the far side of the access track. Number 9 Hobhill Meadows has its gable side elevation facing toward the deck and contains a door and window. The decked area at its closest point is 12m from numbers 9 and 13 Hobhill Meadow. A stone wall with mature hedgerow and shrubs forms the boundary between the gardens areas of the neighbours and the track which lies to the south of the decked area. The wider Hobhills Meadows estate was the subject of a planning application in 1997 for the new housing, where it was noted that a beer garden was positioned at the public house.

7.31 The comments from the Environmental Health officer are noted. As only the operational development is under consideration, controls on the use of the area cannot be imposed through the determination of the application. This matter has been discussed with the Environmental Health officer. Despite the recommended conditions by the Environmental Health Officer, it would not be reasonable to impose a temporary consent, given that the site lies within the established curtilage of the public house and could prior to the erection of the decking be used for outdoor seating.

7.32 The public comments relating to noise and disruption arising from the use of the deck are noted. The use of this part of the site as an outdoor seating area for customers of the pub does not require planning permission. It is only the operational development i.e. the deck which is a matter for consideration. Issues arising from this use of the area and any antisocial behaviour therefore fall outside planning control and would be matters for the Police.

- 7.33 The council's environmental health and licencing departments along with the Police are aware of the significant concerns raised by residents and have been engaged in assessing the impacts of the activities and considering possible responses.
- 7.34 As permission is not required for the use of this area of the site, the assessment in terms of amenity impacts is limited to those resulting from, or increased by, the structure itself.
- 7.35 Owing to the position, size and layout of the deck and its position relative to neighbouring buildings, it is not considered to give rise to amenity harm in terms of visual intrusion, overbearing effect, loss of light or overshadowing, including to the houses at the immediate north.
- 7.36 The deck elevates the level at which customers sit and stand by a maximum of approximately 1m above ground level. However, owing to its position, distance from the neighbours and the boundary treatment which can be found to the gardens areas of the neighbours it is not considered this results in any significant additional harm in terms of noise and disruption, beyond what could be carried out even if the decked area was not present on the land. In the absence of a raised deck, the land could be used for the placing of chairs and tables and patrons would be able to occupy this area, as a beer garden, without the need for planning permission. This is because this area of land lies within the curtilage of the public house.



7.37 The deck has sightlines towards neighbouring properties at 9 and 13 Hob Hill Meadows.

7.38 No 9 has a ground floor window and doorway in its side elevation facing north-east onto the lane, and ground and first floor windows on its south-east facing elevation. There are limited mutual sightlines between these windows and the deck, which are partly obscured by boundary hedging and trees. Views into the interior of the house are very limited. Views into the garden of no.9, which is positioned to the north-east of the house adjacent to the lane, are similarly limited by the boundary hedge. It is therefore not considered that the height and position of the deck would mean that its retention and use would result in a harmful loss of privacy to the interior of the house or garden area, above that which would result from a similar use of this area of the site without the deck.

7.39 The position and layout of the house at no. 13, and the layout of the deck, means that the use of the deck does not have an impact upon the privacy of that address. Customers stood on the deck would have some views towards windows at the rear elevation of no. 13, but it would appear that the impact in terms of privacy is limited.

- 7.40 A number of small lights have been installed around the deck, along with an attached flood light to the adjacent stone building which could give rise to light nuisance effects upon neighbouring occupants. The Environmental Health officer has requested that any approval be subject to a condition that any lights in use on the deck are switched off after 22.00 to limit this effect. However, it would only be reasonable to control the timings of any lighting which is an integral part of the deck. Neighbours have commented that the floodlight is being used to illuminate the deck. The light is mounted to a small pole which is attached to an adjacent stone outbuilding. Given its overall size and height, which is approximately 0.5m above the eaves line of the building this in itself would not amount to development requiring planning permission. As such, this aspect cannot be controlled by a planning condition. The imposition of a condition to control the timings of any lighting integral to the deck is considered to be an appropriate and effective means of avoiding harm arising from the additional lighting.
- 7.41 It is clearly evident from some neighbouring properties that the use of the decked area has caused noise disturbance. However, matters relating to any antisocial behaviour, including the behaviour of customers is a matter for the Police and the licensee to address.
- 7.42 For these reasons, and subject to an appropriate condition concerning the deck lighting, and a condition requiring that no additional lighting shall be installed at the deck without separate planning permission, it is considered that the development is acceptable in terms of NPPF paragraphs 130, 174 and 185, and Local Plan policy EQ6.

Other matters

- 7.43 Public comments on matters including drainage, the retrospective nature of the application, rights of access over the lane, and the accessibility of the deck, are noted. It is not considered that these matters raise any significant issues in terms of material planning considerations.

8. PLANNING BALANCE AND CONCLUSIONS

- 8.1 The proposed development is considered to be acceptable in principle, comprising operational development within the curtilage of an existing pub premises.
- 8.2 The proposed deck structure is considered to be acceptable in terms of design and would not adversely impact upon the surrounding Conservation Area, it would continue to sustain the importance of the heritage asset. The development does not give rise to any adverse impact on trees and hedgerows, highway safety or flood risk.
- 8.3 In terms of neighbour impacts, it is reiterated that permission is only required for the structure itself, and not the use of this area of the site. The effects of the structure upon the amenity of neighbouring properties is considered to be

minimal, above the use of the area, which does not require planning permission. The development under consideration is therefore considered to be acceptable in amenity terms, subject to controls on the use of lighting.

- 8.4 The proposed scheme would be a sustainable form of development in accordance with sections 12 and 15 of the NPPF and policies S1, EQ2, EQ3 and EQ6 of the Local Plan, the provisions of the National Design Guide 2019 and High Peak Design Guide 2018 in this regard.

9. RECOMMENDATIONS

1. It is recommended that planning permission be **APPROVED**, subject to the following conditions;

Condition ref number	Brief description	Comment
AP01	Development to be retained in accordance with approved plans.	
NSTD	Details of hedge planting to be submitted and implemented within a time limit	
NSTD	Deck lighting hours limit	
NSTD	No additional lighting without permission	

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

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

